



# City of Bloomington Common Council

## Legislative Packet

**17 July 2013**

**Regular Session**

*For legislation and background material regarding Ord 13-10, please see the [3 July 2013: Common Council Legislative Packet](#). All other material contained herein.*

Office of the Common Council  
P.O. Box 100  
401 North Morton Street  
Bloomington, Indiana 47402  
812.349.3409

[council@bloomington.in.gov](mailto:council@bloomington.in.gov)  
<http://www.bloomington.in.gov/council>



## Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- Notice of Changes to Council Summer Schedule
- Notice of Changes to Council Budget Schedule – Both Departmental Budget Hearings and Formal Consideration of the Budget Legislation

## Council Schedule

- *Draft Motion Regarding Change in Council Schedule for Non-Budget-Related Meetings in August, September and Early October*

## Legislation for Second Reading and Formal Action:

- **Ord 13-10** To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” – Re: Stop and Signalized Intersections, One Way Streets, Speed Zones, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking and the City Parking Garages
  - Am 01 (Office of the Mayor – at the Request of the City Clerk) – Confirms Local Fines for Violation of Accessible Parking Provisions with a Recent Change in State Fines

*Contact:*

*Susie Johnson at 349-3411 or [johnsons@bloomington.in.gov](mailto:johnsons@bloomington.in.gov)*

*For the legislation, memos, maps and summary of this proposed change in the local code please see the [Weekly Council Legislative Packet](#) prepared for the 3 July 2013 Regular Session.*

- **Res 13-12** To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG)
  - Memo to Council from Patty Mulvihill, Assistant City Attorney;
  - Interlocal Cooperation Agreement Regarding Use of the 2013 JAG Funds;

*Contact: Patty Mulvihill at 349-3426, mulvihip@bloomington.in.gov*
  
- **Res 13-13** To Approve an *Amended* Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG)
  - Memo to Council from Patty Mulvihill, Assistant City Attorney;
  - Amended Interlocal Cooperation Agreement Regarding Use of the 2011 JAG Funds;

*Contact: Patty Mulvihill at 349-3426, mulvihip@bloomington.in.gov*

**Legislation and Background Material for First Reading:**

*None*

**Minutes from Regular and Special Sessions:**

- June 19<sup>th</sup>
- June 26th (Special Session)
- July 3rd

**Memo**

**Regular Session on Wednesday, July 17<sup>th</sup> Starts the Council Summer Recess and Includes Three Items Ready for Second Readings or Formal Action**

As a result of a motion of the Council on July 3<sup>rd</sup>, the Council will enter its Summer Recess at end of the Regular Session next week, which will begin about three weeks earlier than in the past. There are three items ready for second readings at that meeting. The first is **Ord 13-10**, which amends Title 15 of the Bloomington Municipal Code. Please see the Weekly Council Legislative Packet prepared for the 3 July Regular Session (*see online link above*) for the legislation, memo, maps and summary, and this packet for the amendment discussed last week. The second and third items are **Res 13-12** and **Res 13-13** which authorize Interlocal Cooperation Agreements with the County regarding use of federal law enforcement funds. Please see this packet and memo for the information regarding this legislation.

## Council Schedule – Motion Regarding Non-Budget Schedule in August, September and Early October

Given the decision by the Council to move the Departmental Budget Hearings from July to August and to move formal consideration of the budget legislation from early September to late September and early October, the Council will need to rearrange its other meetings during that time period. Here is a proposed schedule for your consideration by motion next Wednesday (*draft motion attached*). It largely follows the preferences expressed by Council members to avoid the doubling-up of meetings on one night and to separate budget from non-budget meetings:

### First Legislative Cycle for September

- Wednesday, August 28<sup>th</sup> – Special Session followed by Committee of the Whole
- Tuesday, September 3<sup>rd</sup> – Regular Session (*previously scheduled on Tuesday to avoid meeting on Rosh Hashanah*)

### Second Legislative Cycle for September

- Tuesday, September 3<sup>rd</sup> – Regular Session (*see above*)
- Wednesday, September 11<sup>th</sup> – Committee of the Whole
- Wednesday, September 18<sup>th</sup> – Regular Session

### First Legislative Cycle for October

- Wednesday, September 18<sup>th</sup> – Regular Session (*see above*)
- Wednesday, October 2<sup>nd</sup> – Committee of the Whole
- Wednesday, October 16<sup>th</sup> - Regular Session (*whereupon the Council resumes its regular schedule*)

## Second Readings – New Legislation

### **Items Two (Res 13-12) and Three (Res 13-13) on the Agenda – Authorizing Execution of Two Interlocal Cooperation Agreements with the County Regarding Use of 2013 and 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Funds**

There are two resolutions which will follow the traffic ordinance next Wednesday night. Each authorizes the execution of an Interlocal Cooperation Agreement with the County regarding the disbursement of an Edward Byrne Memorial Justice Assistance Grant (JAG) funds. The first, **Res 13-12**, addresses 2013 funds and allows those

monies to be used to help purchase an award-winning NC4 *Street Smart* software program. The second, **Res 13-13**, amends the agreement for use of 2011 funds and allows those monies to be used to purchase light bars for patrol cars rather than polygraph equipment and training.

In the past, you may recall that the Council has approved JAG monies that helped acquire a telephone system, eDesk Kiosks, digital interviewing equipment, polygraph equipment (and train staff on its use), in-car cameras, vehicle locator equipment and software, and special vehicles for one, the other, or both of the Police and Sheriff's departments.

#### Res 13-12 – Approving Interlocal Agreement Regarding Use of 2013 JAG Funds

The amount for the 2013 JAG is \$31,982 which will all be invested by the City towards the purchase of the NC4 *Street Smart* computer program. An additional \$124,145 has been budgeted as part of the Joint Dispatch Center for the rest of the cost of the program, which will be available for Bloomington Police Department and Monroe County Sheriff's Department to address crime in the community.

Information from Patty Mulvihill, Assistant City Attorney, and a search of the web, indicate that the NC4 *Street Smart* computer program is an award-winning law enforcement program. It improves "situational readiness" by bringing critical real-time information to the departmental computers and mobile phones in the form of:

- bulletins (e.g. on individuals who are wanted by law enforcement or alerts about recent events);
- a map of key information (e.g. location of incidents both past and current, crimes, as well as dangerous or wanted individuals) which can help the departments identify and quickly address emerging trends and patterns in the community;
- reports that are available for review and supplementation by the users;
- a quick and secure means of communication between users on past, recent or unfolding events.

#### Res 13-12 Approving an Amended Interlocal Agreement Regarding Use of the 2011 JAG Funds

In 2011, the City and County received a \$40,317 JAG award and agreed to split the funds evenly between themselves and each use their portion to purchase a polygraph machine and train a member of their department on its operation.

Due to unforeseen additional expenses associated with the training component, the City was not able to move forward with this initiative. Rather than use the funds for this purpose, the Grant Administrator has agreed that those funds may be used to purchase emergency lighting equipment (light bars) for its patrol vehicles. The approximately \$20,158 would purchase between 10 and 15 new light bars.

### General Terms in Both Agreements

As a requirement for an award, the City and the County must enter into an Agreement which is attached to the resolutions. In brief, each Agreement:

- “reflects the commitments and understandings ... of the governmental entities in order to efficiently and effectively utilize proceeds” from the award;
- allocates the grant between the two entities to be used as stated above;
- makes each party solely responsible for their own actions in furnishing services under this agreement;
- requires each party to communicate and cooperate with each other and to make good-faith efforts to obtain all necessary funds and otherwise comply with the Agreement;
- conditions performance of the duties under the Agreement on the receipt of sufficient JAG funds; and
- is to be narrowly construed in regard to the obligations of the parties and does not create rights for persons who have not signed it.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
7:30 P.M., WEDNESDAY, JULY 17, 2013  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:**

June 19, 2013	Regular Session
June 26, 2013	Special Session
July 3, 2013	Regular Session

**IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public\***

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Ordinance 13-10 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Stop and Signalized Intersections, One Way Streets, Speed Zones, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking and the City Parking Garages

Recommendation:	Do Pass	8-0
Am 01:	Do Pass	8-0

2. Resolution 13-12 To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG)

Recommendation: None (*Not Heard at Committee of the Whole*)

3. Resolution 13-13 To Approve an *Amended* Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG)

Recommendation: None (*Not Heard at Committee of the Whole*)

**VII. LEGISLATION FOR FIRST READING**

*None*

**VIII. ADDITIONAL PUBLIC COMMENT\*** (A maximum of twenty-five minutes is set aside for this section.)

**IX. COUNCIL SCHEDULE**

1. Motion Regarding Legislative Cycles in Late August, September, and Early October

**X. ADJOURNMENT**

\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



**City of Bloomington  
Office of the Common Council**

To Council Members  
From Council Office  
Re Weekly Calendar – 15 July – 20 July 2013

**Monday, 15 July**

12:00 pm Bloomington Entertainment & Arts District Advisory Committee, McCloskey  
5:00 pm Utilities Service Board, Utilities – 600 E. Miller Dr.  
5:30 pm Bicycle & Pedestrian Safety Commission, Hooker Room

**Tuesday, 16 July**

11:30 am Plan Commission Work Session, Kelly  
4:00 pm Board of Public Safety, McCloskey  
4:00 pm Bloomington Community Farmers' Market, between 6<sup>th</sup> and Madison St.  
5:30 pm Commission on the Status of Children and Youth, Hooker Room  
5:30 pm Animal Control Commission, McCloskey  
5:30 pm Board of Public Works, Council Chambers  
5:30 pm Bloomington Public Transportation Corporation, 130 W. Grimes Lane

**Wednesday, 17 July**

9:30 am Tree Commission, Bryan Park – North Shelter, 1001 S. Henderson St.  
4:00 pm Board of Housing Quality Appeals, McCloskey  
7:00 pm Council of Neighborhood Associations, Hooker Room  
7:30 pm Common Council-Regular Session, Council Chambers

**Thursday, 18 July**

8:00 am Bloomington Housing Authority, 1007 N Summit St.  
5:15 pm Solid Waste Management District Citizens' Advisory Council, McCloskey  
7:00 pm Environmental Commission, McCloskey

**Friday, 19 July**

12:00 pm Monroe County Domestic Violence Task Force, McCloskey

**Saturday, 20 July**

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton St.

*Posted and Distributed: Friday, July 12 2013*





**City of Bloomington  
Office of the Common Council**

# **NOTICE**

## **2014 CITY BUDGET HEARINGS**

All meetings regarding the 2014 City Budget have been rescheduled. The Departmental Budget Hearings have been rescheduled from the fourth week in July to the third week in August. Formal consideration of the Budget has been moved from early September to late September and early October. The 2014 Budget meetings are as follows. All meetings will occur in the Council Chambers, Suite #115, City Hall, 401 N. Morton.

### **BUDGET HEARINGS**

Monday	19 August 2013	6:00 pm
Tuesday	20 August 2013	6:00 pm
Wednesday	21 August 2013	6:00 pm
Thursday	22 August 2013	6:00 pm

### **FORMAL BUDGET CONSIDERATION**

#### **Public Hearing (per State statute)**

*Special Session immediately followed by a Committee of the Whole*

Wednesday	25 September 2013	7:30 pm
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#### **Adoption Hearing (per State statute)**

*Special Session*

Wednesday	09 October 2013	7:30 pm
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**City of Bloomington  
Office of the Common Council**

**NOTICE  
COUNCIL RECESS  
and  
MEETING CHANGES**

**RECESS**

The Council will be in recess immediately following the adjournment of the Regular Session on 17 July 2013. Council recess will end with the start of the Departmental Budget Hearings on 19 August 2013.

**MEETING CHANGES**

The following meetings have been cancelled:

- 31 July 2013 (Committee of the Whole)
- 07 August 2013 (Regular Session)

The following meetings have been rescheduled:

- The budget hearings previously scheduled for 22-25 July 2013 have been rescheduled to 19-22 August 2013.

**Motion Regarding Common Council's Non-Budget Related Schedule  
from August 28<sup>th</sup> Through October 2<sup>nd</sup>, 2013**

In light of the July 3<sup>rd</sup> Council decision to change the schedule for informal consideration of the 2014 Budget from July to August and formal consideration of the budget legislation from early September to late September and early October, I move that the Council adopt the following schedule for consideration of other legislation in August, September, and early October, 2013:

First Legislative Cycle for September (August 28<sup>th</sup> – September 3<sup>rd</sup>)

The Council shall meet on:

- Wednesday, August 28<sup>th</sup> to hold a Regular Session which shall be immediately followed by a Committee of the Whole; and
- Tuesday, September 3<sup>rd</sup> to hold a Special Session.

These meetings shall constitute the first legislative cycle for September.

Second Legislative Cycle for September (September 3<sup>rd</sup> – 11<sup>th</sup> – 18<sup>th</sup>)

After holding the Special Session on September 3<sup>rd</sup>, the Council shall meet on:

- Wednesday, September 11<sup>th</sup> to hold a Committee of the Whole; and
- Wednesday, September 18<sup>th</sup> to hold a Regular Session.

These meetings shall constitute the second legislative cycle in September.

First Legislative Cycle for October (September 18<sup>th</sup> – October 2<sup>nd</sup> – October 16<sup>th</sup>)

After holding the Regular Session on September 18<sup>th</sup> and while considering budget legislation on other Wednesdays during this period, the Council shall meet on:

- Wednesday, October 2<sup>nd</sup> to hold a Committee of the Whole; and
- Wednesday October 16<sup>th</sup> to hold a Regular Session

These meetings shall constitute the second legislative cycle for October.

Ancillary Actions and Information

The aforementioned meetings shall be held in the Council Chambers located in Room 115 of City Hall (401 North Morton) and, unless otherwise noted, begin at 7:30 p.m.

This motion modifies the 2013 Council Annual Schedule by cancelling the meetings that occur during this time period. The Council shall resume the 2013 Annual Schedule starting on Wednesday, October 16<sup>th</sup>.

The President of the Council shall establish the dates for the submission of legislation to the Council Office and, after consultation with Council members, the dates and times for holding the Staff/Council Internal Work Sessions.

**Ord 13-10**

**To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” –  
Re: Stop and Signalized Intersections, One Way Streets, Speed Zones, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking and the City Parking Garages**

**Supplemental Material**

**Amendment 01 –  
Re: Conforming Local Fines for Accessible Parking Violations to Changes in State Law**

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 13-10  
**Amendment #:** 01  
**Submitted By:** Office of the Mayor  
**Date:** July 3, 2013

**Proposed Amendment:**

1. Ord 13-10 shall be amended by inserting a new Section 21 which shall read as follows:

SECTION 21. Section 15.34.060 Penalties shall be amended by deleting subsection (a) as it appears and replacing it with the following:

(a) A violation of Section 15.34.040(a), (b), or (c) of this chapter is a Class B traffic violation and is subject to the penalty listed in Section 15.64.010(b). Each day that a violation continues shall constitute a separate offense.

2. Ord 13-10 shall be amended by inserting a new Section 22 which shall read as follows:

SECTION 22. Section 15.64.010 Violations and penalties shall be amended by moving the following entry from subsection (c) to subsection (b):

15.34.040                      Parking illegally in an accessible parking space for persons  
with disabilities

3. Ord 13-10 shall be further amended by renumbering the existing Sections 21 and 22 as Section 23 and Section 24.

**Synopsis**

Indiana Senate Enrolled Act 387 went into effect on July 1, 2013 and increased the fine for accessible parking violations from \$50 to \$100. This amendment brings the fine for local violations of these provisions in line with those of the State.

**7/10/13 Committee Action:**                      Do Pass                      8 - 0  
**7/17/13 Regular Session Action:**                      Pending

(July 10, 2013)

**RESOLUTION 13-12**

**TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT  
BETWEEN THE CITY OF BLOOMINGTON AND  
MONROE COUNTY, INDIANA  
IN REGARD TO 2013 EDWARD BYRNE MEMORIAL  
JUSTICE ASSISTANCE GRANT (JAG)**

WHEREAS, the City of Bloomington and Monroe County are authorized by I.C. 36-1-7-1, *et seq.*, to enter into agreements for the joint exercise of their powers for the provision of services to the public; and

WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG);

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana in regard to 2013 Edward Byrne Memorial Justice Assistance Grant, a copy of which is attached hereto and made a part hereof, is hereby approved.

SECTION 2. If any sections, sentence or provision of this legislation, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this legislation which can be given effect without the invalid provision or application, and to this end the provisions of this legislation are declared to be severable.

SECTION 3. This resolution shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
DARRYL NEHER, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana,  
upon  
this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_,  
2013.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution approves the interlocal between the City and the County for how the 2013 JAG funds are to be utilized. The 2013 JAG funds will be used towards the purchase of the NC4 Street Smart computer program. This computer program will allow the City's Police Department and the County's Sheriff Department to better analyze crime data and assist both departments' efforts to reduce crime in Monroe County. The 2013 JAG funds will not fully cover the cost of the computer program. Combined local funds of \$124,145.00 will also be used to complete the purchase.

# MEMO:

**To: Bloomington City Council**  
**CC: Mark Kruzan, Mayor**  
**Maria Heslin, Deputy Mayor**  
**From: Patty Mulvihill, Assistant City Attorney**  
**Date: July 9, 2013**  
**Re: Resolution to Approve Interlocal for 2013 JAG**

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The City and County will use the 2013 JAG funds (\$31,982.00) towards the purchase of the NC4 Street Smart computer program. The funds from the JAG will not fully cover the cost of the computer program; local funds in the amount of \$124,145.00 will also be needed to complete the purchase of the program.

The NC4 Street Smart computer program will offer police officers and sheriff deputies immediate information while they are in the field and will assist supervisors of both departments with resource allocation as crime patterns and trends can be pinpointed with the program. The knowledge gained from this computer program in regards to crime patterns and trends will assist both departments in their ability to better prevent crimes from occurring and will ensure the philosophy of community policing is better implemented.



INTERLOCAL COOPERATION AGREEMENT  
BETWEEN  
THE CITY OF BLOOMINGTON AND  
MONROE COUNTY, INDIANA  
IN REGARDS TO 2013 EDWARD BYRNE MEMORIAL  
JUSTICE ASSISTANCE GRANT (JAG)

WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation Agreements; and

WHEREAS, each governmental entity, in performing their governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governmental entity finds that the performance of this Interlocal Cooperation Agreement is in the best interests of both entities, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Interlocal Cooperation Agreement; and

WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG).

NOW, THEREFORE, City of Bloomington and Monroe County, Indiana, hereby agree as follows:

Section 1. Payment

The City shall receipt in all of the \$31,982.00 associated with the 2013 JAG.

Section 2. Use of Funds

The City shall use the \$31,982.00 towards the purchase of the NC4 Street Smart computer program. Both the City and the County shall be able to use the NC4 Street Smart computer program. This program will assist both departments with crime analysis and crime reduction efforts.

Section 3. Liability

Nothing in the performance of this Interlocal Cooperation Agreement (hereinafter, "Agreement") shall impose any liability for claims against either governmental entity other then claims for which liability may be imposed by the Indiana Tort Claims Act.

Section 4. Responsibility

Each entity to this Agreement shall be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 5. Commitment

The entities shall communicate and cooperate with one another to ensure that the purposes of this Agreement are achieved on behalf of and to the benefit of the publics they serve.

Section 6. Third Parties

The entities to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7. Intent

By entering into this Agreement, the entities do not intend to create any obligations express or implied other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 8. Severability

If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

Section 9. Appropriation of Funds

The entities acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by JAG. The parties agree to make a good faith effort to obtain all necessary appropriations and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the Monroe County, Indiana Commissioners:

MONROE COUNTY, INDIANA

ATTEST:

\_\_\_\_\_  
IRIS F. KIESLING, President  
Monroe County Commissioners

\_\_\_\_\_  
STEVE SAULTER, Auditor

\_\_\_\_\_  
JULIE THOMAS, Vice President  
Monroe County Commissioners

\_\_\_\_\_  
PATRICK STOFFERS, Commissioner  
Monroe County Commissioners

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the City of  
Bloomington Common Council.

\_\_\_\_\_  
DARRYL NEHER, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the City of  
Bloomington.

CITY OF BLOOMINGTON, INDIANA

ATTEST:

\_\_\_\_\_  
MARK KRUZAN, Mayor

\_\_\_\_\_  
REGINA MOORE, Clerk

**RESOLUTION 13-13**

**TO APPROVE AN AMENDED INTERLOCAL COOPERATION AGREEMENT  
BETWEEN THE CITY OF BLOOMINGTON AND  
MONROE COUNTY, INDIANA  
IN REGARD TO THE 2011 EDWARD BYRNE MEMORIAL  
JUSTICE ASSISTANCE GRANT (JAG)**

WHEREAS, the City of Bloomington and Monroe County are authorized by I.C. 36-1-7-1, *et seq.*, to enter into agreements for the joint exercise of their powers for the provision of services to the public; and

WHEREAS, this *Amended* Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG).

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The *Amended* Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana in regard to 2011 Edward Byrne Memorial Justice Assistance Grant, a copy of which is attached hereto and made a part hereof, is hereby approved.

SECTION 2. If any sections, sentence or provision of this legislation, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this legislation which can be given effect without the invalid provision or application, and to this end the provisions of this legislation are declared to be severable.

SECTION 3. This resolution shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
DARRYL NEHER, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana,  
upon  
this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_,  
2013.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution approves the *Amended* Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana regarding the use of the 2011 Edward Byrne Memorial Justice Assistance Grant. The *Amended* Interlocal Agreement provides that the City will utilize all of the available funds to purchase emergency lighting systems (light bars) for installation on Police Department patrol vehicles rather than for polygraph equipment and training. The County will continue to use its share of the grant to purchase a polygraph machine and to train one person from its department on how to operate the polygraph machine.

# MEMO:

**To: Bloomington City Council**  
**CC: Mark Kruzan, Mayor**  
**Maria Heslin, Deputy Mayor**  
**From: Patty Mulvihill, Assistant City Attorney**  
**Date: July 2, 2013**  
**Re: Resolution to Approve Interlocal for Amendment to 2011 JAG**

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The City and the County were jointly awarded \$40,317.00 in grant funds from the federal government. The funds are to be utilized for public safety purposes. The County Sherriff's Department and the City's Police Department originally determined that the best use of the funds would be for each Department to purchase its own polygraph machine and then to use the remaining money to train a member of each Department on how to use the polygraph machine. The \$40,317.00 was divided equally between the two Departments. In order for the City and County to utilize all of the \$40,317.00, the County and the City needed to enter into an interlocal agreement.

Because of unforeseen additional expenses, the City did not utilize its portion of the 2011 JAG allotment to purchase a polygraph machine or to send an officer to polygraph school. The City recently was advised by the Grant Administrator that the City's portion of the 2011 money could be utilized to purchase emergency lighting equipment (light bars) for its patrol vehicles. In order for the money to be utilized for the purchase of light bars the original 2011 JAG interlocal needs to be amended.

The City expects to be able to purchase anywhere between ten to fifteen new light bars with this money.

**AMENDED**  
INTERLOCAL COOPERATION AGREEMENT  
BETWEEN  
THE CITY OF BLOOMINGTON AND  
MONROE COUNTY, INDIANA  
IN REGARDS TO 2011 EDWARD BYRNE MEMORIAL  
JUSTICE ASSISTANCE GRANT (JAG)

- WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation Agreements; and
- WHEREAS, each governmental entity, in performing their governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and
- WHEREAS, each governmental entity finds that the performance of this Interlocal Cooperation Agreement is in the best interests of both entities, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Interlocal Cooperation Agreement; and
- WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG); and
- WHEREAS, the original Interlocal Cooperation Agreement was approved by the Monroe County Commissioners on August 12, 2011; the City of Bloomington Common Council on September 14, 2011; and approved by the Mayor of Bloomington on September 15, 2011; and
- WHEREAS, the City of Bloomington was unable to utilize is \$20,158.50 allocation for the purchase of a polygraph system or of training a person to utilize a polygraph system because of other budgetary constraints; and
- WHEREAS, the Department of Justice has advised the City of Bloomington that the \$20,158.50 can still be allocated to the City, provided the City instead utilizes said money for the purchase of emergency lighting equipment to be used as light bars on its patrol vehicles; and
- WHEREAS, the Department of Justice has advised the City of Bloomington that in order to utilize the \$20,158.50 for the purchase of emergency lighting equipment an *Amended* Interlocal Cooperation Agreement must be entered into between the City of Bloomington and Monroe County; and

NOW, THEREFORE, City of Bloomington and Monroe County, Indiana, hereby agree as follows:

Section 1. Payment

The City of Bloomington (hereinafter, "City") paid Monroe County, Indiana (hereinafter, "County"), a total of \$20,158.50 of funds received from the Recovery Act: Justice Assistance Grant (hereinafter "JAG").

The City collected and deposited \$20,158.50 in JAG funds into its own account.

## Section 2. Use of Funds

Monroe County shall use its respective funds to purchase a complete Polygraph System with associated hardware/software, the required laptop computer and accompanying systems and to pay to train one member of its Department on how to use and interpret the Polygraph System; this shall include the costs of travel.

The City of Bloomington shall use its respective funds to purchase emergency lighting equipment (light bars) to install on its patrol vehicles.

## Section 3. Liability

Nothing in the performance of this Interlocal Cooperation Agreement (hereinafter, "Agreement") shall impose any liability for claims against either governmental entity other than claims for which liability may be imposed by the Indiana Tort Claims Act.

## Section 4. Responsibility

Each entity to this Agreement shall be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

## Section 5. Commitment

The entities shall communicate and cooperate with one another to ensure that the purposes of this Agreement are achieved on behalf of and to the benefit of the publics they serve.

## Section 6. Third Parties

The entities to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

## Section 7. Intent

By entering into this Agreement, the entities do not intend to create any obligations express or implied other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

## Section 8. Severability

If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

## Section 9. Appropriation of Funds

The entities acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by JAG. The parties agree to make a good faith effort to obtain all necessary



appropriations and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the Monroe County, Indiana Commissioners:

MONROE COUNTY, INDIANA

ATTEST:

\_\_\_\_\_  
IRIS F. KIESLING, President  
Monroe County Commissioners

\_\_\_\_\_  
STEVE SAULTER, Auditor

\_\_\_\_\_  
JULIE THOMAS, Vice President  
Monroe County Commissioners

\_\_\_\_\_  
PATRICK STOFFERS, Commissioner  
Monroe County Commissioners

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the City of Bloomington Common Council.

\_\_\_\_\_  
DARRYL NEHER, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the City of Bloomington.

CITY OF BLOOMINGTON, INDIANA

ATTEST:

\_\_\_\_\_  
MARK KRUZAN, Mayor

\_\_\_\_\_  
REGINA MOORE, Clerk

In the Council Chambers of the Showers City Hall on Wednesday, June 19, 2013 at 7:30 pm with Council Vice President Dorothy Granger presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
June 19, 2013

Roll Call: Mayer, Ruff, Sandberg, Volan, Granger, Sturbaum, Neher, Spechler  
Absent: Rollo

ROLL CALL

Council President Neher gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Marty Spechler said recent economic news would affect both the city and county. He noted an energy revolution which would reduce the cost of natural gas and other energy sources, lower imports, raise exports meaning a stronger dollar and cheaper goods. He said the Federal Reserve and the Wall Street Journal predicted accelerated growth of 2% per capita in 2014 - 2015 with a moderate rate of inflation. He said it should be easier financially for business, non-profits and cities.

REPORTS

- COUNCIL MEMBERS

Tim Mayer noted the passing of Jim Weigand who had served IU for many years. He said he was a special kind of guy and would be sadly missed.

Chris Sturbaum said he had searched for a 'pithy' quote to share and found: *Silence is golden.*

There were no reports from the Mayor's office or other city offices at this meeting.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

Call for public comment:

- PUBLIC

Glenn Carter asked council members to approve his basic request and added that it did not require funding. He said Bloomington needed a place for the poorest people in the city to sleep while having adequate sanitation and potable water. He said that 80-90% of homelessness was caused by an economic disaster, not by excess drinking or using drugs. He said that the public perception of homeless persons was a lack of understanding of them. He said that cell phones were not a luxury for the homeless, but a necessity. He would like for homeless persons in Bloomington to have a place to legally sleep.

MOTION: It was moved and seconded that Oscar Velasquez be appointed to the Hispanic and Latino Affairs.

APPOINTMENTS TO BOARDS  
AND COMMISSIONS

ACTION: The nomination was approved by a voice vote.

MOTION: It was moved and seconded that Amanda Barge be appointed to the Commission on the Status of Women.

ACTION: The nomination was approved by a voice vote.

It was moved and seconded that Resolution 13-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0. It was moved and seconded that Resolution 13-10 be adopted.

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS  
Resolution 13-10 To Give Consent  
for the Town of Ellettsville to Annex  
Property Within Three (3) Miles of  
the Corporate Boundaries of the City  
of Bloomington - Re: 4444 West  
State Road 46 (CVS Property)

Darla Brown, corporate attorney for the Town of Ellettsville, explained that the consent of the council was needed for Ellettsville to annex the particular property according to state law. She showed maps, noted that

fire protection, police services (when requested by the county's Sheriff), and water were provided by the town already.

In answer to questions raised at the Committee of the Whole hearing on this item, she noted that the total assessed value of the town of Ellettsville was \$182,034,539. She noted that she did not have an idea why Google Maps showed that the property was part of the town. She noted that the town's current policy was to not require a waiver of a remonstrance as a condition for a land owner to connect with water or sewer service.

Neher asked for comments from Tom Micuda, Director of Planning for the City of Bloomington. Micuda said he had no comments. He said he had addressed the requirements for the town of Ellettsville in the committee meeting.

Neher noted that Ellettsville Town Council member Dan Swafford was present for questions.

There were no council questions, and no public comment on this item.

Spechler said that it was practical for the town of Ellettsville to collect a little more money to finance the services that they had already been giving to this property.

Mayer noted that the reasons for the legislation dated back several years. He noted that the town planner and a growth policies plan were two of the requirements, and that those conditions had been met. He thanked those involved for working together in this endeavor.

Resolution 13-10 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded that Resolution 13-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that the Jack Hopkins Committee recommended forwarding their report to the council for approval with a vote of 5-0. It was moved and seconded that Resolution 13-11 be adopted.

Resolution 13-11 Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2013 and Other Related Matters

Neher asked Sandberg, chair of the committee to make an introductory statement.

Sandberg noted that she was happy to inform folks of the committee's hard work and the work of the staff in preparing the packet and guiding the process. She also thanked the council members and community members who served on the committee. She assured the transparency of the committee's work noting that all the meetings were public meetings. She noted that needs were shifting, but was certain that the applications addressed needs in the areas of health care, food security, shelter and other community needs. Sandberg read the list of organizations that were proposed for funding, the amounts and the program for which funding was recommended.

There were no questions from the council on this funding proposal.

Public comments on this legislation:

Scott Tibbs, resident of Bloomington's District 1, said he again rose in opposition to the funding for Planned Parenthood. He said he was opposed to this funding based on the agency's financials in the annual report from their website. He noted that there were worthy organizations that went without funding while the city gave what was a 'political endorsement' to Planned Parenthood. He noted this was funding the group's operational expenses not first time funding of a program.

Josh Congrove said he was a PhD graduate and long time Bloomington resident and spoke in opposition to taxpayer money funding Planned Parenthood in any way, but particularly in light of justice. He spoke of Plato, Aristotle, and the prophet Micah and more modern definitions of justice, and questioned this funding as justice. He said Planned Parenthood had killed 10-15 of Bloomington's boys and girls each week. He said that justice would treat the unborn as human beings and would not discriminate against them.

Brian Bailey noted his 7<sup>th</sup> child, a son, was delivered at 20 weeks with numerous medical conditions that did not allow him to take even one breath. He said his son was no different from a 13 week pregnancy or one just after conception, and that these lives should not be taken. He asked that the council not approve the funding of Planned Parenthood.

Glenn Carter said that Planned Parenthood prevented many abortions by allowing women access to low or no cost birth control. He said it was not the job of council to cater to one view of abortion or interpretation of the Bible, let alone one particular religion. He said he wanted this proposal to be approved.

Tom Tarzian said that all the recipients did praise-worthy work except for Planned Parenthood which, he said, performed surgical abortions and sold drugs that induced abortions. He said that while the JHSS funding may be earmarked for services other than abortion, any funds given by the city would allow them to use other donations for abortions. He likened this to giving money to the KKK for a clinic, and being sure it wasn't used for racist activities.

Marc Haggarty said that human population was at a crisis level; there were more people on the planet than have died in all of history. He said there were twice as many people on the planet than when he was born. He said that this was a catastrophe and that we must rationally limit human reproduction.

Jim Billingsley said he was impressed with the list of approved items, but that the criteria of food, health care, and shelter was not provided by Planned Parenthood. He asked that the city not murder with the aid of tax dollars. He said that the clinic ended the lives of 900 babies each year in Bloomington. He asked that the city not use tax money to fund what some people believe is abhorrent.

There being no further public comments, the council members commented:

Spechler said he was pro-life which to him meant being against capital punishment, against hunting and murder of children. The law and dominant Judeo Christian ethics do not recognize fetuses equivalent to babies. He said the law did not call any abortion, however regrettable, murder. He said that the rhetorical probe did not change the situation that the law permitted a woman to choose to abort a child before a certain number of weeks. He regretted that some people don't approve of that, and added that this topic is now in the realm of social mores. He said the better way to deal with this issue was to convince women to carry to term. He said that the law allowed a woman the right to choose and that Planned Parenthood helped a woman make a legal choice and should therefore be promoted. He said that the majority of citizens in the city believed this and he would be voting for the resolution.

He said he was happy to serve on this committee and under the very able chairmanship of Susan Sandberg who, he said, knew about the range of social services. He offered her his thanks.

Granger said she applauded the work of the committee that took on the huge task of allocating funds. She added that the JHSSF grant to the Middle Way House would not result in her financial benefit as an employee of the agency, but that she would be abstaining from voting on the resolution.

Mayer thanked the committee for the work and thanked the agencies that submitted applications for review.

Sandberg noted that with each round of JHSSF committee decisions the committee learned and could be more proactive in predicting needs. She said she was proud of the transparency of the process, proud of the resulting list and noted that providing food, shelter, and health care were the top three areas funded. She said prevention of social ills was addressed by funding programs on child development, youth development and the respect for the integrity of families. She said we stood above those communities that did not fund their social service agencies. She thanked Lisa Abbott and Marilyn Patterson who would oversee the grants.

Resolution 13-11 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Granger)

There was no legislation to be introduced at this meeting.

LEGISLATION FOR FIRST READING

There were no public comments at this section of the meeting.

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted the following upcoming meetings of the council:

COUNCIL SCHEDULE

June 26, 2013 Special Session for hearing the Tax Abatement Report  
June 26, 2013 Committee of the Whole Session for any upcoming legislation. In light of no impending legislative items, he suggested cancelling that Committee meeting.

It was moved and seconded to cancel the June 26, 2013 Committee of the Whole Meeting.

The motion was approved by a voice vote.

The meeting was adjourned at 8:33 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, June 26, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
June 26, 2013

Roll Call: Mayer, Ruff, Sandberg, Volan, Granger, Sturbaum, Neher, Spechler  
Absent: Rollo

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

Danise Alano Martin, Director of Economic and Sustainable Development and Jason Carnes, Assistant Director of Economic Development for Small Businesses gave the Annual Tax Abatement Report.

REPORTS

- ANNUAL TAX ABATEMENT REPORT

Alano Martin gave the parameters of tax abatements, the phase-in schedule for 10 year abatements (for both real estate and personal property schedules), and the roles of both the common council and the city's Economic Development Commission (EDC) in reviewing, recommending, authorizing and annual monitoring of the city's tax abatements. She summarized the economic impact of the tax abatements regarding new investment in property and real estate, the number and salaries of jobs created and retained and the increase in the assessed value for properties.

Alano Martin and Carnes stepped through each project that had been awarded a tax abatement and reviewed information that had been submitted by each awardee in the required annual filings. Alano Martin finished the report with the information on one new project and a list of abatements that had recently expired.

Alano Martin also noted two properties on which no CF-1 reporting form had been filed. One was for a residential housing project in its last year of abatement. She noted that the EDC recommended finding this owner to be in substantial compliance so that they could receive the abatement despite their lack of filing.

The other report that had not been filed was from Woolery Ventures LLC, an abatement project that had been authorized by common council Resolution 04-01. The project was a mixed use conversion of an historic limestone mill with a hotel, apartments, condos, a climbing gym, brew pub and other recreational amenities that would be built to the Secretary of the Interior standards. She noted that no progress had been made on the project, no investment had been made and therefore, technically, no report needed to be filed. She further explained that the state required a form to be submitted to trigger the beginning of the abatement deduction after all investment was made. Woolery had not submitted that form to the Auditor as no investment had been made. She said that this had not been required in 2004, but could be another method of evaluation included in the review of tax abatements in the future.

She said the Economic Development Commission had, in its 2012 review of tax abatements, recommended the rescission of the Woolery abatement because eight years had passed since approval, and that while there had been significant public investments in the area, the actual project had not begun. She said the petitioner wanted to have more time to keep the project moving. She said that staff believed that the tax abatement approval was an important part of the financing of the project and saw the economic development benefit of the project if it were completed.

Alano Martin said that many events had been held on the site and that the staff would like to see the abatement continued. She said that the EDC discussed amending the original approval with perhaps setting a time limit to the underlying Economic Revitalization Area (ERA) which allowed the tax abatement to proceed. She said that the project could be required to be started within that specific time. She said that the EDC would hear a proposal to put a time limit on the ERA at their next meeting and that this would allow time to get financing in order, and also allow the public some assurance that the project would proceed.

She said that at this point the council didn't need to do anything with the abatement, but that the EDC would send a recommendation later in the year to consider an amendment to the ERA.

Volan asked about the possible amendment discussed above. Alano Martin said that the project was approved before current guidelines were implemented. She said that a negotiated Memorandum of Understanding might supplement the current application and give the city some way of keeping in touch with the project during the initial development.

Volan asked if there was any practical hope of a project at this site, noting the time since the original approvals. Alano Martin said there was no new assessed value, the owners were not receiving a tax abatement, but the city was not getting any benefits from no new assessed value on the property. She said the developers had a strong desire to see the project through and the staff had a desire to help them.

Volan asked for clarification on the estimated vs. actual new employment with the Rogers Property Management, LLP at IMA East. He noted Alano Martin's statement about hiring more technicians than physicians. Alano Martin noted that this was a headquarters site for IMA's administrative services in addition to being an outpatient facility. She said that administrative and back office functions had been moved there from other facilities.

Volan said his issue with promised salaries and actual salaries was that with the present staffing the salaries were less than half of what the company said would be the average salary. He wondered what to make of the 'promise vs. the delivery.' Alano Martin said she did not know the breakdown of doctors to support staff, and noted that there was a need for primary health care on the east side of town and that they were fulfilling that need. Volan said that he would like to see the actual promises and explanation of the project and asked Alano Martin to forward that information to the council.

Spechler began his questioning by saying that he was asking a question in principle. He asked if additional renovations or improvements beyond the original approved tax abatement would also have a tax abatement automatically applied. Alano Martin said she would want to check how the Assessor's and Auditor's office would administer this issue. Spechler said that it was clear to him that the value of the abatement increased with the amount of assessed value on the property, even with the phasing in of taxes due. He said there would be, in the instance of his question, an incentive for the developer to have a low immediate declared investment in getting the abatement and then would benefit from any add-ons. He said additional investments should be judged just as worth of the original abatement was and not just added to the abatement with no review. He said to do that would deprive the taxing unit of revenue without sufficient oversight.

Alano Martin said that there were no current abatements that fit Spechler's scenario. She said that the city judiciously and selectively approved abatements. She said abatement applications that went before

the council were judged to be in line with the city's economic development strategies and provided the kinds of benefits that would actually be beneficial to the community.

She said that because tax abatements were figured on new assessed value, the existing tax base was not eroded by tax abatements. She said that someone who'd been paying taxes on property would continue to pay those taxes and those new taxes would be phased in on a sliding scale. She said she didn't view it as a loss of taxes at all; she viewed it as a way to add to the tax base.

Spechler asked if TIF Funds could be used in the Woolery area to encourage the kind of development that would be helpful for tourism or affordable housing.

Alano Martin said that Woolery was in the Tapp Road TIF district. She said the TIF had a lot of obligations and that a good deal of the TIF funds had been used on the Tapp Road project. She added that there hadn't been a whole lot of money coming into the TIF and it did not have a large balance. She added that there were a number of public infrastructure projects slated for the TIF. She said that Hoosier Energy was building in the TIF now, but their project was awarded a tax abatement and therefore that revenue would be phased in over time. She said the TIF team, Redevelopment Commission and the Administration could certainly look at eligible expenses related to the Woolery Project.

Sandberg asked about the status of a gymnastics facility recently approved near the Woolery property. Alano Martin said the gymnastics facility was not included in the abatement for the Woolery Project and added that the abatement was only for the limestone mill. She said the parcel that abutted the gymnastics and soccer facility was a separate parcel. She said it was up and running and doing well.

Sandberg asked about the status of the sales of the homes in the Evergreen Village. She asked if there was a problem with the property that was not sold. Alano Martin said it wasn't an issue with the property itself, but finding a buyer being qualified with regards to income and who would want that type of home. She said she would talk to the Director of Housing and Neighborhood Development about that issue. Sandberg asked if there was implication for further projects of this nature. Alano Martin said that lessons were learned and that partnering on low income housing tax credits projects and providing home dollars for affordable housing projects was a better fit for the city than developing projects on its own.

Neher asked if a possible amendment to the Woolery abatement would become standard language in future abatements or if it would be developed for each project as it came along. Alano Martin said it could be either but said she would recommend that a timeline be set on future ERA designations, noting that five years was probably sufficient time for a project to be started. She said that different time schedules could also be at the discretion of the common council or dependent on the recommendation of the EDC.

Volan referred to the employment at the First Technology Initiative LLC asking if Pro Logic retained the former employees of the former tenants. He specifically asked if any new jobs were created by this project or if they were "retained" rather than new. Alano Martin said that the abatement stays with the property and there were no jobs at that location before the abatement and the construction of the office building. She said she didn't know the breakdown of the jobs that stayed in the building vs. the jobs that were new to the building with a new owner.



Volan said he would like more information on the breakdown on the new vs. retained jobs so that he could better determine the benefits of this abatement. Alano Martin said she would follow up with that request for information.

Volan noted the magnitude of the Cook Pharmica project and asked if this type of project would happen again soon. Alano Martin, referring to her analysis of economic impact of new and retained jobs and salaries as presented in the report, said that without Cook Pharmica the average wage was still in the \$40,000 range which, she said, was above the median income.

Volan asked Alano Martin if tax abatements were an effective tool that could be used more. She said it was one of many effective tools provided by the state of Indiana, and that the city had done a good job in making sure the abatements were used to benefit the community in more ways than adding jobs or retaining jobs. She said there were a number of factors that resulted in fewer tax abatements in recent years, and specifically noted the slow-down in the economy. She said the state of Indiana had provided a number of automatic abatements to increase development, and noted the city's 2010 guidelines had allowed local government to also make needed adjustments.

A call for public comments brought no one forth to speak.  
Final council comments on the report:

Spechler said it had come to his attention that a group that formerly held a show of minerals and rocks at the fairgrounds found that the Woolery Mill was not conducive to having their convention there and that they made arrangements to meet in Bedford for the next two years. He noted that the limestone mill was an underused asset for the development of tourism. He wondered if the city needed to be more proactive in promoting and drawing conventions for the hotels, retailers and restaurants. He said it would be a value to the city as a whole to develop that project.

COUNCIL COMMENTS ON TAX  
ABATEMENT REPORT

Volan reiterated his interest in being able to compare the Rogers property and the First Technology properties so that he could quote data about tax abatements benefits with 100% confidence. He said he was not sure about the details of those two cases and looked forward to getting that data from Alano Martin's office. He thanked her for putting together the presentation and report.

Sandberg thanked Alano Martin and Carnes and said it was important to her to hear the reports each year as a way to gauge progress in these matters. She said this information helped in making decisions in the future.

It was moved and seconded to accept the Tax Abatement Report.  
The motion was approved by a voice vote.

There were no changes to the council schedule at this time.

COUNCIL SCHEDULE

The meeting was adjourned at 8:45 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, July 3, 2013 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
July 3, 2013

Roll Call: Mayer, Rollo, Sandberg, Volan, Granger, Sturbaum, Neher,  
Absent: Spechler, Ruff

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

There were no minutes for approval at this meeting.

APPROVAL OF MINUTES

Dorothy Granger noted that parking meters were being installed around the downtown area, but that they were not being enforced at this time. She told citizens that they need not put money in them at this point.

REPORTS

- COUNCIL MEMBERS

Tim Mayer reminded people to have a safe Fourth of July and advised them to be careful.

Steve Volan noted the 21<sup>st</sup> anniversary of “J & B on the Rox” produced in Bloomington at Community Access Television Services by Joe Nickell and Bart Everson. Volan showed examples of the show, explained their national acclaim and then read Mayor Kruzan’s Proclamation that July 7, 2013 be known as “National Rox Day” in Bloomington in honor of this groundbreaking TV show. Everson received the proclamation in typical innovative and irreverent style as Terry “T Black” Hornsby filmed the occasion in that same style.

Darryl Neher said he had been a part of a Kelley School of Business program that brought a hundred students from the Middle East to study entrepreneurship. He said several of them were from Egypt and noted the headlines from Cairo regarding a change in leadership in that country. He wished the students and their families’ the safety and security they deserved.

There were no reports from the Mayor’s office or other city offices at this meeting.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

Glenn Carter reminded the council and the public that there were several members of the community who needed shelter. He said the Ubuntu Shelter Group had committed, qualified people and volunteers in place, and that now all the group needed was a location; either an indoor or outdoor covered shelter place.

- PUBLIC

Chad Roeder spoke of the recent flooding in the Evergreen Neighborhood. He called the problem persistent as it had happened three times in recent years, and wanted to make the council and community aware of this issue. He showed photos and video taken in the neighborhood during the last heavy rain.

There were no appointments to boards or commissions at this meeting.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There was no legislation for second reading at this meeting.

SECOND READING AND RESOLUTIONS

Ordinance 13-10 TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “VEHICLES AND TRAFFIC” Re: Stop and Signalized Intersections, One way Streets, Speed Zones, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking and City Parking Garages

LEGISLATION FOR FIRST READING

There was no public comment at this section of the meeting.

PUBLIC COMMENT

Dan Sherman, Council Administrator/Attorney noted that there would be an amendment to the Ordinance that was just read regarding fine for handicap parking spaces.

COUNCIL SCHEDULE

The following motion was moved and seconded:

In order to allow time for better budget information and adjust other meetings as a consequence, I move that the Council adopt the following changes to the Council Schedule for July through mid-October:

- Move Departmental Budget Hearings from July to August

The Departmental Budget Hearings shall be rescheduled from the fourth week of July to the third week in August. This will result in those hearings being held from Monday, August 19<sup>th</sup> through Thursday, August 22<sup>nd</sup>, starting at 6:00 p.m. in the Council Chambers. Unless otherwise decided by the Council President, the order of those deliberations will follow that used last year.

- Move the Council Recess Up about Three Weeks and Cancel the Related Meetings of the Council in Late July and Early August

The Council Recess shall move up three weeks so that it will begin after the Regular Session on Wednesday, July 17<sup>th</sup> and end with the start of the Departmental Budget Hearings on Monday, August 19<sup>th</sup> at 6:00 p.m. This entails cancelling the Committee of the Whole on July 31<sup>st</sup> and the Regular Session on Wednesday, August 7<sup>th</sup>.

- Move Formal Consideration of the 2014 Budget from Early September to Late September (September 25<sup>th</sup>) and Early October (October 9<sup>th</sup>)

Formal Consideration of the City Budget for 2014 shall start about three weeks later than currently established and extend for an additional week.

In particular, the 2014 Budget Legislation shall be introduced at a Special Session to be held at 7:30 p.m. on Wednesday, September 25<sup>th</sup>. This meeting will be immediately followed by a Special Committee of the Whole when the Council will consider this legislation and conduct the statutorily required "Public Hearing" on the Civil City Budget.

Then, two weeks later, on October 9, 2013, the Council shall hold another Special Session to entertain second reading of the aforementioned budget legislation and conduct what is referred to by the State as the "Adoption Hearing."

- Offer Corresponding Adjustments to the Non-Budget-Related Schedule for Consideration on July 17<sup>th</sup>

The aforementioned changes will also result in the adjustment of the meetings to consider non-budget-related legislation that will be held after the Departmental Budget Hearings in August and before the Regular Session scheduled for Wednesday October 16, 2013. A motion regarding adjustments to those meetings shall be considered at the Regular Session on July 17, 2013 under "Council Schedule."

It was noted that this schedule would allow the City Controller to get more up-to-date data from the Department of Local Government Finance which was needed to create the 2014 budget.

The motion received a roll call vote of Ayes: 7, Nays: 0.

The meeting was adjourned at 8:05 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington