

The Board of Public Works meeting was held Tuesday, July 2, 2024 at 5:30 pm in the Council Chambers of City Hall at 401 N. Morton St., Bloomington, Indiana and virtually through Zoom with Kyla Cox Deckard presiding.

**REGULAR MEETING OF
THE BOARD OF PUBLIC
WORKS**

Present: Kyla Cox Deckard – In Person
Elizabeth Karon – In Person
James Roach – In Person

ROLL CALL

City Staff: Adam Wason – Public Works
April Rosenberger – Public Works
Chelsea Gregory – Public Works
Enedina Kassamanian – Legal
Larry Allen – Legal
John Hewitt – HAND
Jo Stong – HAND
Roy Aten – Engineering
Jason Kerr – Engineering
Alex Gray – Engineering

All of the Board members thanked the Street Division Crews after the massive storms last week and the all their efforts in the clean up after the storm. Roach asked Wason to give some more details about the brush cleanup for residents. Wason stated that there is a plan in place for cleanup of private brush and will discuss it during the staff report.

**MESSAGES FROM BOARD
MEMBERS**

Enedina Kassamanian, Legal, presented Appeal Notice of Violation 620424-05-2516; 530 S. Washington. See meeting packets for details.

APPEALS
**Appeal Notice of Violation
620424-05-2516; 530 S.
Washington**

Public Comments: Joseph Davis asked that the hearing be continued because he hasn't been able send his full evidence for the public and Board to review. Mr. Davis requested a number to text. He stated that some of his items weren't included in the Board packet. He said in the report it states his grass is over eight inches and that he has poison ivy. He said both things are not correct and his documentation proves that. He states that his civil rights are being denied. He requested that the Board act on the motion.

Wason asked Legal if it's proper that the appellant can't make a motion to the Board. Larry Allen stated correct. Wason asked that Legal and HAND present whether or not they would like this appeal upheld or denied. Kassamanian on the behalf of Legal asked that this appeal be denied.

Board Comments: Roach asked Legal if the term compliance never occurred in their presentation does it mean that the property is still out of compliance. Kassamanian stated that the property is still out of compliance the last time they saw it. Roach asked Legal to confirm the date of the first initial violation. Davis interrupted and started speaking. Wason asked Mr. Davis to please step away from the podium when the board is asking questions of City Legal. Kassamanian stated it was April 26, 2024. Roach stated is was July 2, 2024. Karon asked HAND when the photos in the packet were taken. Hewitt said that photos were taken at the same time as the notice of violation. The original warning was April 26, 2024. Cox Deckard asked if anyone has checked on the property's compliance as of yesterday. Hewitt said he isn't aware that they have checked on the property yesterday or today. Karon asked when the May 10, 2024 ticket was given with the \$50 fine, was the yard in compliance. Hewitt said it wasn't in compliance. Wason clarified there was a warning issued, notice of violation issued and there was a second notice of violation issued with a fine. Wason explained that the appeal is of the fine itself it is not whether or not the property is in compliance today, but was the property out of compliance at the time of the

notice of violation. Roach asked Hewitt if he was on the property on May 3, 2024. Hewitt stated he was not, but the compliance officer who was isn't available for this meeting. Wason asked Hewitt if he reviews the work of compliance officers or does he coordinate with the compliance officers. Hewitt reviewed the photographs and felt like it was out of compliance. Cox Deckard made mention that there are several photos in the packet that show different types of vegetation. A lot of them would be allowed to be over eight inches in height, but there are a few images that show grass that is overgrown. Hewitt stated that the UDO provides lists of permissible and not permissible plants. Karon asked Legal if the emails between Mr. Davis and Legal are typically included or excluded from the packet that they receive before the meeting. Allen said ordinarily those aren't things that are included in the packet, especially because this a point and time appeal. Roach stated a section of the code mentions some other states and federal documents that spell out certain types of plants. He asked if any of those documents mention poison ivy. Hewitt stated to his knowledge they do. Karon addressed Mr. Davis and stated that she is disappointed that he chose to approach the Board with disrespect. There was also to be a letter included with the Board packet that was sent in an updated packet that was submitted by the appropriate time. She was uncomfortable that this wasn't included in the original packet. She asked staff if it was an over sight. Wason stated there were several reasons. Staff were overwhelmed due to the storm and staff asked Mr. Davis to use Allen as a point of contact. Mr. Allen stated it was an oversight especially since various emails weren't being sent to him but the public works email. They rely on a forwarding system. It was submitted on time but not with the original packet.

Public Comment: Davis addressed the Board. He said he wants to rebut all the comments that were made. Cox Deckard said the time for the appeal is concluded. Davis said this is a violation of his rights. Cox Deckard told Davis she would give him one minute. Davis stated federal regulation has no jurisdiction that's listed in the City of Bloomington. It only states federal properties that have invasive plants, not for private properties. The UDO is only about new development. He says there is no time stamp on any of the images.

Karon made a motion to deny Appeal Notice of Violation 620424-05-2516; 530 S. Washington. Roach seconded. Cox Deckard took a roll call vote, Karon abstained, and two in favor, motion is passed.

Jo Stong, HAND, presented Abatement Request at 710 N. Lincoln, Units A & B. See meeting packet for details.

Board Comments: Karon asked what communication has been made with the property owner. Stong said there has been no communication with the owner but with the property management, Parker Management. They sent a lease within seven days for the fines, then it's the responsibility of the tenant to pay the fine.

Public Comments: Davis said he doesn't trust the information coming from HAND. City Legal keeps information that people need to defend themselves. The property owner no doubt has not been notified properly. Davis argued to say immediate that compliance is required, that is illegal. There has to be a period for compliance. A beginning and end date.

Karon made a motion to approve the Abatement Request at 710 N. Lincoln, Units A & B. Roach seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Public Comment: Jami Scholl, business owner had some concerns. She presented a few plants to be shown and stated she sells these plants at the Farmer's Market. But these same plants were cited and needed to be mowed. These plants are not meant to be mowed. She mentioned the municipal code isn't in alignment with sustainable goals.

TITLE VI ABATEMENTS
Abatement Request at 710
N. Lincoln, Units A & B

Joe Davis stated he was concerned about the request for abatement that was just granted. He said not even two weeks ago there was a request for Abatement at the Arby's property at 535 S Walnut St. He stated HAND did not notify them fairly or duly for the request for violation. Davis said the property is in compliance because he cleans up all the trash and other items that are left around the property.

1. Resolution 2024-037; Lotus Fest
2. Resolution 2024-040; Witch Fest
3. Approval of Payroll

Karon made a motion to approve the Consent Agenda. Roach seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Adam Wason, Public Works, on the behalf of James Hall from utilities, presented Noise Permit Application from City of Bloomington Utilities for Night-time Construction Work. See meeting packet for details.

Board Comments: None

Karon made a motion to approve Noise Permit Application from City of Bloomington Utilities for Night-time Construction Work. Roach seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Roy Aten, Engineering, presented Change Order Package #3 for the Hopewell East Project. See meeting packet for details.

Board Comments: None

Karon made a motion to approve Change Order Package #3 for the Hopewell East Project. Roach seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Jason Kerr, Engineering, presented Change Order #4 for Adams St. Sidewalk Project. See meeting packet for details.

Board Comments: None

Karon made a motion to approve Change Order #4 for Adams St Sidewalk Project. Roach seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Jason Kerr, Engineering, presented Balancing Change Order for Adams St. Sidewalk Project. See meeting packet for details.

Board Comments: None

Karon made a motion to approve Balancing Change Order for Adams St. Sidewalk Project. Roach seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Alex Gray, Engineering, presented Lane and Sidewalk Closure Request from Lineal Contracting (July 03, 2024 - July 24, 2024). See meeting packet for details.

Board Comments: None

Karon made a motion to approve Lane and Sidewalk Closure Request from Lineal Contracting (July 03, 2024 - July 24, 2024). Roach seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

PETITIONS AND REMONSTRANCES

CONSENT AGENDA

NEW BUSINESS

**Noise Permit Application from
City of Bloomington Utilities
for Night-time Construction
Work**

**Change Order Package #3 for
the Hopewell East Project**

**Change Order #4 for Adams
St. Sidewalk Project**

**Balancing Change Order for
Adams St. Sidewalk Project**

**Lane and Sidewalk Closure
Request from Lineal
Contracting (July 03, 2024 -
July 24, 2024)**

Alex Gray, Engineering, presented Street and Sidewalk Closure Extension Request from AEG. See meeting packet for details.

Board Comments: Karon asked if it's proper to change this title to Lane and Side Walk Closure, instead of Street and Sidewalk Closure without changing the resolution. Wason said it should be voted on as Lane and Sidewalk Closure.

**Street and Sidewalk Closure
Extension Request from AEG**

Karon made a motion to approve Lane and Sidewalk Closure Extension Request from AEG. Roach seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Alex Gray, Engineering, presented Road, Lane, Alley and Sidewalk Closure Request from Reed & Sons at 300 E. 4th Street. See meeting packet for details.

Board Comments: Roach mentioned that it was talked in the work session about summer festivals. Roach asked Gray if any festivals were going during that time on 4th Street. Gray said there is nothing in special events that will conflict. Cox Deckard added that during the work session the neighboring restaurant, Taste of India, would be able to have access during that time for parking. Gray said the alley will be open on that side.

**Road, Lane, Alley and
Sidewalk Closure Request
from Reed & Sons at 300 E.
4th Street**

Karon made a motion to approve Road, Lane, Alley and Sidewalk Closure Request from Reed & Sons at 300 E. 4th Street. Roach seconded. Cox Deckard took a roll call vote, all in favor, motion is passed.

Wason thanked the Board for their initial messages about staff. Wanted to thank the hard working staff and members of the public during this time working together for the clean up after the storm. Monroe County Emergency Management and Indiana Department of Homeland Security met and discussed different avenues for disaster declaration, Wason said the city is waiting to see if the storm damage will rise to a full FEMA disaster response or if we will rely on State Disaster relief funds. The estimate for FEMA funds is between \$14,000,000 and \$15,000,000. Once we take everything into account, including nonprofit electric utilities, he believes the City will reach this number. The State thinks it might be hard to get to that amount. Staff are working hard to track all costs including the continued response. Through the procurement policy we have contracted with Williams Tree to pick up debris on private property and cleanup efforts. Staff are tracking data through UReports. Wason urged home owners who have any kind of damage to report it to the State's 211 system. It allows the State to calculate the claims into a system if the amount of property damage can be offered to owners. The city is opening a vegetation drop off site from storm damage. It will be located on Lower Cascades by the ball fields. The city has contracted with Bluestone Tree Service for tub grinding, which helps us to get tree debris into smaller, more manageable piles. Staff will be using the UReport system to track areas that debris needs to be picked up but also prioritizing where to begin based on the higher volume of hot spots.

**STAFF REPORTS & OTHER
BUSINESS**

Board Comments: Roach asked if property owners who call 211 need the estimate, value or cost for damage. Wason said that right now they just need to be registered in the 211 system and then they will follow up with how to submit claims. Karon asked what kind of things the 211 system is collecting. For example, things that were lost because of the power outage like food or just tree damage. Wason said it's more for things like property damage, but the Trustee's office or United Way have resource pages explaining how a resident with SNAP benefits can seek reimbursement for food loss. Karon asked if a resident doesn't submit a UReport for debris pick up, but there is debris pick up in their neighbor's yard, would their debris be picked up as well? Wason said yes they would be picked up as long as they are in manageable piles. Karon asked if branches and debris had to be put in garbage bags or plastic tubs. Wason said if you want to use the contracted service then nothing is to be bagged. If you want it picked up through sanitation then yes having it bagged up is needed.

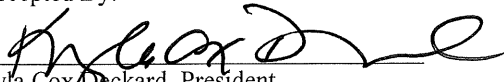
Karon made a motion to approve claims in the amount of \$1,178,022.98. Roach seconded.
Cox Deckard took a roll call vote, all in favor, motion is passed.

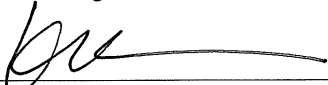
APPROVAL OF CLAIMS

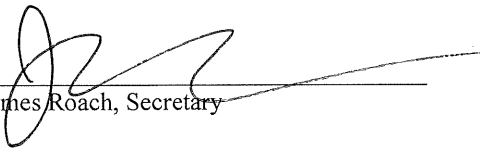
Cox Deckard called for adjournment at 6:49 p.m.

ADJOURNMENT

Accepted By:


Kyla Cox/Deckard, President


Elizabeth Karon, Vice President


James Roach, Secretary

Date: 7/30/24 Attest to: 