

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, October 01, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
October 01, 2024

Councilmembers present: Isak Nti Asare (arrived at 6:32pm), Courtney Daily, Matt Flaherty, Isabel Piedmont-Smith, Kate Rosenbarger, Andy Ruff, Hopi Stosberg, Sydney Zulich
Councilmembers present via Zoom: none
Councilmembers absent: Dave Rollo

ROLL CALL [6:31pm]

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION [6:33pm]

Stosberg moved and Ruff seconded to amend the normal order of business at that night's meeting to include agenda item number 6, council debrief from consensus-building activities, which would be limited to a total of twenty minutes. The motion was approved by voice vote.

Vote to amend order of business
[6:35pm]

Stosberg moved and Zulich seconded to approve the minutes of March 27, 2024 and September 25, 2024. The motion was approved by voice vote.

APPROVAL OF MINUTES [6:35pm]

March 27, 2024 (Regular Session)
September 25, 2024 (Regular Session)

Daily mentioned her upcoming constituent meeting.

REPORTS

Piedmont-Smith discussed a city and county meeting with elected officials about design revisions to the Convention Center expansion.

- COUNCIL MEMBERS
[6:36pm]

Jeff Jackson, Transportation Demand Manager, reported on micro-mobility. The Board of Public Works (BPW) had accepted staff's recommendation to approve the application from Bird for an e-scooter and e-bike license and reject the one from Lime. Veo did not apply. Lime's application was rejected due to requesting changes to the indemnification language, and paying less for the one-time fee of \$10,000, and more.

- The MAYOR AND CITY OFFICES [6:37pm]

Council discussion:

Asare asked about demand for micro-mobility devices given that there would only be one company in the city.

Jackson explained that companies wished to be the only provider in an area. Bird was excited about the new opportunities and were going to meet with staff to ramp up operations.

Daily asked if Bird would increase the number of scooters.

Jackson said yes.

Stosberg asked if there would be scooters and bicycles.

Jackson said yes with a 35% ratio requirement for e-bikes.

Piedmont-Smith asked about e-scooters blocking sidewalks.

Jackson stated it would be easier to address the problem with only one company. He monitored uReports and contacted the company when e-scooters blocked sidewalks. They had two hours to address the issue. The downtown corrals had been effective.

Piedmont-Smith said most of the complaints she had heard were in neighborhoods.

Jackson said the goal was to replicate the downtown corrals in neighborhoods. He gave details on the plans.

Asare asked about geofencing and if injuries were tracked.

Jackson said geofencing was used with the corrals. It was still a new process so final details on other solutions were forthcoming. He did not believe there was a specific report on injuries, but he was confident that there would be in the near future. It was important for the companies to provide appropriate safety training for users.

- The MAYOR AND CITY OFFICES (*cont'd*)

Council discussion:

Stosberg asked if the company was fined when an uReport was made.

Jackson confirmed that Public Works enforced the fines when the ordinance was violated. He would follow up with additional details.

Asare asked if Bird was sharing data on usage and more.

Jackson said yes and it would be more robust since there would be only one company. It had been difficult with multiple companies.

Piedmont-Smith asked if Bird had employees within the city, and what the company paid to the city.

Jackson said yes; that was part of the requirements. There were license fees of \$0.30 per trip. There would also be a \$30,000 fee if there was only one company.

Piedmont-Smith asked if the annual fee and per-ride fees would cover the cost of new corrals and enforcement.

Jackson confirmed that was correct.

Stosberg reported from the Hiring Committee, who had hired Council Attorney Lisa Lehner, and welcomed her to council staff.

- COUNCIL COMMITTEES [6:50pm]

Joe Davis, candidate for Monroe County Councilor, At-Large, spoke against the Convention Center expansion, based on feedback he had received from community members.

- PUBLIC [6:51pm]

Greg Alexander spoke about the joint Capital Improvement Board (CIB) and council meeting. He appreciated Piedmont-Smith's question on connectivity to the B-Line which had appeared to be an afterthought. He noted the city's desire to build a parking garage. He spoke about problems with the longer wait time for buses.

Christopher Emge, Greater Bloomington Chamber of Commerce, believed the joint CIB and council meeting was successful and positive. Some people wanted a larger Convention Center. He mentioned upcoming chamber events featuring the District 62 highly competitive statehouse race, and District 3 county commissioners. He mentioned a white paper on the happenings of the county.

Piedmont-Smith announced the formation of an ad hoc committee to discuss elected officials' salaries to be comprised of councilmembers Flaherty, Rosenbarger, Stosberg, and Zulich.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:01pm]

Stosberg asked if she would appoint a chair.

Piedmont-Smith preferred that the committee make that appointment at its first meeting.

Piedmont-Smith reported on the consensus building activities (CBAs), in August and September, that were facilitated by the Community Justice and Mediation (CJAM) Center to discuss street homelessness with members of the public. There were group conversations, extensive notes, and feedback from the public.

COUNCIL DEBRIEF ON CONSENSUS BUILDING ACTIVITIES [7:02pm]

Council discussion:

Zulich found it helpful to narrow in on legitimate feedback on solving homelessness. Her group discussed allowing single room

occupancy into the Unified Development Ordinance (UDO) as well as updating the definition of a “family.”

COUNCIL DEBRIEF ON
CONSENSUS BUILDING
ACTIVITIES (*cont'd*)

Stosberg appreciated the high level of organized community engagement. It was difficult to translate it into legislation.

Council discussion:

Daily appreciated the public’s involvement; they were readily willing to work with council. There was a benefit to hearing from the public directly and it motivated her to follow through with items that were discussed. She wished more members of the public were aware of the CBAs.

Ruff stated that the CBAs were refreshing and different from a formal council meeting. It was like a giant focused, constituent meeting. The in person interaction was valuable. He believed there had not been a robust diversity of groups in the community. He noted that downtown businesses were not represented.

Asare appreciated that councilmembers listened more than spoke, given that it was a difficult topic. There were actions council could take, and it was good to get feedback from the public.

Piedmont-Smith asked councilmembers for their thoughts on following through on ideas that came out of the CBAs. She noted that one step was to work with Planning department staff on the UDO.

Rosenbarger said there were some councilmembers already working on updates to the UDO, like allowing single room occupancy (SRO) especially in walkable areas of the city. There was a range of effort from councilmembers, from zero to doing a lot of work. She had just met with Planning staff and she described considerations like setbacks, and more. It was important to hold councilmembers accountable to follow up on ideas.

Ruff recognized Piedmont-Smith’s work on the first two CBAs.

Stosberg said she too had been having discussions with staff on the UDO. There were many updates and improvements to the UDO like allowing SROs, changing the definition of “family,” things that impacted developments, affordability, and what was allowed.

Piedmont-Smith believed the CBAs were useful but learned that there was a level of misunderstanding by the public on what council could do versus what the public wanted. Part of the solutions fell under the purview of the mayor and not council. She described items that council could take action on like SROs. She hoped to change the name of the CBAs because consensus was difficult to obtain, was idealized, and made dissent hard to voice. Perhaps calling the meetings Public Deliberation Meetings was better. Piedmont-Smith asked about next steps.

Flaherty said it was necessary to fund and staff CBAs if they were to be done well. That idea was related to the budget, elected officials’ salaries, and the capacity of council based on council’s and the public’s expectations. Councilmembers were not always subject matter experts and outside entities might be needed. He discussed council schedule including things like CBAs.

Stosberg asked if there was one more CBA in November.

Piedmont-Smith said yes and noted it was important to efficiently decide on topics and guide staff that might be involved.

LEGISLATION FOR FIRST
READING [7:24pm]

Stosberg moved and Ruff seconded that Appropriation Ordinance 2024-08 be introduced and read by title and synopsis only. The motion was approved by voice vote (Zulich out of the room). Clerk Nicole Bolden read the legislation by title and synopsis.

Appropriation Ordinance 2024-08
- To Additionally Appropriate
From the Clerk's Office General
Fund for Personnel Expenditures
[7:24pm]

Piedmont-Smith referred the legislation to a second reading at the Regular Session on October 16, 2024, and noted that date would also serve as the public hearing.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:25pm]

Stosberg moved and Zulich seconded that Appropriation Ordinance 2024-03 be introduced and read by title and synopsis only. The motion was approved by voice vote (Flaherty out of the room). Bolden read the legislation by title and synopsis.

Appropriation Ordinance 2024-03
- To Additionally Appropriate
From the Public Works General
Fund for Personnel Expenditures
[7:25pm]

Stosberg moved and Zulich seconded to adopt Appropriation Ordinance 2024-03.

Adam Wason, Director of Public Works, presented the legislation. There had been an oversight during the salary ordinance process, where typically an appropriation ordinance accompanied the salary ordinance. He described the position that would be funded, the fiscal impact, and a plan to replenish the temporary, part-time budget line item that had been paying for the full-time position.

Piedmont-Smith asked if the request was for part-time employees.

Council questions:

Wason said it was salary for the full-time position, from June onward and for replenishing the part-time funds that had been used for the full-time position. He briefly described the part-time jobs planned for later in the year.

Deputy Attorney Ash Kulak said the public comment period was a continuation of the public hearing held on September 18, 2024.

Joe Davis expressed concern on hiring personnel outside of the salary process.

Public comment:

Stosberg thanked Wason for addressing her concerns the previous day.

Piedmont-Smith responded to a public comment and said that the position had been approved in a public process in May, and at the time the fiscal impact had been considered. It had been done in a public and appropriate manner.

Council comments:

The motion to adopt Appropriation Ordinance 2024-03 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 2024-03 [7:34pm]

Stosberg moved and Ruff seconded that Ordinance 2024-18 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 2024-18 – To Amend
Title 8 of the Bloomington
Municipal Code, Entitled “Historic
Preservation and Protection” To
Establish a Historic District – Re:
Green Acres Conservation District
[7:34pm]

Stosberg moved and Zulich seconded to adopt Ordinance 2024-18.

Piedmont-Smith noted that council had received a letter from the petitioner withdrawing the legislation.

Ordinance 2024-18 (cont'd)

Kulak stated that the petitioner was not able to attend that evening.

Noah Sandweiss, Historic Preservation Program Manager, Housing and Neighborhood Development (HAND) department, said that the petitioners from the Green Acres Conservation District Development committee had submitted a letter requesting the withdrawal of the legislation. He read the letter on behalf of the petitioners. Their goal was to strengthen support for the conservation district from residents.

Ruff moved and Daily seconded to call the question on Ordinance 2024-18. The motion to call the question on Ordinance 2024-18 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to call the question [7:40pm]

The motion to adopt Ordinance 2024-18 received a roll call vote of Ayes: 0, Nays: 8, Abstain: 0. FAILED.

Vote to adopt Ordinance 2024-18 [7:41pm]

Stosberg moved and Zulich seconded to suspend the rules to allow for public comment on items on the agenda. The motion to amend the rules received a roll call vote of Ayes: 5, Nays: 3 (Daily, Rosenbarger, Ruff), Abstain: 0. FAILED.

Vote to amend rules [7:43pm]

James Bohrer, Partner at Clendening, Johnson & Bohrer, said that petitioners for a historic designation could not be comprised of one or two individuals. He suggested that the petitioners be held to the same standard as neighbors as the decertification process of eliminating the historic designation. The threshold for certifying a historic designation should require similar support as decertifying a historic designation.

ADDITIONAL PUBLIC COMMENT [7:41pm]

Terry Amsler spoke on CBAs and appreciated their purpose. The CBAs encouraged more public participation, trust in local government, and allowed for a variety of meeting types.

Mary Sutherland was one of the owners and property managers of an office near Wheeler Mission. It was not possible to rent or sell the property due to the unhoused individuals around the area. She spoke about a planned fence and a lack of greenspace. She was asking the city what options she had.

Michael Johnson hoped there was a way for those attending the meeting on Zoom to interact with councilmembers that evening, regarding the Green Acres historic designation.

Caylan Evans discussed the demolition delay permit process. He expressed concern that the permits were delayed for many weeks so that the Historic Preservation Commission (HPC) could eventually deny the permits. He noted that city staff had recommended approval of the permits, but the HPC was anti-development. He urged council to check on the HPC.

Kulak read a comment submitted by Sam Dove via Zoom chat regarding the upcoming Hopewell Neighborhood update meeting.

Kristen Woodworth noted that there had not been an opportunity to make public comment on the Green Acres legislation.

Tim Ballard said that public engagement on proposals like Green Acres was crucial. He appreciated that members of the public had stayed at the meeting that evening.

ADDITIONAL PUBLIC COMMENT
(cont'd)

Sarah Alexander said the process of designating neighborhoods as worthy of distinction was undemocratic. City zoning decisions were to be made by council, but for historic designation, proposals could be submitted to the HPC by anyone. She expressed disdain for the process and gave details. She spoke about the unfair process that Maple Heights had undertaken where seven residents had successfully voted yes on a designation and fifty three had voted no.

Piedmont-Smith reviewed the upcoming council schedule; the civil city budget, a Regular Session, and a Special Session.

COUNCIL SCHEDULE [8:03pm]

Rosenbarger said it was unfortunate that there had not been deliberation on the Green Acres proposal, and it was not possible to have an informal meeting, with Zoom open, after the meeting. Councilmembers could meet with residents separately.

Zulich suggested that councilmembers meet with residents separately after the meeting and noted her city contact information.

Flaherty said there were quorum and Open Door Law issues and agreed that councilmembers could meet with residents separately.

Stosberg said it was disappointing that deliberation and public comment on the Green Acres proposal had not been allowed at the meeting.

Daily explained that council was going to vote against the Green Acres proposal, in its current format, at the request of the petitioner. She was available to meet with residents separately.

Piedmont-Smith stated she was available to meet to discuss the Green Acres proposal with residents, separately.

Piedmont-Smith adjourned the meeting.

ADJOURNMENT [8:13pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 19 day of February, 2025.

APPROVE:

ATTEST:



Hopi Stosberg, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington