

In Bloomington, Indiana on Wednesday, October 6, 2021 at 6:30pm, Council President Jim Sims presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically via Zoom.

COMMON COUNCIL  
REGULAR SESSION  
October 6, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan  
Councilmembers absent: none

ROLL CALL [6:32pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:33pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:35pm]

Rollo spoke about the passing of Jesse Slokum, also known as "Peter Rabbit."

REPORTS

- COUNCIL MEMBERS [6:35pm]

Piedmont-Smith invited people to her constituent meeting on October 09, 2021 via Zoom.

Flaherty announced his constituent meeting on the third Monday of the month would be on October 18, 2021 via Zoom.

Sandberg announced a joint constituent meeting with Rollo on October 16, 2021 via Zoom.

Kaisa Goodman, Special Projects Manager, Department of Economic & Sustainable Development, presented an update on the Economic Development Administration (EDA) Cares Act Grant and the Bloomington Certified Tech Park (CTP). She provided a synopsis of the CTP, goals, recertification information, and additional components of the project.

- The MAYOR AND CITY OFFICES [6:38pm]

Jennifer Pearl, President of Bloomington Economic Development Corporation (BEDC), discussed the EDA Cares Act Grant and described the project, including The Center, the Trades District Technology Center (TDTC), and provided additional information pertaining to the project including estimated economic impacts.

Volan commented on parking and asked if the master plan needed to be revised.

Goodman responded that there would be adjustments. She explained that the proposed location of the parking garage ended up being further south based on the analysis that was conducted.

Volan asked for further clarification and if it was a priority to build that amount of parking.

Alex Crowley, Director of the Economic and Sustainable Department, spoke about the proposed parking within the Trades District. The developer had been concerned about parking and the city needed to signal that parking would be available. The hope was to have private investments as originally detailed in the master plan.

Volan commented on the rate of parking space per office space. He said he had voted for the Trades garage for centralized parking in a garage to eliminate the need for parking spaces at each building.

Crowley said that the goal was to consolidate parking spaces into dense parking but there would be some onsite parking at buildings.

Volan asked to what extent was the tech park plan similar to what was announced that day.

Crowley stated that things changed since 2013 but that the basic plan was the same. The goal was to encourage development and the EDA plan would help stimulate that growth.

There were no council committee reports.

- COUNCIL COMMITTEES [7:11pm]
- PUBLIC [7:11pm]

Jim Shelton spoke about the Court Appointed Special Advocate (CASA) program. He said that, likely due to the pandemic, there were more children in need of a CASA due to physical abuse by their parents.

Sims discussed nominating Flaherty to the city’s internal Climate Working Group.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:16pm]

Sgambelluri moved and it was seconded that Cm. Flaherty be appointed to the city’s internal Climate Working Group. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Flaherty).

Vote to appoint Councilmember Flaherty to Climate Working Group [7:19pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:19pm]

Flaherty moved and it was seconded that Ordinance 21-34 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8 (Rollo out of the room), Nays: 0, Abstain: 0. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis.

Ordinance 21-34 - To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending BMC 2.04.420 (Motion to adjourn or recess) to Place Greater Limits on the Duration of Council Meetings That They May End at a Reasonable Hour

Flaherty moved and it was seconded to that Ordinance 21-34 be adopted.

Volan presented Ordinance 21-34 to the council and said legislation was necessary for there to be a meeting end time. He explained that it was important to not have meetings that continue after midnight. There was brief discussion regarding amendments.

Council questions:

Rollo said that Amendment 02 safeguarded for exceptions when there was business that needed to be dealt with.

Volan responded that Ordinance 21-34 was an effort to have council commit to ending meetings at a reasonable hour. The method of triggering the end of the meeting was not the significant part of the legislation. He said if unanimous consent was too stringent, then Amendment 02 allowed for two councilmembers to move and second to adjourn.

Sandberg appreciated the proposal, and expressed concern for rigidity with a formal end time for meetings. She commented on the ability to resolve a matter in the meeting by extending the end time.

Volan said that there were times that council needed to take action in order to comply with state laws. He commented on the duration of meetings and provided examples. Volan also commented on scheduling legislation, items on the agenda, and steps council could take after five hours and fifteen minutes. He said anticipating the end time of a meeting was important though difficult.

Sandberg said that another mechanism, in addition to councilmembers being mindful of time, was to better schedule the agenda.

Volan responded that council could also better manage comments from the public.

Smith asked for clarification on the amendment where two councilmembers could move to end the meeting.

Volan responded that after midnight, a councilmember could move to adjourn, and another could second the motion.

Smith asked why it could not just be a majority of the council. Volan said that was what was currently in place. He provided additional information regarding amendments.

Ordinance 21-34 (cont'd)

Council questions:

Sims pointed out that any councilmember could make a motion to adjourn. He asked Volan for further clarification on limiting public comment time.

Volan said that Ordinance 21-34 did not address public comment time. He discussed time limits per speaker and explained that three minutes per speaker was twenty speakers per hour. If there were many members of the public wanting to comment, then council could limit the time per speaker or the total public comment period.

Volan moved and it was seconded to adopt Amendment 02 to Ordinance 21-34.

Amendment 02 to Ordinance 21-34

Amendment 02 Synopsis: This amendment is sponsored by Councilmember Volan based on feedback provided by the Committee of the Whole. It requires a motion to adjourn (or a motion to rise and report in Committee of the Whole) made after five and half hours from the meeting's call to order or after 11:59 p.m. local time, whichever occurs first, to have a second, meaning that two members instead of one would be required to trigger adjournment under this ordinance. This amendment and Amendment 01 to Ordinance 21-34 are mutually exclusive.

Sgambelluri asked if a motion, and a second, would be sufficient to end the meeting, and that the motion was not debatable.

Council questions:

Volan confirmed that motions to adjourn were not debatable, but motions to recess were debatable.

Lucas said that Bloomington Municipal Code stated that a motion to adjourn or recess were both not debatable.

Piedmont-Smith asked for clarification regarding motions to adjourn or recess, and which motion took precedence.

Volan responded that the president needed to acknowledge a councilmember before they could make a motion. He said that a motion to adjourn should take precedence over a motion to recess.

Piedmont-Smith confirmed that neither motion to recess, or adjourn, were not debatable.

Volan confirmed that was correct.

Piedmont-Smith stated that if there was a motion on the table, the president would not allow another motion until the first one was disposed of.

Lucas read a comment from Dave Askins submitted via Zoom chat regarding the uncertainty for the public of council making motions to adjourn or recess and taking votes to extend the meeting.

Public comment:

Volan commented on the "10:30pm Rule" already in local code, which called for a vote in order to hear a new item after 10:30pm.

Council comment:

The motion received a roll call vote of Ayes: 7, Nays: 2 (Sims, Smith), Abstain: 0.

Vote to adopt Am 02 to Ordinance 21-34 [7:57pm]

There was brief council discussion regarding amendments.

There were no council questions.

Council questions:

There were no comments from the public.

Public comments:

Piedmont-Smith thanked Volan and thought it wise to limit council's time in deliberation in meetings. The quality of the decision making declined as the evening went on. It was fairer to city staff and members of the public to end the meeting in a timely manner and resume deliberations at another meeting. She would support Ordinance 21-34 as amended.

Council comment:

Sims also thanked Volan and said that he was opposed to Ordinance 21-34. He did not believe it was necessary because council already had tools at their disposal to end meetings. He commented on the duration of meetings and provided reasons against Ordinance 21-34. Sims commented on the long meeting that was held on March 03, 2021.

Volan commented on the duration of meetings, the "10:30pm Rule," and scheduling.

Piedmont-Smith spoke about the duration of the March 03, 2021 meeting. She said that because the council was split four-four, there was not a way to end the meeting sooner.

Sims said that council could have broken quorum, though it was not a desirable tool to use.

Rollo said he would support Ordinance 21-34 as amended but that it would result in more meetings.

The motion to adopt Ordinance 21-34 as amended received a roll call vote of Ayes: 7, Nays: 2 (Sims, Sandberg), Abstain: 0.

Vote to adopt Ordinance 21-34 as amended [8:09pm]

Flaherty moved and it was seconded that Resolution 21-35 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. McDowell read Resolution 21-35 by title and synopsis only.

Resolution 21-35 - Resolution Proposing an Ordinance Modify Local Income Tax Allocations in Monroe County and Casting 58.28 Votes in Favor of the Ordinance - Re: Adjusting the Allocations between the Public Safety Answering Point (PSAP) and General Public Safety Purposes Tax Rates Without Changing Other Allocations or the Total Expenditure Tax Rate [8:11pm]

Flaherty moved and it was seconded that Resolution 21-35 be adopted.

Lucas presented Resolution 21-35 and provided details of the allocations.

Rollo asked about the need for raising the Public Safety Answering Point (PSAP).

Council questions:

Smith explained that it was for additional staff.

Lucas confirmed that was correct.

Sims stated that the main purpose of Public Safety Local Income Tax (PSLIT) was to fund PSAP and 911. Whatever amount was left over was distributed by certified shares. Sims also explained that there were nine positions.

Geoff McKim, County Councilor, spoke in support of the PSLIT PSAP rate.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Resolution 21-35 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 21-35 [8:23pm]

LEGISLATION FOR FIRST  
READING [8:24 pm]

Flaherty moved and it was seconded that Ordinance 21-40 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. McDowell read Ordinance 21-40 by title and synopsis only.

Ordinance 21-40 – To Amend Title 6 (Health and Sanitation) of the Bloomington Municipal Code – Re: Removal of Sanitation Fee Expiration Provision Effective November 1, 2020 Contained in Subsection 6.04.090(7) of the Bloomington Municipal Code

Flaherty moved and it was seconded that the council introduce and consider Ordinance 21-40 for adoption at the same meeting and on the same night it was introduced. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to introduce and consider Ordinance 21-40 for adoption [8:27pm]

Flaherty moved and it was seconded to adopt Ordinance 21-40.

Larry Allen, Assistant City Attorney in the Legal Department, presented Ordinance 21-40. He said it ratified the continued collection of sanitation fees, per code, and eliminated the sunset provision. He provided background information.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

Flaherty stated that he would support Ordinance 21-40 and commented on the discussion from the meeting where Ordinance 17-06 was passed. He spoke about the idea of “pay as you throw,” rebating, incentivizing less waste production, and the sunset date. He also commented on American with Disabilities Act (ADA) concerns with waste bins and not obstructing the sidewalk. Flaherty discussed the funding of collection services and the rate structure.

Council comments:

Volan commented on amendments in 2017 regarding Ordinance 17-06. He discussed parking, revisiting rates, inflation, and anticipating increases in rates. He provided examples and discussed methods of considering rates. He would support Ordinance 21-40.

Sims reminded council that Adam Wason, Director of Public Works, would be sharing a report on October 20, 2021. He also reminded councilmembers that a two-thirds majority was necessary for Ordinance 21-40 to pass.

The motion to adopt Ordinance 21-40 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-40 [8:38pm]

Flaherty moved and it was seconded that Ordinance 21-35 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. McDowell read Ordinance 21-35 by title and synopsis only.

Ordinance 21-35- To Amend the City of Bloomington Zoning Maps by Rezoning 1.31 Acres of Property from Mixed-Use Employment (ME) to Mixed-Use Medium Scale (MM) – Re: 135, 201, 215 S. Westplex Avenue (Wheeler Mission, Petitioner)

Sims referred Ordinance 21-35 to Committee of the Whole, immediately following the conclusion of that night’s Regular Session.

Mary Sutherlin commented spoke about her property located by the State Farm office.

ADDITIONAL PUBLIC COMMENT [8:41pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [8:43pm]

Flaherty moved and it was seconded to cancel the work session on October 08, 2021. Sims canceled the work session without objection.


Sims adjourned the meeting.

ADJOURNMENT [8:49pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 19<sup>th</sup> day of October, 2022.

APPROVE:

ATTEST:

  
Susan Sandberg, PRESIDENT  
Bloomington Common Council

  
Nicole Bolden, CLERK  
City of Bloomington