

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 12, 2019 at 6:35pm, Council President Dave Rollo presided over a Regular Session of the Common Council.	COMMON COUNCIL REGULAR SESSION June 12, 2019
Members present: Ruff, Piedmont-Smith, Rollo, Volan (left at 9:59pm), Sims, Sandberg Members absent: Chopra, Granger, Sturbaum	ROLL CALL [6:35pm]
Council President Dave Rollo summarized the agenda.	AGENDA SUMMATION [6:35pm]
Councilmember Isabel Piedmont-Smith moved and it was seconded to approve minutes from the meetings of April 17, 2019 as corrected, May 15, 2019 as corrected (as a continuation of a meeting originally convened on May 1, 2019), May 15, 2019, May 29, 2019, and June 5, 2019. The motion was approved by voice vote.	APPROVAL OF MINUTES [6:39 pm] April 17, 2019 May 15, 2019 May 15, 2019 May 29, 2019 June 5 2019
Councilmember Susan Sandberg commented on serving on the review committee for the Fourth Street Garage project and gave an update on the design process.	REPORTS <ul style="list-style-type: none">COUNCIL MEMBERS [6:40pm]
Councilmember Jim Sims said he looked forward to hearing from students in attendance at the meeting.	
Councilmember Steve Volan expressed his gratitude for various student-lead projects and proposals affecting city government.	
Councilmember Andy Ruff spoke about opposition to Interstate Highway 69 and its impact on the community and the environment.	
Rollo read a disclosure of conflict of interest statement on behalf of Dorothy Granger related to <u>Resolution 19-09</u> and her work for the Shalom Community Center.	
Volan moved and it was seconded to accept a Disclosure of Conflict of Interest filed by Councilmember Dorothy Granger. The motion was approved by voice vote.	
Andrew Findley, Bloomington Arts Commission Chair, gave an annual report on the activitices of the Commission. He spoke about the Commission’s 2017-2019 Strategic Plan and the city’s Public Art Master Plan. He explained that over the past year, the Commission oversaw the Percentage for the Arts program, had commissioned the Bloomington Bicenntenial community song, had partnered with Ivy Tech to promote its annual Community Arts Awards, and had continued the Grants for Arts program.	<ul style="list-style-type: none">The MAYOR AND CITY OFFICES [6:50 pm] Bloomington Arts Commission and Bloomington Entertainment and Arts District Annual Report
Sean Starowitz, Assistant Director for the Arts, Economic and Sustainable Development Department, spoke about the Bloomington Enterntainment and Arts District (BEAD) rebranding. He explained that the goal of BEAD was to combine the business and creative sector to advance commerce, build the community, and spur sustainable economic development. He discussed the 2019-2021 Strategic Plan for the BEAD, as well as other activities within the district.	
Volan commended Mayor Hamilton and the administration for proposing the increase to the Grants for Arts budget that the Council approved.	Council Questions:

Rollo asked if the space needs assessment included display space for artists. REPORTS (cont'd)

Starowitz answered that it would be included, but explained that the assessment looked at how to utilize spaces and resources efficiently to further leverage arts and cultural assets.

Devta Kidd, Director of Innovation, introduced herself and provided information about her experience and educational background. She spoke about national trends in cities related to employing innovation directors, as well as the role of innovation director in Bloomington. She discussed recommendations implemented in Bloomington from 2016 to 2018. She reviewed project goals and priorities for 2019 and beyond. Innovation Director Report

Sims asked Kidd if the city's involvement with the MetroLab Network would include relationships with Indiana University (IU) or Ivy Tech to study community issues. Council Questions:

Kidd said she expected it would include working with IU but was not sure whether Ivy Tech would be included.

Scott Robinson, Assistant Director for Planning and Transportation, introduced Wells and Associates, a consultant the city hired to assist with transportation demand management. Introduction of Transportation Demand Management Consultant

Justin Schor, Project Manager from Wells and Associates, introduced himself and his company. He explained that his company focused on both supply and demand solutions for transportation. Schor described his company's approach to evaluating community needs and creating a transportation demand management program.

Rollo asked which stakeholders the city would consult during the process. Council questions:

Robinson said stakeholders had not yet been identified. He expected the city would consult with IU and major employers, along with other groups that would be determined as the process moved forward.

Rollo asked if people facing mobility challenges due to low income would be included in the stakeholder group.

Schor responded that the survey would hopefully reach as many people as possible. Schor said the stakeholder group would be inclusive.

There were no council committee reports. COUNCIL COMMITTEES

Karen McQueen, Kira DeFelice, Emma Wild, Maddy Waters, Ruth Bartlett, Stefan Bartlett, Nicholas Waters, Marcella Waltsek-Medina, Giuliana Samarotto, and Lilly Lauderman, students from The Project School, gave a group presentation to the Council. The students asked the Council to consider planning and budgeting for a new playground at Waldron, Hill and Buskirk Park that would adhere to Universal Design principles, making the playground more accessible and equitable for community members with disabilities. PUBLIC [7:58pm]

Volan thanked the class for preparing the presentation. Volan asked if the class had considered whether people living close to the playground would be bothered if the playground included musical instruments. Council Questions:

Maddy Waters said that the playground would not have any instruments that were louder than the sound of a yelling child, so he did not think anyone would be bothered.

Stefan Bartlett added that the playground might include a cocoon feature, where kids could relax.

Volan noted that all city parks had some accessible features and Switchyard Park would be fully accessible. He added that the Parks and Recreation Department welcomed discussions on adding more accessible features at Waldron, Hill and Buskirk Park.

REPORTS (cont'd)

Sandberg thanked the class for the presentation and the hard work. On the issue. She suggested the class take on the issue of scooter legislation next.

Ruff thanked the students and complimented their hardwork.

Piedmont-Smith asked students to feel free to remind councilmembers about the upcoming park project.

Sims thanked the students for their presentation and asked the councilmembers to rise and repeat the slogan, "Unaccessible is Unacceptable!"

Darrell Boggess spoke in support of young advocacy.

Additional public comment:

Greg Alexander spoke about pedestrian and bicycle infrastructure.

Rollo reconstituted the Council Rules Committee and appointed Piedmont-Smith, Volan, Sims, and City Clerk Nicole Bolden to the Committee.

APPOINTMENTS TO BOARDS
AND COMMISSIONS

Volan moved and it was seconded that Ordinance 19-11 be read by title and synopsis only. The motion was approved by voice vote. Chief Deputy Clerk Stephen Lucas read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 2, Nays: 0, Abstain: 7.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[8:15pm]

Volan moved and it was seconded that Ordinance 19-11 be adopted.

Barbara McKinney, Human Rights Director/Attorney, presented the ordinance to the Council. She stated the ordinance was suggested by Mayor Hamilton and Councilmember Granger, and had received unanimous support from the city's Human Rights Commission. She explained that the policy was being clarified to make it clear that the city's prohibition on discrimination and harassment also protected independent contractors doing work for the city.

Ordinance 19-11 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Amending Chapter 2.21 Entitled "Department of Law" to Prohibit Discrimination and Harassment of Any Person Doing Sanctioned Work for the City

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Ordinance 19-11.

Amendment 01 to Ordinance 19-11

Amendment 01 to Ordinance 19-11 Synopsis: This amendment is sponsored by Councilmember Granger and Piedmont-Smith and replaces the words "she or he" with the words "she, he, or they" in Section 1 of the ordinance and in the synopsis to provide for a non-binary pronoun.

Piedmont-Smith presented the amendment to the Council.

Jada Bee spoke in support of the amendment and suggested future city documents include non-binary language.

Public comment:

Rollo thought it was a good idea to review other city documents to include non-binary language.

Council comment:

The motion to adopt Amendment 1 to Ordinance 19-11 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote on Amendment 1 to
Ordinance 19-11 (cont'd)

Volan asked McKinney if she could summarize her responses to questions posed by councilmembers the previous week.

Ordinance 19-11 (cont'd)
Council questions:

McKinney restated a question about creating a new independent commission to deal with certain claims of harassment. She said there were already ways to address such claims, either through existing commissions at the state and local level or through other internal processes.

Piedmont-Smith asked McKinney to address what would happen if the mayor was accused of harassment.

McKinney said, to the extent possible, it would be investigated and handled internally, but the city could also hire outside counsel to assist. She explained there were limitations on what actions could be taken against a mayor.

Piedmont-Smith asked McKinney to clarify what processes were available to independent contractors.

McKinney explained how the city would handle such complaints of harassment. She reiterated that a new independent commission would not be useful because the city had enough resources internally and externally to handle such situations.

Piedmont-Smith asked what the city would do to publicize the passage of the ordinance.

McKinney said that city employees had access to the information in their employee manual. She added that all future contracts would include a provision about the harassment policy.

Sims asked if current contractors would be notified of the new policy change.

McKinney said she was unsure how the city would contact current contractors, but said many contractors often renewed their contracts with the city, so it was possible they could be notified when their contracts were renewed.

Rollo asked for additional information about how the city would handle a complaint of harassment against the mayor and whether the city's Human Rights Commission (HRC) would investigate.

McKinney said the HRC could not investigate in that instance. She explained when the city would need to use outside counsel do to a conflict of interest.

Ryan Shadday, Chair of the HRC, spoke in favor of the ordinance.

Public comment:

Brandon Drake spoke in favor of the ordinance.

Kate Blake spoke in favor of the ordinance.

Jada Bee stated she was worried about loopholes in the policy because she wanted to ensure that everyone was protected.

Kenneth Shafer spoke about his experience as an independent contractor in both government and corporate areas. He gave recommendations for handling cases of harassment when dealing with independent contractors.

The Council discussed whether there were any time limitations on public comment.

Volan asked whether the ordinance should refer to independent contractors or contracted personnel.

McKinney said that the term independent contractor was used intentionally and was the preferred term because it was a well-defined legal term.

Ordinance 19-11 (cont'd)
Additional council questions:

Sandberg said she supported the ordinance and thanked McKinney for her work.

Council comment:

Sims said he supported the legislation, and thought the language of the ordinance was broad enough to include everyone, thought he noted it could always be amended in the future.

Piedmont-Smith said she supported the legislation.

Rollo said he appreciated the amendment and would support the ordinance, though he said there might still be more thought needed to ensure a fair process if the harassor was the mayor.

Volan said he was satisfied by McKinney's answer about why an independent commission was not needed.

The motion to adopt Ordinance 19-11 as amended received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote on Ordinance 19-11 as amended (8:54pm)

Volan moved and it was seconded that Resolution 19-11 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis.

Resolution 19-11: The
Bloomington Youth for
Environmental Sustainability
(Y.E.S.) Society's Resolution for
Environmental Responsibility and
Improvement

Volan moved and it was seconded that Resolution 19-11 be adopted.

Rollo read the resolution.

Maddie Clemmer and Jerrett Alexander explained that The Youth for Environmental Sustainability (Y.E.S.) proposed Resolution 19-11. Alexander described the history of the group's development. Clemmer said that various city commissions had written letters of support. Clemmer and Alexander reviewed the various recommendations in the resolution to make Bloomington more environmentally sustainable.

Emma Hickman, Arpan Boaz, and Emma Sire spoke about the importance of addressing climate change and in support of the resolution.

Clemmer and Alexander thanked those that had worked on and supported the resolution.

Council questions:

Volan asked if the students from Bloomington High School North and South represented their schools or were simply part of Y.E.S.

Clemmer answered the students did not represent the schools but were present to support the resolution.

Volan asked if any thought went into bringing the schools closer into the city in order to make bicycle routes more accessible.

Clemmer stated she did not believe moving the schools would be possible. She said she was unable to find a safe bicycle route to some of the schools.

Sims asked when the proposed water refilling stations would be shut off. Resolution 19-11 (cont'd)

Clemmer explained that most outdoor filling stations would shut off when the water fountains shut off. She said the water filling station at Switchyard Park would remain on at all times of the year.

Alexander added that stations would shut off when the fountains shut off because it would be too costly to install new infrastructure.

Piedmont-Smith asked what projects Y.E.S. would be working on in the future.

Alexander explained that Y.E.S. hoped to present the resolution to the Monroe County Council and to eventually approach other cities in Indiana to adopt the resolution.

Clemmer said the group hoped to spread awareness statewide and to include more lofty goals in the resolution over time.

Rollo asked what lessons were learning during the process of writing the resolution.

Clemmer and Alexander spoke about their experiences and plans for the future.

Darryl Boggess, Nidhi Krishnan, Joelle Jackson, Sara Rainier, Angie Shelton, Madeline Hirschland, Wesley Cammenga, Cathleen Boggess, Bella Clemmer, and Darby FitzSimmons spoke in support of the resolution. Public comment:

Alex Crowley, Director of Economic and Sustainable Development, voiced support for the resolution on behalf of the city administration.

Ruff complimented the students for their work. He said climate change was a unique issue that meant policy makers could not proceed with business as usual. He urged young people to keep pressuring politicians to make changes. Council comment:

Volan pointed out that the resolution was not city code, but should be kept in mind when the city thought about the built environment. He said that the resolution should be used as a guide for creating policies concerning transportation and the environment.

Piedmont-Smith thanked the presenters for creating and proposing the resolution. She said some of the provisions of the resolution were easier to accomplish than others, but said hard goals needed to be set to adequately address climate change. She encouraged students to hold public officials to the goals that were being set. She read a quote by activist Greta Thunberg.

Rollo stated he was impressed with all those who had helped create the resolution. He said the environment was changing and everyone needed to reexamine their one habits to help address the issue. He saw the resolution as a directive to the city when making future policies. He said he supported Resolution 19-11.

The motion to adopt Resolution 19-11 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0.

Vote on Resolution 19-11
[9:57pm]

Volan moved and it was seconded that Resolution 19-12 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis.

Volan moved and it was seconded that Resolution 19-12 be adopted.

Doris Sims, the Director of Housing and Neighborhood Development Department, presented the resolution to the Council, and asked that the Council approve an intra-category transfer of funds within the housing trust fund. She said the funds would be used for an affordable housing project.

There was no public comment.

Sandberg said she supported the resolution and the project it would help fund. .

Piedmont-Smith thanked Sims and other city staff for their work. She said the approval process for such transfers was important.

The motion to adopt Resolution 19-12 received a roll call vote of Ayes: 5, Nays: 0, Abstain: 0.

Sandberg moved and it was seconded that Resolution 19-09 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis.

Sandberg moved and it was seconded that Resolution 19-09 be adopted.

Piedmont-Smith summarized the process followed by the Council's Jack Hopkins Social Service Funding Committee and described the proposed resolution.

Sandberg voiced her support for the resolution and emphasized the importance of the program to providing support to different non-profit organizations within the community.

Rollo asked how much funding had been requested.
Council Administrator/Attorney Dan Sherma said the total request for funding amounted to \$617,394.

There was no public comment.

The motion to adopt Resolution 19-09 received a roll call vote of Ayes: 5, Nays: 0, Abstain: 0.

Resolution 19-12: To Review and Approve the Intra-Category Transfer and Expenditure of \$100,000 or More within a Covered Fund under Ordinance 18-10 (Additional Fiscal Oversight by the Common Council) – Re: A \$250,000 Transfer from Line 399 (Other Services and Charges) to Line 396 (Grants) within the Housing Trust Fund (#905) and Expenditure of Transferred Funds

Public comment:

Council comment:

Vote on Resolution 19-12
(10:02pm)

Resolution 19-09: Authorizing the Allocation of the Jack Hopkins Social Service Program Funds for the Year 2019 and Related Matters

Council questions:

Public comment:

Vote on Resolution 19-09
[10:10pm]

Sandberg moved and it was seconded that Resolution 19-10 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis.

Resolution 19-10: Waiving Current Payments in Lieu of Taxes (PILOT) by the Bloomington Housing Authority to the City

Sandberg moved and it was seconded that Resolution 19-12 be adopted.

Doris Sims, the Director of Housing and Neighborhood Development Department, stated the resolution was an annual action taken by the city to forgive the payment in lieu of taxes (PILOT) by the Bloomington Housing Authority (BHA), which amounted to \$35,365 for the year.

Amber Scoby, Executive Director of the BHA, said BHA had to calculate and request forgiveness from the PILOT each year. She explained that by forgiving the PILOT, the city enabled BHA to use that money to serve residents.

There was no initial council comment.

Council comment:

There was no public comment.

Public comment:

Sandberg said the resolution had been thoroughly discussed at the previous meeting and expressed her support for Resolution 19-10.

Council comment:

The motion to adopt Resolution 19-10 received a roll call vote of Ayes: 5, Nays: 0, Abstain: 0.

Vote on Resolution 19-10
[10:14pm]

Sandberg moved and it was seconded that Resolution 19-08 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis.

Resolution 19-08: To Approve ~ Revised Cooperation Agreement Between the City of Bloomington ("City") and the Bloomington Housing Authority ("BHA") for Provision and Operation of Low Income Housing Units and Associated Payment In Lieu of Taxes by BHA in Exchange for City Services

Sandberg moved and it was seconded that Resolution 19-08 be adopted.

Amber Scoby, Executive Director of BHA, explained the need to update the cooperation agreement between the city and BHA.

Amanda Stephens, an attorney and a representative of BHA, explained the changes made to the agreement.

There was no public comment.

Public Comment:

Sims said he supported the resolution and thanked those who had worked on it. He said public housing was one part of the housing stock that the community needed.

Council Comment:

Piedmont-Smith thanked Scoby and Stephens for making the agreement as clear as possible. She said the agreement would help BHA continue to provide housing for those in need in the community.

Rollo reminded the Council and the public that the resolution had been previously reviewed.

The motion to adopt Resolution 19-08 received a roll call vote of Ayes: 5, Nays: 0, Abstain: 0.

Vote on Resolution 19-08
[10:22pm]

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

There was no legislation for first reading.

LEGISLATION FOR FIRST
READING

There wer no changes to the council schedule.

COUNCIL SCHEDULE

The meeting was adjourned at 10:24 pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this
31st day of July, 2019.

APPROVE:

ATTEST:



Dave Rollo, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington