In Bloomington, Indiana on Wednesday, March 03, 2021 at 6:30pm, Council Vice President Sue Sgambelluri 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
March 03, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Ron Smith, Stephen Volan
Councilmembers absent: Jim Sims

ROLL CALL [6:32pm]

Council Vice President Sue Sgambelluri summarized the agenda.

AGENDA SUMMATION [6:33pm]

Flaherty moved and it was seconded to amend the agenda to consider items for first reading prior to items for second reading. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to amend the agenda [6:36pm]

Flaherty moved and it was seconded to approve the minutes of January 6, February 25, and February 24, 2021. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:37pm]

January 6, 2021 (Organizational Meeting)

February 24, 2021 (Special Session)

February 25, 2021 (State of the City Address)

Sandberg announced that the Jack Hopkins Social Services Committee was starting the annual spring round. She also stated that the Plan Commission would start hearing the revisions to the Unified Development Ordinance (UDO).

REPORTS

- COUNCIL MEMBERS [6:39pm]

Rollo extended kind thoughts to Doris and Jim Sims.

Volan echoed Rollo's sentiments.

Sgambelluri thanked Adam Wason, Director, Public Works, for his and the Public Works department's work during the snow storm. She also thanked Holly McLauchlin, Public Affairs Specialist, Utilities Service Center, for her responsiveness during the water main break in Matlock Heights. She also commented on her upcoming constituent meeting.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES [6:44pm]

There were no council committee reports.

- COUNCIL COMMITTEES [6:44pm]

Mark Allen Sturdevyant expressed concerns about Centerstone's contribution to the homeless situation in Bloomington.

- PUBLIC [6:45pm]

Mark Teller commented on the wellness check bodycam videos by the Bloomington Police Department (BPD) where it appeared that an individual was deceased.

Elizabeth Cox Ash addressed density in McDoel Gardens and housing in Bloomington.

- Public (*cont'd*)

Donyel Byrd discussed the bodycam footage of the wellness check by the BPD which demonstrated inhumane care. She also commented on the universal declaration of human rights, and provided examples of ways to conduct wellness checks other than the police.

Kay Goodman spoke about a recent robbery at a social services agency embedded in the Crestmont neighborhood and concerns about police actions that day.

Jana Arthur commented about safety and basic human needs. She also thanked the staff at Shalom/Beacon. Arthur discussed the difficulties of being unhoused and stated that the people who helped her had saved her life.

Renee Miller spoke about public parks and the city's decision to spend thirty million dollars on another park, and urged the council to take care of the unhoused community members. She also stated that the welfare check recently done by BPD was not done properly.

Alex Goodlad commenced a moment of silence for James "JT" Vanderberg, who was the individual who died at some point before or after the wellness check by BPD officer.

Jada Bee spoke about the wellness check conducted by the BPD officer which demonstrated the ineffectiveness of police and said that responsibility should be taken away from BPD, with funding, to agencies that already existed that supported things like wellness checks.

Veronica Fasio read a letter written by Jessica Stump who was currently in the hospital with Covid-19 as an unhoused community member.

Flaherty moved and it was seconded to extend public comment by six minutes. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to extend public comment [7:12pm]

Nicole Johnson spoke about the bodycam footage of the wellness check and stated that BPD's current approach was unsatisfactory because the current protocol prohibited social workers from being first responders.

Public comment: (*cont'd*)

Sandberg moved and it was seconded to make the following appointments:

- For the Commission on the Status of Black Males: to appoint Valence Hayze to seat C-1.
- For the Commission on the Status of Children and Youth: to appoint Mecca Burris to seat C-3.
- For the Martin Luther King, Jr. Birthday Celebration Commission: to appoint Jessica Davis to seat C-1, and to appoint Malik McCluskey to seat C-3.
- For the Animal Control Commission: to reappoint Chris Hazel to seat C-2.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:17pm]

APPOINTMENT TO BOARDS AND COMMISSIONS (*cont'd*)

Flaherty moved and it was seconded to make the following appointment:

- For the Human Rights Commission: to reappoint Pamela Jackson to seat C-1.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Rosenbarger moved and it was seconded to make the following appointment:

- For the Historic Preservation Commission: to appoint Matthew Seddon to seat C-4.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

LEGISLATION FOR FIRST READING [7:22pm]

Flaherty moved and it was seconded that Ordinance 21-07 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 21-07 To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for Parcel E of the Thomson PUD. Re: 300 W. Hillside Drive (Tom Brennan, Petitioner)

Rollo moved and it was seconded to refer Ordinance 21-07 to the Land Use Committee, to meet on March 10, 2021 at 5:30pm.

There was brief council discussion.

Council discussion:

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to refer Ordinance 21-07 to the Land Use Committee [7:27pm]

Flaherty moved and it was seconded that Ordinance 21-08 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 21-08 To Amend the City of Bloomington Zoning Maps by Rezoning 87 Acres from Planned Unit Development to Mixed-Use Corridor (MC) – Re: 3100 W. Fullerton Pike (Bill C Brown Revocable Trust, Petitioner) [7:28pm]

Piedmont-Smith moved and it was seconded to refer Ordinance 21-08 to the Land Use Committee, to meet on March 10, 2021 at 5:30pm.

The motion received a roll call vote of Ayes: 7, Nays: 1 (Rollo), Abstain: 0.

Vote to refer Ordinance 21-08 to the Land Use Committee [7:30pm]

Flaherty moved and it was seconded that Ordinance 21-09 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 21-09 To Amend Title 9 of the Bloomington Municipal Code Entitled "Water" (Rate Adjustment) [7:31pm]

Rollo moved and it was seconded to refer Ordinance 21-09 to the Committee of the Whole, to meet on March 10, 2021 at 7:00pm.

There was robust council discussion pertaining to the referral of Ordinance 21-09 to a council standing committee or to the Committee of the Whole.

Council discussion:

The motion received a roll call vote of Ayes: 4 (Rollo, Sgambelluri, Smith, Sandberg), Nays: 4, Abstain: 0. FAILED.

Vote to Refer Ordinance 21-09 to Committee of the Whole [7:40pm]

Flaherty moved and it was seconded that Ordinance 21-10 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Rollo moved and it was seconded to refer Ordinance 21-10 to the Committee of the Whole, to meet on March 10, 2021 at 7:00pm.

Ordinance 21-10 – An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City's Waterworks Utility, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Waterworks Utility and Other Related Matters [7:42pm]

There was council discussion regarding the referral of Ordinance 21-10, as well as the required notice of public hearing.

Council discussion:

The motion received a roll call vote of Ayes: 4 (Rollo, Sgambelluri, Smith, Sandberg), Nays: 4, Abstain: 0. FAILED.

Vote to Refer Ordinance 21-10 to Committee of the Whole [7:46pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:48pm]

Flaherty moved and it was seconded that Resolution 21-03 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis. There was no do-pass recommendation.

Flaherty moved and it was seconded that Resolution 21-03 be adopted.

Resolution 21-03 – To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds For 2021

Brent Pierce, Assistant Director of the Housing and Neighborhood Development (HAND) Department presented the legislation. He discussed the Community Development Block Grant (CDBG) Funding Recommendations for Fiscal Year 2021, objectives, social service funding, citizen participation, available funding, and distribution and allocation of funding.

Council questions:

Piedmont-Smith asked about the timeline of the move of the New Hope Family shelter and if funding was for the new facility.

Pierce said that funding was for the new facility and would fit with the timeline.

Piedmont-Smith asked if the agency received the funding up front and not a reimbursement.

Pierce confirmed that was correct.

Piedmont-Smith inquired the city's ability to allocate any programming income received.

Pierce explained that there had not been programming income since 2016, and it would have to be spent prior to allocating CDBG funding.

Sandberg stated the suggested guideline of 15% for funding of social services by the Housing and Urban Development (HUD) and asked if the city had traditionally spent the full 15%.

Pierce confirmed that the city spent the full amount allowed by federal law.

Smith asked when the process had begun.

Resolution 21-03 (*cont'd*)

Pierce stated that the city was notified the previous week of the funding. An action plan was being worked on to present to HUD.

Council discussion:

Smith thanked Pierce and HAND staff for their work.

Piedmont-Smith asked for clarification on the requested funds matching exactly the funded amount for each agency.

Pierce clarified that there was enough money to fully fund each applicant's request.

Piedmont-Smith asked for further clarification.

Pierce explained that there was also additional funding in the form of reserves which helped fully fund the requested amounts.

Mark Sturdevant commented on Centerstone.

Public comment:

John Zody introduced himself as the incoming Director of HAND.

Piedmont-Smith thanked Pierce and former Director of HAND, Doris Sims, for their work in assisting agencies to help the neediest in the community.

Council comment:

Sgambelluri thanked those who worked on the CDBG project as well as the Citizen Advisory Committee.

The motion to adopt Resolution 21-03 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 21-03 [8:14pm]

Flaherty moved and it was seconded that Resolution 21-06 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis. There was no do-pass recommendation.

Resolution 21-06 – To Approve "The City of Bloomington Tax Abatement Program General Standards" Which Amends and Supersedes All Former Versions of the City's Tax Abatement Program Criteria and Procedures [8:15pm]

Flaherty moved and it was seconded that Resolution 21-06 be adopted.

Jane Kupersmith, Assistant Director of Small Business Development, Economic and Sustainable Development Department, presented the legislation. She discussed tax abatement general standards and guidelines, and provided examples.

Rollo commented on the criteria and asked why both increasing wages and providing affordable housing was not required.

Council questions:

Kupersmith explained that an abatement might only have one to two jobs which justified having either increased wages or affordable housing.

Smith asked for clarification on the effect of tax abatements.

Kupersmith said that affordable housing was an important priority with abatements. She said that abatements were a tool for economic development and explained further clauses in abatements.

Geoff McKim expressed support for Resolution 21-06.

Public comment:

Nathan Mutchler commented on city spending.

Piedmont-Smith thanked everyone involved in the revisions within Resolution 21-06.

Council comment:

Flaherty also thanked Kupersmith and the commission and said he would support Resolution 21-06.

Resolution 21-06 (*cont'd*)

Rollo agreed with Cms. Piedmont-Smith and Flaherty and said Resolution 21-06 was a community need.

Council discussion:

Rosenbarger also thanked Kupersmith and highlighted certain considerations and goals in the Sustainability Action Plan (SAP). She commented on other Plans and their benefits.

Vote to adopt Resolution 21-06 [8:32pm]

The motion to adopt Resolution 21-06 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Ordinance 21-06 – To Amend Title 2 ("Administration and Personnel") of the Bloomington Municipal 4 Code Re: Adding Chapter 2.87 (Protections for People Experiencing Homelessness) [8:33pm]

Flaherty moved and it was seconded that Ordinance 21-06 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis. There was no recommendation from the Committee of the Whole.

Piedmont-Smith moved and it was seconded to refer Ordinance 21-06 to the Public Safety Committee to meet on March 10, 2021 at 7pm to report back to the Council at the Regular Session on April 7, 2021. She provided supporting information for the motion.

Council questions:

Flaherty supported to referring Ordinance 21-06 to the Public Safety Committee because it was important for the administration, councilmembers, and the public to have ample time to review the materials pertaining to Ordinance 21-06.

Volan provided reasons for his support in referring Ordinance 21-06 to the Public Safety Committee, including the absence of Jim Sims due to a death in the family, concerns over humanitarian issues, and the complex amendments to Ordinance 21-06.

Sandberg agreed on the complexity of the issue at hand, but after much deliberation and feedback, she did not believe the current path was amendable. She would be voting against the referral to committee because a broader coalition with community members was necessary.

Rosenbarger referenced the ordinance on towing that was considered in 2020, which had been in rough shape, so multiple meetings were held to draft something that most were in agreement with. She proposed council do the same with Ordinance 21-06.

Smith commented that all councilmembers wanted to help the homeless, but he was dismayed that the councilmembers in opposition to Ordinance 21-06 were being vilified. He said that Ordinance 21-06 did not serve people who were homeless, but instead drove a wedge in the community. He said he would not be supporting Ordinance 21-06.

Volan asked Smith if he would consider an amendment by substitution or if he intended to bring alternative legislation to address the problem.

Smith stated that he was not familiar with amendment by substitution.

Volan asked if Smith believed that the issue could be solved by a single and perfect ordinance.

Smith stated that he did not and instead sought a compromise.

Flaherty noted that one amendment was a middle-ground approach. He also noted that the business community and the service providers in the community agreed that additional time and

discussion would be helpful. He urged his colleagues to allow Ordinance 21-06 to proceed through a normal legislative cycle.

Rollo said that Ordinance 21-06 was irredeemable in its current form. He said that not referring Ordinance 21-06 to committee did not preclude additional discussion on the topic it was addressing.

Volan asked Rollo if he believed if any legislation would improve the situation.

Rollo asked for clarity or an example.

Volan clarified that he was asking if Rollo believed the issue could be addressed and the problem solved.

Rollo stated that legislation had a role, but that Ordinance 21-06 was very divisive.

Volan asked if Rollo intended to bring legislation to address the problem.

Rollo responded that he was not sure and that more community discussion was necessary.

Sandberg commented that she believed that the issue could be addressed through legislation, but that it should be done in cooperation with employees, administration, broader coalition of professionals in the health care and caring fields, and that a pause was necessary. She stated that it was not helpful to ask those in opposition to come up with a magical solution on the spot. She said that the community was divided and that Ordinance 21-06 was drafted without consideration of city employees who would be responsible for enforcement.

Piedmont-Smith noted that the problem was urgent and that if Ordinance 21-06 failed, it would sweep the problem under the rug. She said the issue was life or death, and that individuals were criminalized for sleeping. She explained that there was already one death and there could be more. She asked those in opposition to Ordinance 21-06 to bring forth legislation and also noted the amendments to the legislation. She commented that those in opposition were short-changing Cms. Rosenbarger and Flaherty who had worked with the administration and employees in the field, as well as those experiencing homelessness. She urged her colleagues to allow for more time to work on the legislation.

Flaherty spoke about the merit of divisive issues being heard, and provided examples. He also spoke about the legislative process, public input, and the purpose of committee meetings. He urged his colleagues to extend time for consideration of Ordinance 21-06.

Sgambelluri stated she did not have alternative solutions, and discussed the legislative process. She said that Ordinance 21-06 was originally constructed without the critical feedback of the administration and the business community. She favored taking a step back to work with community partnerships to draft a better plan. She disagreed that by not passing Ordinance 21-06 that many years would lapse before addressing the issue.

Rosenbarger reminded council that all councilmembers were invited to participate in the drafting process of Ordinance 21-06 with the sponsors of the legislation. She referenced many emails sent by the sponsors. She said that only one councilmember showed interest in participating.

Ordinance 21-06 (*cont'd*)

Council questions:

Ordinance 21-06 (*cont'd*)

Rollo stated that the administration had been working on the issue, and said that Ordinance 21-06 was flawed and irredeemable. He spoke about the consequences of allowing the unhoused population to sleep in public parks, which had resulted in one death. He commented on the legislative process, and that Ordinance 21-06 had caused division in the community.

Council questions:

Sandberg disagreed that a welcoming mat was laid out for councilmembers to participate in the drafting of Ordinance 21-06 and said that it was not valuable public policy. She commented that she learned that Ordinance 21-06 had not been vetted by staff. She explained that those who opposed Ordinance 21-06 cared about the unhoused population, and that they wanted to move towards a better plan with stakeholders. Sandberg stated that Ordinance 21-06 was flawed policy and that was why she opposed it.

Piedmont-Smith said that she had never accused her colleagues of being opposed to helping people who were experiencing homelessness. She explained that she saw an urgency that was not seen by all councilmembers and provided examples of the urgent and upcoming needs. She spoke about park closing times, trespassing, and stated that she believed councilmembers in opposition cared about the issue at hand. She commented that the individual who had passed away, had had a tent and heater prior to the first sweep of the encampment at Seminary Park, and later did not have either prior to his passing. She welcomed better legislation from council.

Flaherty reminded council to keep discussion focused on the current motion. He also commented that he had emailed councilmembers multiple times before Ordinance 21-06 was drafted. He noted that Council President Sims was not able to be present, but that his input would be valuable as Chair of the Public Safety Committee. Flaherty said that it was a disservice to force a vote and urged council to send Ordinance 21-06 to committee.

Volan commented on the legislative cycle and the benefit of there being five Wednesdays in March. He noted that Sgambelluri was the only councilmember in opposition of Ordinance 21-06 who had expressed interest in forming alternative legislation. He spoke about the legislative process and opportunities for improving proposed legislation. He questioned if those in opposition to Ordinance 21-06 believed that legislation should not be initiated by council but by the administration primarily.

Sgambelluri said that she was beyond concerned about the polarizing language at the meeting. She believed that sending Ordinance 21-06 to committee delayed a better discussion and plan for the urgent issue at hand. She preferred moving towards a more inclusive and productive discussion, sooner.

Vote to refer Ordinance 21-06 to Public Safety Committee [9:20pm]

The motion received a roll call vote of Ayes: 4 (Volan, Rosenbarger, Flaherty, Piedmont-Smith), Nays: 4, Abstain: 0. FAILED.

Flaherty moved and it was seconded to adopt Ordinance 21-06.

Rosenbarger presented Ordinance 21-06.

Mary Catherine Carmichael, Director of the Public Engagement in the Office of the Mayor, spoke about the discussion regarding individuals experiencing homelessness. She said there were many

Ordinance 21-06 (*cont'd*)

services and facilities available that were not under the purview of the city. Examples included the arts community, youth sports, mental health organizations, and addiction treatment facilities. She explained that the city partnered with many organizations, but that the city did not have the specialized knowledge, skills, and resources to provide the specific services to address homelessness.

Beverly Calendar-Anderson, Director of Community and Family Resources (CFR) department, spoke about the core values of the community. She discussed the administration's community partnerships including a database of free and reduced food programs. She explained that the city was not solely responsible for solving housing insecurity and that it relied on community partners like Beacon, Wheeler Mission, New Hope, Middle Way House, and Centerstone, who had experience and resources. She also discussed funding by the city for organizations that provided social services to those in need, as well as the winter shelter, the women's shelter at Wheeler Mission, the warming space at Beacon, support for Kinser Flat apartments, and more. She said the total funds that were committed by the city was $1,325,012 for 2020/2021. A working group convened by the mayor was discussing long-term solutions for housing insecurity for low income families. She spoke further about the collaborative efforts in Bloomington and Monroe County and provided examples. She explained that the working group was focusing on supporting long-term strategies to address acute housing issues, and create an actionable plan.

Philippa Guthrie, Corporation Counsel, commented that Ordinance 21-06 posed a significant risk of liability for the city and provided examples. She spoke about the broad definition of an "emergency," the lack of clarity on what constituted "all reasonable efforts" to notify campers, and on what constituted "adequate space" for campers. Guthrie also discussed compliance of laws and regulations including the state fire code, public health requirements, disability access, and more. She said the city's insurance rates would likely go up, and she explained the risk of lawsuits. Guthrie stated that there were practical and policy issues that made the legislation difficult to comply with leading to unintended consequences. She provided examples and spoke about other concerns regarding Ordinance 21-06. Guthrie stated that the similar legislation that was passed in Indianapolis had flaws and was amended recently. She explained the changes. She also commented on recent lawsuits pertaining to homelessness in other states. Guthrie urged the council to not vote in favor of Ordinance 21-06.

Council questions:

Rollo asked Rosenbarger how many neighborhood associations she spoke to about Ordinance 21-06 and its impact on them.

Rosenbarger responded that she had two constituent meetings where Ordinance 21-06 was discussed but that she did not attend neighborhood association meetings.

Rollo asked if there was community support for Ordinance 21-06.

Rosenbarger stated that there was.

Rollo asked if the westside neighborhood supported Ordinance 21-06.

Rosenbarger said there were people for and against Ordinance 21-06.

Piedmont-Smith stated that she had also discussed Ordinance 21-06 at her constituent meeting and that there were also people for and against it.

Ordinance 21-06 (*cont'd*)

Council questions:

Smith asked if the sponsors knew the number of unhoused people.

Flaherty said that there were two distinctions regarding the unhoused population. First, there were individuals who either could not go to a shelter because it was full, or because they were not allowed. Second, there were individuals who were unwilling to go to a shelter, for a variety of reasons. The number of unhoused people fluctuated throughout the year. In January, outreach workers from Beacon counted around forty in the Seminary Park area and around sixty to sixty-five total. Flaherty reminded everyone that the winter shelters would close soon so the numbers would likely increase.

Smith asked if the sponsors had discussed possible areas for individuals to camp on, with organizations that worked with the unhoused population, specifically near those organizations.

Flaherty said that he had not discussed that specific topic with organizations and that he suspected that zoning prohibited that from being allowed. He said that he did not know of any organization that had land to offer for camping.

Smith asked if agencies had suggestions for resolving homelessness.

Flaherty said that housing the unhoused was the answer and would resolve homelessness. He said there was concern amongst experts that building more shelters would potentially have an adverse effect. He clarified that Ordinance 21-06 was not attempting to resolve homelessness but rather to not make it illegal for someone to sleep overnight in public spaces.

Volan asked the sponsors to list the community organizations that were directly involved with providing services to the unhoused that have signed off on Ordinance 21-06.

Flaherty described community organizations and affiliates and how they were structured. He said he did not have a complete list of Region Ten Continuum of Care Board but noted that there were sheltering agencies and housing agencies that operated within Housing and Urban Development (HUD) and Indiana Housing and Community Development Authority (IHCDA) too.

Volan asked if the Continuum of Care Board had an opinion on Ordinance 21-06.

Flaherty stated that the board had drafted a letter of support for Ordinance 21-06.

Rosenbarger read the letter.

Volan asked what the administration's response was to the letter.

Calendar-Anderson said that the administration was beholden to the entire city and that they were seeking the best solution for the community. She said that the Continuum of Care Board did not have the same responsibility.

Volan asked if she knew of any agencies in opposition to Ordinance 21-06.

Calendar-Anderson stated that she had not spoken with all of the organizations within the Continuum of Care Board.

Sandberg asked about the logistics of retrofitting parks with restrooms, et cetera.

Paula McDevitt, Director of Parks and Recreation Department, spoke about the department's processes. She spoke about the fiscal impact, and what was required if Ordinance 21-06 was passed. She reviewed the estimate of making a camp site for approximately seventy-two people including site preparation, budget, monthly costs, and one-time costs, maintenance, and partnerships with social workers, counselors, mental health workers, and more.

Ordinance 21-06 (*cont'd*)

Council questions:

Rollo commented that he was told that at an Elm Heights meeting that Flaherty had referred to the drafting of the legislation as a "chess game" with the administration and asked if that was accurate. He stated that he was cynical about the intent of Ordinance 21-06 and asked what the sponsors' end game was.

Flaherty said that he did not recall making that characterization. He commented on the political process and amendments. He said that there was no traction with the administration regarding a meaningful conversation about making it legal to sleep outside if someone had nowhere else to go.

Rollo said that the implications of Ordinance 21-06 were unclear and ambiguous. He said that it was divisive for the community and asked if that was part of the sponsors' strategy and plan.

Volan objected to the line of questioning by Rollo.

Rollo stated that his questions were in regards to the unclear implications and goals of Ordinance 21-06.

Sgambelluri interjected and asked Flaherty if he wanted to respond to Rollo's question.

Flaherty said that the goal of Ordinance 21-06 was to grant people a legal place to sleep when they had nowhere else to go and to highlight housing solutions.

Rollo stated that did not lead to shelter and kept homeless people in encampments.

Flaherty disagreed with that characterization. He said that the members of the Continuum of Care Board, those who worked with the unhoused, believed it necessary for granting stability, dignity, and rights to the unhoused population on the path towards housing solutions to reduce homelessness.

Rollo asked how many people would be residing in the parks.

Flaherty stated that he could not predict the unhoused population in Bloomington.

Flaherty asked Calendar-Anderson about the statement she read from Efrat Feferman and Tina Peterson from the Community Foundation and United Way, and asked about the specific issue of where someone could legally sleep if they had nowhere else to go. He explained that he and the co-sponsors had discussed that with Feferman and Peterson who said they were not well-suited to handle that topic. He asked if they had spoken to that specific issue.

Calendar-Anderson said they had discussed collaboration and that housing insecurity was a regional, as well as long term, issue, and that permanent solutions being discussed by the working group.

Sgambelluri asked about declaring an area an emergency.

Flaherty said that the Monroe County Health Department could identify a public health emergency, and that latitude was given to the mayor and his designees, including the Chief of Police, to declare an area an emergency through a written declaration. Chief Mike Deikhoff had stated that each situation was unique, and there was a need for flexibility. He said that Ordinance 21-06 intended to defer to various experts to declare an emergency.

Sgambelluri asked how fifteen days and forty-eight hours for notices had been determined.

Rosenbarger stated that the fifteen day notice was taken from the legislation in Indianapolis, which seemed to work well. She said that an additional notice of two days was also included but that those durations of time could be amended.

Ordinance 21-06 (*cont'd*)

Council questions:

Piedmont-Smith asked what the city would do when the winter shelters closed and there were more people sleeping outside.

Carmichael responded that she was not sure if the closing of winter shelters was mandated nor was it the city's choice. She said that there might be a proven need to keep the shelters open longer and that additional conversation with the community could be had.

Calendar-Anderson said the city was in communication with the shelters, which would close at the end of April, and depending on the pandemic, the shelters might remain open longer. She spoke about ongoing conversations and what the need might be.

Piedmont-Smith stated that the city did not provide any funding for the new shelter with Beacon, and asked about potential new city funds to keep that shelter open. She asked if a cost-risk analysis had been done pertaining to keeping the shelters open longer, and legally allowing overnight sleeping in the city.

Calendar-Anderson said the city was not asked to provide funding for that shelter.

Carmichael said that the city would not be the only funding agency to keep that shelter open. She said that it was another opportunity for a community conversation.

Calendar-Anderson stated that a lot of what the city had done was work with community partners.

Piedmont-Smith asked if the city had a policy about allowing encampments as the weather got warmer.

Carmichael said that if individuals chose to sleep outside that was their right.

Piedmont-Smith asked if the city would continue to clear encampments.

Carmichael said that if encampments were in violation of park rules, then the city would continue to enforce the no-trespass rule between 11:00pm and 5:00am.

Rosenbarger asked McDevitt how the estimate regarding workers needed if Ordinance 21-06 passed was determined.

Carmichael responded that if it was a city-owned property, then the city was de facto responsible.

McDevitt said that they ran a program in partnership with Monroe County Health Department, Indiana University Health Bloomington, and Centerstone which showed that people were in need of services. Her department did not have the resources or expertise to address some of the services that the unhoused community members needed. Ordinance 21-06 outlined that the city would be responsible for locating temporary, permanent housing and more appropriately managed by a case manager.

Volan commented that it was 10:45pm and said that a full conversation was warranted without going until 2:00am.

Volan asked McDevitt about the estimated annual, and one-time, costs. He asked if the goal was to reduce homelessness and get people out of the camp.

McDevitt said that the city did not know how long it would take to get people into homes. Social workers and case managers could locate the unhoused in parks and assist them with housing and employment. She said that having experts there was beneficial to those seeking assistance.

Volan agreed and asked if site maintenance would be sufficient for camps, like trash service, site management, and bathrooms. He asked why the city would need to provide services instead of just site maintenance.

Ordinance 21-06 (*cont'd*)

Council questions:

Carmichael said that when there were people in public spaces, the city was responsible and liable for what occurred.

Guthrie said that if the city was taking responsibility for a space that was housing people, then precautions were needed to reduce risk.

Volan asked if there was that level of staffing and services at Bloomington public housing.

Carmichael stated that the city did not run that program.

Volan asked McDevitt to breakdown the monthly cost of site management.

McDevitt explained the estimated monthly costs, including fencing, lighting, sites with restrooms, port-o-pots, and a dumpster. She also mentioned supplies that would be necessary to managing a site, as well as a site specialist who would be responsible for maintaining the site. She said that it would be a twenty-four hour site which would be staffed at all times.

Sandberg asked Wason about other public properties within the one-mile radius as listed in Ordinance 21-06 that might be suitable for an encampment arrangement.

Wason responded that the city owned a variety of properties but only one that would be suitable was on West Third Street. It was a forested parcel located between two commercial properties.

Sandberg commented on the commercial properties next to the parcel, including Culvers.

Wason further described the parcel.

Sandberg stated that was not a park, but only a city-owned parcel. She asked about retrofitting that parcel to be in compliance with Ordinance 21-06.

Wason stated that he did not know but it was over 80% wooded.

Sandberg asked about the responsibility of Public Works for encampments at parks and what the cost would be.

Wason spoke about the efforts he and his staff put forth with the parks department in cleaning up Seminary Park. It took a lot of extra resources but he did not have a dollar amount.

Sandberg stated that her question regarding options for encampments other than parks demonstrated that there were none. It put everything back on McDevitt and the parks department.

Smith asked Piedmont-Smith if they had asked local providers if they would be able to manage a site if the city could find one.

Piedmont-Smith said that Rosenbarger and Flaherty could best answer the question since she was not involved with the communications with local providers due to the concern of a quorum of councilmembers.

Flaherty responded that the origins of Ordinance 21-06 did not task the city with finding a space for encampments, but rather provided for that as a possibility. The purpose of the legislation was to not consider sleeping outdoors illegal for those who did not have other options or felt they did not. He said that managing a site was not specifically discussed with local providers because it was not the original purpose of Ordinance 21-06. He noted that the changes to the Indianapolis ordinance tasked city staff with exploring the feasibility of designating a specific location where people would be allowed to camp. He further explained the sponsors' goals with drafting Ordinance 21-06.

Smith asked if the sponsors attempted to find a private piece of land where the owner would allow the encampments or donate land.

Flaherty said that if it were donated then it would be allowed in Ordinance 21-06 as written.

Ordinance 21-06 (*cont'd*)

Council questions:

Smith asked about land donated to a local provider.

Flaherty explained that there was a difference between governmental roles and local providers' role. He said that having a designated outdoor space helped but did not alleviate issues like when an individual was removed from a shelter due to behavior. He reiterated the purpose of Ordinance 21-06 was to not make sleeping outside illegal and to not arrest someone if they were behaving lawfully.

Piedmont-Smith asked the administration's staff where someone experiencing homelessness could legally sleep if they did not have access to a shelter.

Guthrie said that probably nowhere and that the city would handle that situation through judicious enforcement. She said the solution was not to just allow an individual to sleep outside.

Piedmont-Smith asked Guthrie what that individual was supposed to do.

Guthrie responded that was a larger community conversation and that it was difficult for the city to find the solution on its own.

Carmichael explained that the administration did not think the city would be able to come up with the best solution. She said that she understood Piedmont-Smith's frustration with the administration's inability to answer her question.

Piedmont-Smith asked Carmichael if she agreed or disagreed that it was the government's role to help the most vulnerable in society.

Carmichael said that she agreed and discussed the division of labor in government like Township Trustees that assisted the poor.

Piedmont-Smith asked if it was Carmichael's opinion that it was not the obligation of the City of Bloomington to make sure that people could legally sleep if they had no place else to go.

Carmichael responded that practice was to allow individuals to sleep outside, but were expected to follow the no trespass rules and that the parks closed.

Guthrie added that there were other units of government and that this issue was not just the city's responsibility.

Rollo asked Diekhoff about the nature of calls to police regarding individuals in public parks. He also asked for information regarding the welfare check on "JT."

Diekhoff said there were many disturbance calls and overdose calls for individuals in public parks. He said there were sometimes several calls per day, including fights and more. The police department was short staffed and having encampments would increase the calls. Diekhoff said that his staff was familiar with Mr. Vanderberg, and that it was a tragic incident. He said that his staff had worked with him over several years. He provided more information regarding welfare checks. He said that Mr. Vanderberg was difficult and generally did not want to be bothered and provided examples of previous welfare checks on him.

Rollo asked if it was accurate that the police had taken away Vanderberg's tent.

Diekhoff said that Vanderberg did not have a tent at Seminary Park and the last time he did was when he stayed behind Kmart west.

Volan asked about having a temporary camp in Rose Hill Cemetery.

McDevitt said it was disrespectful to the families of those buried there. She explained that there were complaints about off-leash dogs at the cemetery so she did not see that as a solution.

Volan said that he understood the issue of disrespect and that the same respect was not given to others.

Ordinance 21-06 (*cont'd*)

Carmichael mentioned that the cemetery was nearly sold out of plots so there was not open space for a temporary encampment.

Council questions:

Flaherty commented on procedure, amendments, and timeliness of the meeting. He asked Diekhoff and Wason about the costs as a result of homelessness and not related to Ordinance 21-06.

Diekhoff stated that the police department's calls to Seminary Park had decreased since no one was sleeping in the park.

Carmichael added that it was also a matter of staff's hours.

McDevitt said the costs were not part of the planned budget and were incurred because of clean up services, storage, and on-call staff.

Flaherty asked if costs such as clean up services were displaced as encampments were displaced.

Carmichael agreed but said that staff would not be able to answer due to too many unknown factors.

Piedmont-Smith suggested that public comment be limited to three minutes per speaker.

Public comment:

Mark Teller commented on the meeting, the interaction between police and individuals experiencing homelessness. He said that no councilmembers in opposition to Ordinance 21-06 had reached out to the Bloomington Homeless Coalition.

Kai Freeman spoke in favor of Ordinance 21-06 and about the pandemic and its effect on individuals experiencing homelessness. He discussed issues of being unhoused, classism, and the need for an ongoing conversation.

Heather Lake mentioned the difficulty with the evening's meeting. She commented on housing, Section 8 housing, the closing of the winter shelter, and the need for a legal place to sleep.

Cathi Crabtree discussed the treatment of the most vulnerable neighbors. She said that there was an immediate need as well as a long-term, comprehensive solution, and commented on the needs at encampments and spoke about homeowner associations.

Reverend Forrest Ian Gilmore understood business owner concerns, and in working towards solutions with them. He spoke about the court precedent and the need to not make sleeping outdoors illegal. He also discussed his concerns of Ordinance 21-06 not passing through to committee.

Alex Goodlad spoke in favor of Ordinance 21-06 and said that the city did not want to have conversations about the issue. He discussed the details of costs, process, and other concerns for the unhoused population.

Elizabeth Elliot spoke in favor of Ordinance 21-06. She urged council to not criminalize sleeping.

Daniel Bingham referenced the 9th Circuit Court's decision to not criminalize sleeping in public spaces when there was no other option. He spoke in favor of Ordinance 21-06 as a start.

Lucas read a written comment by Ann Boylen who was in support of Ordinance 21-06. She said there was a human rights emergency and urged council to vote in favor of Ordinance 21-06.

Ordinance 21-06 (*cont'd*)

Public comment:

Renee Miller spoke about the behavior of councilmembers during the meeting. She also spoke in favor of Ordinance 21-06.

Mark Sturdyvant discussed issues with nonprofits, homelessness, jobs, and interactions with police. He urged council to vote in favor of Ordinance 21-06.

Jacob Schwartz thanked Flaherty, Piedmont-Smith, Volan, and Rosenbarger. He urged Sgambelluri to vote in favor of Ordinance 21-06. He scolded council for deliberating Ordinance 21-06 during a time when Council President Sims was not available.

Allyson McBride spoke about not being represented well, as a constituent, in the meeting. She discussed clearing out encampments, procedure, amendments, and tangible plans to help people experiencing homelessness.

Donyel Bird urged council to vote in favor of Ordinance 21-06 as a human rights issue. She discussed the pandemic, shelters, sleeping outdoors, and possibly having the city hire social workers and case managers.

Nina Brochen discussed reasons to support Ordinance 21-06.

Wendy Bernstein spoke against Ordinance 21-06 and defended the councilmembers in opposition of it. She said there were health problems that endangered families and children and made community members feel less safe in parks.

Jada Bee talked about the process of drafting Ordinance 21-06 and who should be considered an expert. She said that the legislation was a stop-gap to decriminalizing sleeping outside. She also discussed other divisive issues within the community. She urged council to support Ordinance 21-06.

Jean Capler read a statement by the Beacon, Inc. board of directors providing reasons to support Ordinance 21-06. She also explained the challenges that people experiencing homelessness faced and said that decriminalizing sleeping outside was a humane solution.

Alessia Modjarrad spoke in favor of Ordinance 21-06 and about her volunteer efforts at Shalom Center. She commented on the process involved with corresponding with the administration, council, and in finding a solution for homelessness. She said it was not ideal to have a vote without Council President Sims and that it was racist.

Tassie Gnady discussed cities that had created encampments that were safe and well done. She discussed costs and inflated estimates, weatherizing, and Dignity Village in Portland as a model for Bloomington to consider.

Nicole Johnson commented that the city had made it illegal to sleep outside. She said housing was a protected class and that Ordinance 21-06's purpose was to stop the infringement on the unhoused population's rights. She discussed dispersed encampments, amendments, and shelters.

Tina Honeycutt spoke in support of Ordinance 21-06 and the unhoused community. She supported housing first, the renting market, and urged council to support Ordinance 21-06 or to send it to committee for further discussion.

Ordinance 21-06 (*cont'd*)

Public comment:

Patrick Sailing said he was calling from a place where they had set up a computer to log into the meeting to make the meeting accessible. He said he was with the most vulnerable community members who were most impacted by the legislation.

Doren Taft said that he had been in Bloomington for four months and saw that there were good services provided to the unhoused population, especially compared to other cities. He commented on the ways a community could focus on having the people experiencing homelessness be included in decision making.

Trevor Richardson spoke about the urgent need regarding people experiencing homelessness. He commented on experts' recommendations from the Center for Disease Control (CDC) of leaving encampments in place. He urged council to treat the urgent need as a human rights issue.

Marshall Bailey encouraged council to vote in favor of Ordinance 21-06 and discussed the failure of the administration and mayor to solve the problem ahead of the ordinance. He also commented on the eviction of encampments.

Dave Warren mentioned that a police officer had said, during the City Citizens' Academy, that the most important thing for a police officer was to protect constitutional rights. He said that protecting the civil rights of those with the least power was a function of government. He commented on non-essential things like golf course subsidies, Farmer's Market, and said that civil rights should never be put to a cost-risk analysis.

Martin Law spoke about the divisiveness within the community and said that Ordinance 21-06 was not divisive because it sought to remove the barrier of the criminalizing of sleeping outdoors. He also commented on the estimated costs presented by the administration and the costs already being incurred by not having something in place. He urged council to vote in favor of Ordinance 21-06 and not the discourse around the problem of the unhoused population.

Jennifer Pearl commented on four primary concerns of the Bloomington Economic Development Corporation (BEDC) including employers who had experienced health safety and security issues around encampments, legal, financial, and administrative issues with Ordinance 21-06, clean and safe public spaces, and that the legislation did not solve housing insecurity. She supported a collaborative effort in solving the issues.

Chris Branam said that it was disappointing to hear councilmembers feeling vilified in the meeting while there were unhoused individuals sleeping in parks. He spoke about unity, divisiveness, and common ground. He said this was an opportunity to demonstrate that one cared about those experiencing homelessness.

Nathan Mutchler thanked the sponsors of Ordinance 21-06 and those who would vote in favor of it. He discussed the limits of the legislation, business owner concerns, and the difficulties of being unhoused. He stated that if there was a space for the unhoused without fear of eviction by the police, then they would take care of it.

Ordinance 21-06 (*cont'd*)

Public comment:

Nathan Ryder commented that the crux of the issue was not Ordinance 21-06 but rather whether it was the city's problem. He said that the split was on how to proceed and discussed the options. He said that it was cruel to raid the encampments late at night and commented that it was against the poor population.

Rylee Foster said that she wanted Bloomington to be the best it could be, and that after the long meeting and its deliberations, it did not seem to her that council was achieving that. She fully supported Ordinance 21-06 even with its shortcomings as the first step in solving the complex, multifaceted issue. She reminded council that they had the power to make a difference and should listen to the public speakers.

Sam Waterman spoke about issues concerning homelessness and the city's actions and inactions in assisting the unhoused. She also discussed the disappointing action of the council in considering Ordinance 21-06 when Council President Sims was not available. She commented on the assistance councilmembers had received from IU students.

Ronald Bear discussed the public speakers that had spoken in support of Ordinance 21-06 and the importance of passing it in terms of starting the right path towards solving homelessness. He spoke about the importance of sleeping and safety.

Talisha Coppock appreciated the social services work that had been done in the community. She did not support Ordinance 21-06 because of security issues, and health concerns. She stated there were still questions with Ordinance 21-06.

[Unknown] said that the impacts of Seminary Square had not been discussed. He explained that the legislation in Indianapolis had been years of incredible difficulty. He spoke further on the amendments to the Indianapolis legislation and the costs associated with site management.

Jana Arthur spoke from a shelter and about her experience with homelessness. She discussed her experience in working with case managers and other community members. She commented on frostbite and weather conditions that the people experiencing homelessness faced.

Amanda Sheridan discussed her experience with temporary homelessness. She spoke about low-barrier shelters and against Ordinance 21-06 because outdoor encampments were dangerous, and some people should be in mental health centers, or in jail or rehab. She commented on the success and safety of local business in the neighborhoods.

Lucas read a comment from Natalia Galvan in support of Ordinance 21-06. She commented that it was disappointing that council was considering the legislation when Council President Sims could not attend. She urged council to be aware of who was represented at the table and who was not.

Zach Muller thanked everyone for staying in the meeting for the discussion. He acknowledged that most everyone did not want individuals to sleep outside. He commented on the risk of the city being sued, and in making encampments and homelessness a permanent situation. He trusted the administration to do the work

Ordinance 21-06 (*cont'd*)

to help solve the problems though realized that attempting to solve homelessness was not the purpose of Ordinance 21-06.

Public comment:

Ben Ramsey had worked with councilmembers and walked around his house to witness complaints about living next to Crawford Apartments. He expressed disappointment for Piedmont-Smith and Flaherty in sponsoring the bill despite having heard from him and his neighbors about how the homeless were ruining Bloomington. He supported keeping people out of public areas.

Mykyla [last name unknown] spoke in favor of Ordinance 21-06 and said that the council was not representative of the community. She commented that council was more concerned with making Bloomington pretty and not being called racist than the issue. She explained that council was being held accountable for their actions. She commented on the humanity of those experiencing homelessness and about diverting funds from the police.

Basil Hentsmen thanked everyone for still attending the late meeting. She commented on resources like job assistance, etc., that were not always attainable for everyone. She explained that the bare minimum was to allow them to stay in place until a better solution was possible.

Chris Johnston commented that he had been homeless at one point, in a rural setting, and had to kill his own food to live. He came to Bloomington and was given the opportunity to live in a house again. He was now a college student studying intelligence systems engineering. He commented on his friends who were experiencing homelessness. He reiterated that people needed to have a start and spoke about the importance of first steps like allowing people to sleep outside.

Zikra Fashir commented that the meeting was very disappointing and spoke about the privilege of those discussing the most vulnerable population. She also spoke about shelters, safety, and housing.

Chase Hadley shared his experience about moving to Bloomington and his difficulty in finding housing. He said that people were going to sleep outside regardless of whether it was legal for them to set up tents in parks. He said that tents and heaters were the basic necessities to keep people alive.

Maria Bashmakov spoke in support of Ordinance 21-06 and provided reasons for her support. She urged council to support the legislation. She commented on programs that existed in other cities with success and on how the community needed to come together to solve homelessness.

Dan Combs thanked council for considering Ordinance 21-06 and for listening to public speakers. He supported Ordinance 21-06 and commented on failure and success.

Motion to postpone Ordinance 21-06

Flaherty moved to postpone Ordinance 21-06 to the Regular Session on April 7, 2021. He clarified that it would serve well to have all nine councilmembers, and that given the late hour, it would behoove council to continue deliberations at a later date.

Volan stated that the meeting was going to be the longest meeting in the tenure of the councilmembers.

Ordinance 21-06

Sandberg commented on the characterization of council deliberating without Council President Sims's presence. She said it would not be helpful to wait a month to work on Ordinance 21-06.

Council discussion: (*cont'd*)

The motion received a roll call vote of Ayes: 4 (Volan, Rosenbarger, Flaherty, Piedmont-Smith), Nays: 4, Abstain: 0. FAILED.

Vote to postpone Ordinance 21-06 [1:40am]

Flaherty moved and it was seconded to introduce Amendment 01 to Ordinance 21-06. Flaherty presented Amendment 01.

Amendment 01 to Ordinance 21-06

Amendment 01 Synopsis: This amendment is sponsored by Councilmembers Flaherty, Piedmont-Smith, and Rosenbarger. It expands the types of housing and shelter that the city may offer to people experiencing homelessness prior to closing a camp. The amendment also defines "shelter space." It clarifies that shelter space offered to persons experiencing homelessness must be available to those individuals. In other words, available shelter beds are not sufficient to satisfy the requirements of 2.87.030(b) and (d) if the shelter beds are not available to the specific individual(s) to be displaced.

Guthrie stated that the administration did not support Amendment 01 to Ordinance 21-06.

Council questions:

Piedmont-Smith stated that Ordinance 21-06 allowed the city to designate a space for encampments, but did not require it to do so.

Guthrie responded that was correct, but that if a space was not designated, then encampments could be located anywhere.

Piedmont-Smith said that Amendment 01 made it more likely that people who were currently camping would be able to find a place to stay the night.

Guthrie said that it was unclear especially since there was much discussion about there not being enough space with current shelters.

Piedmont-Smith asked if someone could go to the Human Rights Commission if they were experiencing discrimination at a shelter.

Guthrie confirmed that was correct.

Public comment:

Alex Goodlad said that Amendment 01 was better to include if it meant that Ordinance 21-06 would pass. He commented further on city actions.

Jada Bee commented on the long duration of the meeting and on the lack of a future plan by councilmembers in opposition to Ordinance 21-06. She commented further on the racist implications of the meeting.

Nicole Johnson spoke on the performative nature of the amendments, and commented on the legal aspects of Ordinance 21-06 and whether it would set up individuals experiencing homelessness to be arrested if they did not go to a shelter. She also commented on the costs described by city staff.

Renee Miller stated that criminalizing sleeping was unconstitutional. She commented on council's privilege of access to bathrooms and more, and on individuals experiencing homelessness lack of access to resources.

Amendment 01 to Ordinance 21-06 (*cont'd*)

Donyel Bird expressed her disappointment in council for refusing to allow further conversation on Ordinance 21-06. She stated that a seven-and-a-half hour meeting was not productive and that certain councilmembers simply wanted to kill the legislation. She said that Amendment 01 was not a compromise and was not ideal.

Public comment:

Cathi Crabtree urged the city to change the park rule to allow individuals to sleep in city parks. She expressed immense disappointment in council for not continuing the discussion on the issue as well as for deliberating on Ordinance 21-06 while Council President Sims was not in attendance.

Tina Honeycutt commented on the debate and duration of the meeting. She said that a different discussion could have occurred with Council President Sims in attendance. She also spoke to the clearing of encampments and shelters.

Reverend Forrest Gilmore commented that Amendment 01 was not ideal but was worthwhile if it moved more councilmembers to pass Ordinance 21-06. He stated that he was worried about those who would be sleeping outside and urged council to not sweep the problem under the rug.

Emily Pike said that Amendment 01 seemed to be a middle ground around community concerns regarding Ordinance 21-06. She commented that if it did not pass, it was necessary to put time and energy towards something that would help those sleeping outdoors.

Kai Freeman spoke about partisanship and said that the issue was one of morality. He was not impressed with Amendment 01, but was very concerned about those facing homelessness. He commented on the constituents that had reached out to councilmembers. He hoped that council would take action that showed that they valued community members.

Nico Rocha supported Amendment 01 if it helped pass Ordinance 21-06. She said it seemed that certain councilmembers wanted to kill the legislation at any cost. She also said community members would not stop bringing the issue to council.

Patrick Seyling referenced a meeting with Cm. Sgambelluri and spoke about his notes on that meeting. He mentioned individuals experiencing difficulties in finding housing resulting in homelessness.

Jacob Schwartz commented on council's deliberation of Ordinance 21-06 without Council President Sims' presence, and urged the four councilmembers who had voted against further discussion of it to resign from the city's Common Council and the Democratic Party because they did not represent his and many others' values.

Martin Law encouraged council to pass Amendment 01 with the goal of passing Ordinance 21-06. He commented that the goal of Ordinance 21-06 was to make it legal for unhoused people to sleep. He echoed disappointment in council's deliberation of the legislation with the absence of Council President Sims.

Council comment:

Volan stated that he was not supportive of Amendment 01 but would vote in favor of it in the hopes of passing Ordinance 21-06.

Amendment 01 to Ordinance 21-06 (*cont'd*)

Council comment:

Flaherty thanked the public speakers, and commented that many were not fully supportive of Amendment 01 because it undermined the dignity of those experiencing homelessness. There would still be many of the same problems, but Amendment 01 was a step forward towards procedural protections and property protections and explicit guidance and notice. He would support Amendment 01 if it would help Ordinance 21-06 to pass. He questioned what the next steps were with the business community, funding agencies, and providers, and if it was even possible to attain a viable solution.

Rollo said that he agreed with Guthrie in that the fundamental flaw was the creation of encampments in city parks. He explained that was why he believed Ordinance 21-06 to be irredeemable. Amendment 01 did not address that concern. He thanked the sponsors for trying to compromise. He opposed Amendment 01 and Ordinance 21-06.

Piedmont-Smith said that Ordinance 21-06 did not require the city to set aside locations for encampments but gave the option to do so and included all public properties. She said the legislation made it legal for individuals with no other place to go to sleep on public property and that camps were optional. She said more housing was needed and not more shelter beds and commented on some discrimination experienced at Wheeler Mission.

Smith said he still opposed Amendment 01 and Ordinance 21-06 because it was fundamentally flawed. He commented on the funds that would have to be allocated for encampments, which the city would be liable for, and that he was in favor of using those funds towards more shelters instead of allowing individuals to sleep in parks. He said that he would reach out to organizations to seek a path forward and would do more research.

Sandberg commented that Amendment 01 did not cause her to support Ordinance 21-06.

Rollo appreciated Piedmont-Smith's comment and said that it showed a fundamental difference in viewpoints. He said that he could not ignore the city's role with encampments in public parks. Ethically and practically the city had a responsibility for encampments.

Piedmont-Smith said that individuals experiencing homelessness would continue to sleep in parks, but would be hidden and without access to social service agencies. She said people would be sleeping in public spaces regardless if the city officially took responsibility. She said that according to Rollo's reasoning, the city was responsible even if Ordinance 21-06 did not pass.

Sgambelluri stated that Amendment 01 did not change her thinking on Ordinance 21-06. She commented that many did not like Amendment 01 but understood its intent as a compromise. She further commented that it was not ideal that amending Ordinance 21-06 be the only option. She did not support Amendment 01.

Rosenbarger pointed out that those who supported Amendment 01, did so not because it was ideal, but in an effort to pass Ordinance 21-06. She said it was difficult to compromise with colleagues who were not willing to compromise. She reiterated that no matter what, people were sleeping outside. The legislation as a whole might allow for individuals to sleep outside for years because there was not

enough housing. She commented that other cities had done things to create more housing like tiny villages.

Amendment 01 to Ordinance 21-06 (*cont'd*)

Flaherty read a comment by Vauhxx Booker who missed the comment period. Booker appreciated the time paid to Ordinance 21-06 but urged tabling the legislation until Council President Sims was in attendance, as the only minority on council.

Council comment:

The motion received a roll call vote of Ayes: 1 (Volan), Nays: 7, Abstain: 0. FAILED.

Vote to adopt Amendment 01 to Ordinance 21-06 [2:41am]

Flaherty, Rosenbarger, and Piedmont-Smith opted to not make a motion to introduce Amendment 02 to Ordinance 21-06.

Amendment 02 to Ordinance 21-06

Volan said that some of his colleagues appeared to be more concerned with tone than substance, and were listening to the loudest critics and not their colleagues who had done adequate research. He said that it was a political strategy to claim that Ordinance 21-06 was divisive. He was disappointed with Rollo's cynicism by questioning Flaherty's motives for bringing forward the legislation. He related it to ad hominem defense. He noted that some of his colleagues were quick to prioritize staff when they agreed with the proposed legislation, but not when they opposed legislation, like duplexes by-right. He said that they were quick to send legislation to Committee of the Whole, instead of standing committees, in order to hear from all nine councilmembers, but in this case were fine voting without Council President Sims. He commented on the duration of the meeting, inconsistencies on procedure and debate, and political choices. He pointed out that there was no agreed upon definition for the word "resident." He commented that it was time to decide how to define it and used the United Stated Census Bureau. He further commented on residency, students, and those experiencing homelessness. He urged the opponents of Ordinance 21-06 to step up and come up with a solution.

Council comments:

Rollo pointed out that Ordinance 21-06 was fast-tracked and that staff had not fully determined its entire effect before it was brought to council. He said that the outcome might not have been different had Council President Sims been in attendance, and that he had spoken to Sims about it several times. It seemed humane to allow the unhoused to sleep in public spaces until examining it further because it created de facto encampments in parks. McDevitt's estimation of an encampment in Bryan Park could not be ignored. He said that an alternative to Ordinance 21-06 was evolving and that leniency was important for those experiencing homelessness. He discussed the impacts of inviting individuals to sleep in public spaces, and that residents in neighborhoods had not been consulted. He commented on those who had spoken in opposition to Ordinance 21-06. He said low-barrier shelters were needed as well as support for service providers. He would be voting against Ordinance 21-06.

Piedmont-Smith explained that human beings have a right to sleep and members of the community who had nowhere to go, needed to be able to sleep in public. Currently, they could be forced to leave by police, which was unjust. She looked forward to solutions by the four colleagues in opposition to Ordinance 21-06. She said there were longer term solutions being identified by community organizations, but that there was an urgent need. She said that these was life or death situations and commented on the death of JT. She respected staff and recognized that it was hard work to clean up at

Ordinance 21-06 (*cont'd*)

Council comments:

Seminary Park. She also respected staff that was present in the meeting. Ordinance 21-06 did not set up encampments in parks, so therefore the sponsors did not consult with neighbors of public parks. She said that Rollo referenced the need for low-barrier shelters. She explained that more shelters were not the answer and that long term and permanent housing was the answer. She said that it was necessary to make it legal for people to lay their head. She commented on councilmembers' privilege to be able to go to sleep after the meeting and said it was a human right. She also referenced Rollo's comment that Ordinance 21-06 did not help those experiencing homelessness, but many public speakers had said that it would help. She said it was a moral imperative to support Ordinance 21-06.

Flaherty thanked everyone for the continued attendance in the meeting. He said that the notion that Ordinance 21-06 was flawed or rushed through was contradicted by the unanimous support of all of the sheltering agencies and the members of the Continuum of Care Board. He explained their expertise and the sponsors' work with those agencies in drafting the legislation. He explained the process in working with the administration and arriving at an impasse on the solution. He commented on the proposed amendments, and on the meeting with the neighborhood association in Elm Heights. He expressed disappointment in the duration of the meeting as well as the deliberation occurring without Council President Sims.

Rosenbarger expressed disappointment about the unwillingness to engage in a discussion on the topic at hand. She clarified that it was incorrect to say that homelessness was criminalized because it was not legal to sleep outside. She commented on the collaborative approach to reaching a solution. She said there was no alternative solution and that compromise was difficult with those who were unwilling to engage. The sponsors were inclusive with community partners in drafting Ordinance 21-06. She had spent hundreds of hours on the legislation and commented on the vast community support for Ordinance 21-06. She did not think it was a good approach to have the councilmembers in opposition to Ordinance 21-06 draft an alternative solution and provided reasons why. Ordinance 21-06 did not receive the due diligence it deserved. She commented on her reasons for running for city council including wanting to represent unrepresented populations and not just the status quo.

Sgambelluri commented on different entities' duties including the city, council, and more. She said that the city would need partnerships, and recognized the expertise that went beyond the city. She commented on the training of police and fire including CPR and basic trauma and compared that to the presentations made by the administration regarding Ordinance 21-06. She disagreed that voting no meant that council did not want to deal with the problem of homelessness. She understood that an overwhelming amount of public speakers that evening supported Ordinance 21-06 and commented on those who had emailed in opposition due to not wanting to speak publicly and be shouted down. She said she could not overcome the fiscal concerns involved in Ordinance 21-06 and provided reasons. Sgambelluri commented on the urgency of homelessness and said that limiting the solution to amending Ordinance 21-06 was not ideal.

The motion to adopt Ordinance 21-06 received a roll call vote of Ayes: 4 (Flaherty, Piedmont-Smith, Rosenbarger, Volan), Nays: 4, Abstain: 0. FAILED

Vote to adopt Ordinance 21-06 [3:21am]

Chase Hadley said it was shameful that council did not listen to their constituents and provided reasons.

ADDITIONAL PUBLIC COMMENT

Jacob Schwartz expressed disdain for those in opposition to Ordinance 21-06.

Cathi Crabtree commented on councilmembers positions that evening including the absence of Council President Sims. She urged council to take the Black Lives Matter Btown training.

Donyel Bird read a comment from a person experiencing homelessness who said that cops were just at his camp stating they had to move by 5:00pm the following day and clean up or would face charges.

Lucas reviewed upcoming items and council schedule.

COUNCIL SCHEDULE [3:29am]

Volan moved and it was seconded to cancel the Council Work Session on Friday, March 5, 2021 at 12:00pm.

There was brief council discussion.

The motion received a roll call vote of Ayes: 6, Nays: 2 (Flaherty, Sgambelluri), Abstain: 0.

Vote to cancel Council Work Session [3:35am]

Flaherty moved and it was seconded to adjourn. Sgambelluri adjourned the meeting.

ADJOURNMENT [3:35am]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 17 day of August, 2022.

APPROVE:

Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

Nicole Bolden, CLERK
City of Bloomington