

In the Council Chambers of the Showers City Hall on Wednesday, December 1, 2004 at 7:30 pm with Council President Diekhoff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 1 2004

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Chris Sturbaum noted the beauty of the courthouse this time of year and added that it was almost destroyed for a new building a few years ago. He said that currently, only a three day wait was required for a demolition permit, and that wasn't often enough time for community input. He mentioned the Demolition Delay Ordinance that would be deliberated at the Plan Commission on December 6th, and that it would allow a period of 90 days for community input. He urged those who felt this extra time for an Historic Commission review was important to support it at the Plan Commission.

MESSAGES FROM
COUNCILMEMBERS

Chris Gaal added his voice to second the importance of Sturbaum's comment.

Gaal noted that Friday, December 10, 2004 was designated to be Human Rights Day, and announced a rally sponsored by Amnesty International and the Bloomington Peace Action Coalition. He noted that this day was in celebration of the adoption of The Universal Declaration of Human Rights by the United Nations in 1948. Gaal read a portion of the document that realizes "recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

Gaal noted the importance of this celebration in a world that seems to be guided by a "might makes right" principle, and laments that despite all the recent talk of morality, we as a society have lost our moral compass, and are moving away from the vision outlined in the Universal Declaration of Human Rights. He closed with the following quote from Eleanor Roosevelt, Chairperson of the UN Commission on Human Rights:

"Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

Andy Ruff thanked both Sturbaum and Gaal for their comments.

Volan cheered the IU Basketball team with the words: "*Go Hoosiers, Beat Tarheels.*"

David Sabbagh noted the importance of Crane to this community. He said it represented much of the economy of the surrounding counties. He said we should do all we can to make sure that Crane stayed off the governmental list for base closures, and that in this effort, the city should support the Southern Indiana Business Alliance (SIBA). He added that he was pleased that the city was coming forth with support for this effort.

Sabbagh noted that at the last Bloomington Economic Development Corporation (BEDC) meeting, the group noted that in 2004, public sector unrestricted funds totaled \$119,100 (\$45,000 from the county, \$74,000 from the city). He said that the 2005 public sector unrestricted funds totaled \$30,000, all from the county. He said he was disappointed that the city was not contributing to this organization as it had done in the past, and called on the administration to revisit this.

Sabbagh said that \$90,000 - \$95,000 was included in the Mayor's 2005 budget line for "Mayor's promotion of Business. He said he asked during the budget hearings about the nature of this expenditure, and related that he was told nothing specific about the expense with nothing specific to the funding of the BEDC. He said this unspecific information was a concern of his, and was a part of his reason for voting against the budget. He added that since he has now seen that the city was not going to be contributing to the unrestricted BEDC fund, he was more concerned. He would like to have a report from the administration on how the money in this line would be used.

Dave Rollo welcomed Rick Dietz to the city in his new capacity as Director of Information and Technology Services. He thanked him also for his service to the Bloomington Digital Underground Advisory board and the Environmental Commission. He said he served these two commissions well.

Tim Mayer thanked those responsible for the lights in the downtown, saying that they are a welcome and spectacular display. He also welcomed the Boy Scout Troup to the council chambers. Mayer noted his concern about the election results in Kiev, and said he had trouble with our current national administration and their position on the elections there.

Mayor Mark Kruzan reported that he was extremely surprised at Sabbagh's comments about the BEDC. He wondered about Sabbagh's voting against the city's \$50M budget over a \$50,000 to \$90,000 portion of it. What's more, Kruzan expressed his surprise that a Republican council member would favor giving unrestricted tax dollars to any entity. He said the administration had committed to giving \$50,000 to the BEDC, but like any organization, including social services that receive funding from the city, the BEDC will be restricted in the sense that the city has an expectation that tax payers' dollars will be used in a beneficial and efficient manner. Kruzan pointed out that the \$50,000 that has been discussed for the BEDC, which will have a written agreement, will be dedicated to life sciences. He said that the BEDC put this amount into life sciences in the past year, and the City of Bloomington will subsidize that \$50,000 this year from the "Mayor's Promotion of Business" fund. As other organizations will receive support from this fund, Kruzan emphasized that the city will not treat one organization differently from another. He said the city will subsidize funding for Crane in a way that has a written memo of understanding. In addition, he noted that there will be written memos of understanding with the Downtown Bloomington Commission and the Small Business Development Center. The shift in allocation of funding to support small business development in the community, which the city believes is a primary job creator, has decreased the amount of funding for the BEDC by a small amount. Kruzan reiterated that to ensure accountability of taxpayer dollars, written memos of understanding will be arranged with these organizations so that the funding is utilized effectively and as intended.

Andy Ruff asked the executive director of the Hoosier Environmental Council (HEC) to come forth to present an award. Executive Director Tim Maloney said the HEC was a statewide non

MESSAGES FROM COUNCIL MEMBERS *(Cont'd)*

MESSAGE FROM THE MAYOR

COMMITTEE REPORTS

COMMITTEE REPORTS (cont'd)

profit environmental advocate for a healthier environment across the state of Indiana that recognizes deserving organizations, individual and entities of government, in protecting Indiana's environment. He said that during 21 years, they have had experience with all levels of government and said that the best government is one that reflects its community. He said HEC perceived that the common council has a real commitment to the democratic process and public participation, a true interest in what the citizens think, an interest and commitment in taking the time to hear them, and an overall commitment to building a better community, not just a bigger one. He said the HEC was honoring the Bloomington Common Council with the 2004 "Excellence in Government Award," for its work in preserving Bloomington's quality of life and Southern Indiana's natural amenities by opposing the I-69 highway route 3-C through Bloomington.

PUBLIC INPUT

Marc Haggerty spoke about what he considered to be problems surrounding the recent elections. He said we could do something about the voting machines used in Monroe County not having a paper trail, and voiced concern over control over the programming of the machines. He suggested finding a better way to verify votes. He reported people were turned away on election day because their name was not on the poll list and suspected that registrations for these persons were not turned in, possibly on purpose. He said neighbors should be able to vouch for these citizens so that they could vote on election day. He mentioned his own arrest in trying to write in votes before they were allowed in Indiana. He said legislation change would not come from elected officials or party activists and officials as they are the ones that manipulate the electoral process.

Gretchen Clearwater of the Committee for the Preservation of Democracy, a sub committee of the Bloomington Peace Action Coalition, spoke about problems she sees with the electoral system in the United States. She stated that every vote must count and every vote must be counted. Clearwater noted inconsistencies with exit polls compared to the actual vote and drew parallels between the recent electoral crisis in the Ukraine and the election in our country. She said that the organization is calling for uniformity across the country so that there is a transparent way to determine that all votes count. Clearwater called for a resolution from the city council calling for fair and transparent elections and said that they are taking the issue to federal representatives as well.

David Keppel, member of the Committee For The Preservation Of Democracy, said democracy begins locally, at the city council. He hoped the council would adopt a resolution, not to take a position on the election outcome, but to give persons the confidence that the election is fair and transparent. He talked about partisan secretaries of states, opposition to minority group votes, and voting machines with no paper trails. Keppel said it was a mistake to give up on the verification of the 2004 election noting that there should be a recount using scientific methods. He added the statement that democracy would be embodied by the council working with people to ensure this.

Linda Zambanini, citizen, registered nurse and member of the Committee For The Preservation Of Democracy, stated that the group was present to demand a voting process with transparency, uniformity and voting machines with paper trails and a non proprietary code—a system that will allow every vote to be counted. She said that the committee had many concerns about the mounting evidence of voting irregularities in the November presidential election. She noted Ohio's reports of voter intimidation, problems with electronic voting machines, and told of instances that gave a candidate more votes than actual

registered voters in a precinct. She called for the Common Council to create and pass a resolution for fair, transparent and democratic elections. She said this sentiment was not a mere internet furor with baseless and irrelevant information, and noted computer security experts have voiced concerns, also.

Stephen Hockema, scientist at Indiana University, said he shared concerns about the election. He said US officials were certain about voter fraud in the recent election in the Ukraine because of voter suppression and intimidation and exit poll information. He said that these same things have happened in our recent presidential election, and noted also that scientists have said the odds of the exit poll shifts actually happening are astronomical. He said this phenomenon warrants an inquiry and asked the council to pass a resolution to call for an investigation. He said the council derives its legitimacy from the very same electoral process, and asked the integrity of our voting system be validated.

Rollo asked any member of the committee to leave contact information with the council office.

There were no appointments at this meeting.

It was moved and seconded that Resolution 04-22 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. She noted that the public comment portion of the deliberation on this item would serve as the legally advertised public hearing. It was moved and seconded that Resolution 04-22 be adopted.

Ron Walker, Director of Economic Development, said that this was the final approval for the Shulte Corporations request for tax abatement on property and improvements to real estate in their manufacturing and distribution facility. He said the corporation would create 223 jobs over the next five years as a result of the benefits they'll receive with this action. He said David Woods, Manager of Manufacturing, was present to answer questions.

Mayer thanked Schulte for their interest in the community.

Resolution 04-22 received a roll call vote of Ayes: 8, Nays: 0 (Rollo out of room).

It was moved and seconded that Resolution 04-23 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 04-23 be adopted.

Lisa Parsley, Financial Manager of the Bloomington Housing Authority, was present for questions. When asked if this was a routine action, she said that it was requested each year because the Housing Authority provided trash removal for the area and therefore the city didn't have to provide for that service.

Mayer thanked her for the work done in the community.

Resolution 04-23 received a roll call vote of Ayes: 8, Nays: 0 (Sturbaum out of room).

PUBLIC INPUT (cont'd)

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Resolution 04-22 To Confirm
Resolution 04-21 Which Designated an Economic Revitalization Area, Approved a Statement of Benefits, Authorized a Period of Tax Abatement, and Declared Intent to Waive Certain Statutory Requirements - Re: 1500 S. Patterson Drive (Schulte Corporation, Petitioner)

Resolution 04-23 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

It was moved and seconded that Resolution 04-37 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Do Pass Recommendation of 5-0-4. It was moved and seconded that Resolution 04-37 be adopted.

Daniel Grundmann, Director of Employee Services, briefly reviewed the changes in titles and grades of the positions for both entities, and said he would answer any questions.

Ruff asked if the Blucher Poole Solids Handling Specialist was converted into Public Affairs Specialist and half time Administrative Assistant due to the new mechanization of the work.

Grundmann said there had been a miscommunication due to his discussion of a bell press operations that involved solids handling. He said both the solids handling specialist and the bell press operators were two jobs involve handling solids but are quite different. He said the position of solids handling specialist position had been vacant for longer than a year and was not related to the two new positions.

Ruff asked if it was possible for Grundmann to send a note to the council administrator in the future when confusing reporting from the news reports occur that might misinform council members. Grundmann said he would be happy to do that.

Mayer, council representative on the Utilities Services Board, said that the labor management team had reported on safety training and good operating practices and had no comment on staffing levels at that time.

Resolution 04-37 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Appropriation Ordinance 04-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Do Pass Recommendation of 4-0-5. It was moved and seconded that Appropriation Ordinance 04-08 be adopted.

Susan Clark, Controller, said the year end appropriation ordinance was mainly one of a housekeeping nature. She said the Clerk's office would like to transfer funds to the temporary salary line for a temporary employee to be retained through the end of the year. She said the second part was related to overtime in the Fire Department which had been severely impacted by long term illness and injury. She said four employees were on leave and that 623.5 illness/injury days been logged this year, a 79% increase from (348) 2003 which had not been anticipated. She noted the amount involved was \$68,000 which was needed to maintain staffing levels and allow other firefighters to take their regular leave time. She said half of the appropriation would replace budget cuts from this year's overtime budget.

Clark said the overall fire department budget had pledged savings this year of over \$100,000 in budget categories 2, 3 and 4, and these general fund reversions would more than cover this appropriation.

Clark said the police department had been awarded a DUI grant which includes the pass through of funds to the Monroe County Sheriff and the Indiana University Police Department. She explained the appropriations from this segment would enable that pass through of funds.

Clark explained the next segment of the ordinance by saying that the State Board of Accounts had requested that the city repay the expenses of the remodeling of the animal shelter from the special non-reverting fund in 2004 instead of 2005 as planned.

Clark also explained the last \$63,000 as requested by the Public Works department to be appropriated from the parking fund to install safety measures in the Register Garage and also for new parking meters along Morton Street.

Ordinance 04-37 To Amend Ordinances Which Fixed the Salaries of Appointed Officers and Employees of the Civil City for the Year 2005 (Ordinance 04-19) and of the Utilities Department for the Year 2005 (Ordinance 04-21) and 2004 (Ordinance 03-21).

Appropriation Ordinance 04-08 To Specially Appropriate From the General Fund, Parking Enforcement Fund and Cumulative Capital Improvement – Rate Fund Expenditures not Otherwise Appropriated. (Appropriating a Transfer of Funds within the General Fund – Clerk's Office; Appropriating Funds from the General Fund – Fire Department for Overtime; Appropriating a Grant in the General Fund – Police Department; Appropriating Funds from the Parking Enforcement Fund for Security Equipment; and Appropriating Funds from the Cumulative Capital Improvement – Rate Fund to Repay an Inter-Fund Loan).

Banach asked what "pledged savings" meant. Clark said that city departments had come up with \$659,929 from general funds that they "pledged" to not to use in order to overcome the unanticipated revenue shortfalls of this year. She said the Fire Department had pledged \$114,590 at that time.

Appropriation Ordinance 04-08
(cont'd)

Rollo asked if Chief Barlow was invited to attend this meeting. Clark said she did not speak to him about coming, apologized if the council thought he would be present, and said that she and Grundmann might be able to answer questions. Rollo said there were matters raised at the committee meeting that the chief would be best in answering the personnel related questions.

Diekhoff asked what the standard staffing levels were for the fire department locations. Clark said she did not have those, but said there was policy for maintaining staffing for safety, and that overtime cost for a shift is \$540. Diekhoff asked about sick days in other departments in the city, to which Clark said that (Paid Time Off) is taken by non union employees, and that Police and Fire personnel have unlimited sick time. Diekhoff said his intention was to determine if any other department had so much sick time that there needed to be an additional appropriation of over \$60,000. He asked about national standards for staffing trucks. Clark said that from her conversations with Chief Barlow, she understood there were 31-33 persons on a shift at one time.

Appropriation Ordinance 04-08 received a roll call vote of Ayes: 9,
Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST
READING

Ordinance 04-36 To Amend Ordinance 04-18 Which Fixed the Salaries of All Elected City Officials for the City of Bloomington for the Year 2005

Ordinance 04-36

Ordinance 04-38 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Regulations Regarding Stop, Yield, and Signalized Intersections, One Way Streets, Various Parking Zones, and Pedestrian Crossings)

Ordinance 04-38

Ordinance 04-39 To Amend Ordinance 04-20 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2005 (Reflecting the Collective Bargaining Agreement with Bloomington Metropolitan Firefighters, Local 586)

Ordinance 04-39

Dave Rollo had contact information about the Committee for the Preservation of Democracy, and said they met at 7 pm on Tuesday evenings at the Encore Café and gave a website for contact.


PUBLIC INPUT

The meeting was adjourned at 8:48 p.m.

ADJOURNMENT

APPROVE:

ATTEST:



Michael Diekhoff, President
Bloomington Common Council

~~Regina Moore~~, CLERK
City of Bloomington