

In Bloomington, Indiana on Wednesday, May 20, 2020 at 6:30pm, Council President Stephen Volan presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL
REGULAR SESSION
May 20, 2020

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

ROLL CALL [6:30pm]

Council Parliamentarian Isabel Piedmont-Smith summarized the agenda.

AGENDA SUMMATION [6:32pm]

There were no minutes for approval.

APPROVAL OF MINUTES

Sandberg spoke in memory of Betty Cockrum, the former CEO of Planned Parenthood.

REPORTS [6:35pm]

- COUNCIL MEMBERS

Volan discussed the recent executive order that allowed council meetings to be held remotely until June 3rd.

Mayor John Hamilton spoke in memory of Betty Cockrum and the positive impact she had in the Bloomington community. Hamilton discussed the recent health orders that allowed restaurants to open up to a 50% maximum capacity and retail stores to open up to a 75% maximum capacity. Hamilton spoke of opening City Hall to the public on May 26th. Hamilton said there were low incidents of positive tests and hospitalization for COVID-19. Hamilton stressed the need to remain vigilant about social distancing.

- The MAYOR AND CITY OFFICES

Alex Crowley, Economic and Sustainable Development Director, discussed the Rapid Response Fund loan program.

Pat East, Dimension Mill Executive Director, discussed the layout of The Mill and its mission to launch new businesses and provide resources to aid businesses through the upcoming economic crisis.

Beverly Calender-Anderson, Community and Family Resources Department Director, provided an update on the COVID-19 Social Services Working Group and spoke of the need for funding, non-perishable food for families in need, door-hangers that explained how to apply for SNAAP and other benefits, and available daycare facilities for essential workers.

Conor Herterich, Program Manager, Historic Preservation, presented to the council about the 2018 City's Historic Sites and Structures Survey.

Steve Wyatt discussed the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) survey from 2015. Wyatt discussed the updated Bloomington houses to be historically preserved based on the SHAARD survey.

There was council discussion following the report.

It was moved and seconded that the Council direct the Clerk of the Council to keep two copies of the City's Historic Sites and Structures Survey (formerly referred to as the Indiana Historic Sites and Structures Survey: 2001 City of Bloomington Interim Report as hereafter amended or replaced) on file in the Office of City Clerk for

public inspection pursuant to IC 36-1-5-4 and BMC 8.08.06. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

There were no council committee reports.

Greg Alexander spoke about the need for sidewalks in Bloomington to be fixed.

Randy Paul said he wanted the council sessions to be continued on Zoom when the council returned to meetings in the Council Chambers in City Hall. Paul also discussed concerns about people who did not wear masks on public transit.

Jim Shelton spoke about the need for Monroe County Court Appointed Special Advocates (CASA) volunteers.

There were no appointments to boards or commissions.

Piedmont-Smith moved and it was seconded that Ordinance 20-08 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis giving the committee do-pass recommendation of 4-0-0.¹

Piedmont-Smith moved and it was seconded to adopt Ordinance 20-08.

Caroline Shaw, Human Resources Director, presented the legislation to the council. She discussed the amendments to Ordinance 19-21 that would be encompassed in Ordinance 20-08.

Volan presented the Administration Committee's report to the council.

Piedmont-Smith asked what Shaw meant when she referred to the minimal financial impact after adding a position to the Information and Technology Services Department.

Shaw said there had been an open position for quite some time, which meant that there was available funding. Shaw said she was unsure what the financial impact would be, but she could guarantee that it would be minimal.

Piedmont-Smith asked if it would be less than \$10,000.

Shaw said that the financial impact would depend on the hired person's experience regarding the pay grade.

Piedmont-Smith asked if the maximum difference would be \$4,500.

Shaw said that she did not want to name a figure because the cost would depend on who was replaced and hired for the position.

Piedmont-Smith asked if the position was still vacant.

Shaw said the position was vacant when the Ordinance was proposed, yet she believed someone had been hired.

- COUNCIL COMMITTEES
- PUBLIC

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:57pm]

Ordinance 20-08 – An Ordinance to Amend Ordinance 19-21, which Fixed Salaries for Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City for the Year 2020 - Re: Adding a Position in the Information and Technology Services Department and Changing the Title in One Position and the Grade in another Position for Two Divisions within the Police Department

¹ Administration Committee: Rollo, Sgambelluri, Sims, Volan

Volan asked if the person hired knew that the position was in the process of being upgraded.

Shaw said she did not know.

There was no public comment.

Piedmont-Smith said she was pleased to see a Network and Security Administrator because it was vital to protect the City Hall computer systems from scams.

The motion to adopt Ordinance 20-08 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded that Appropriation Ordinance 20-02 be introduced and read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of 2-1-1.²

Rosenbarger presented the Transportation Committee's report to the council. She explained the projects that would be completed through funding from Appropriation Ordinance 20-02.

Jeff Underwood, City Controller, presented the legislation to the council. He discussed the funding distributions for various transportation projects.

Piedmont-Smith asked why the funding to repair College Mall Road repaving was provided by the Cumulative Capital Development Fund as opposed to the regular repaving budget of the city.

Adam Wason, Public Works Director, said that the city had the most funds available from the Cumulative Capital Development Fund.

Piedmont-Smith asked if that money could have been used for other projects instead.

Wason said that funding could have been used for a number of projects.

Piedmont-Smith asked why this funding was not originally used to implement multimodal bicycle and pedestrian lane improvements instead of road improvements.

Wason said that the city did not realize that they would be receiving over \$300,000 in grant funding from INDOT. Wason said they believed that the best ways to utilize that funding was to repair College Mall Road.

Piedmont-Smith asked if the funding was not available in the regular repaving budget.

Wason said that funding for College Mall Road would have taken funding away from other repaving projects already set for 2020.

Flaherty asked if the repaving of College Mall Road would have been funded by the regular repaving budget if Bloomington had not received that grant from INDOT.

Wason said that was correct. Wason discussed the repaving project from 3rd St down to Moores Pike that needed to be completed in 2020. Wason said that most Bloomington construction workers would be diverted to that repaving project. Wason said the grant funding allowed the city to reach out to

Ordinance 20-08 (cont'd)

Vote to adopt Ordinance 20-08 [7:58pm]

Appropriation Ordinance 20-02 – To Specially Appropriate from the Local Income Tax Special Distribution Fund, Motor Vehicle Highway Fund, Motor Vehicle Highway Restricted Fund, and Cumulative Capital Development Fund Expenditures Not Otherwise Appropriated [7:59pm]

² Transportation Committee: Ayes: 2 (Piedmont-Smith, Smith), Nays: 1 (Rosenbarger), Abstain: 1 (Volan)

private contractors for the repaving of College Mall Road, which would allow the repaving of other Bloomington roads to be more efficient.

Appropriation Ordinance 20-02
(cont'd)

Sgambelluri asked if any other funding sources were considered regarding the funding of this project.

Underwood said that city departments were given discretion in finding funding opportunities to match grant funds. Underwood said that the only funding sources available were the Cumulative Capital Development Fund and the Special Lit fund early in the year.

Sgambelluri asked Wason if College Mall road was being redesigned or maintained.

Wason said it was a pavement maintenance project and was not a road redesign.

Sgambelluri asked if it would be possible to add multimodal forms of transportation in the future.

Wason said that could definitely be considered.

Rosenbarger asked if it would be possible to postpone some of the paving projects until the next summer with the grant money received.

Underwood said it was very unlikely to postpone a project for another year unless there was a definite likelihood that additional funding could be secured in the future.

Wason said that he did not support moving paving projects to next year because the city would have to divert a third of the paving funds to the College Mall Road pavement maintenance.

Rollo asked when the construction of the multiuse path on Sare Road would begin and be completed.

Neil Kopper, Planning and Transportation, said that that project had been awarded to a contractor and construction would begin in 2020 and be completed in 2021.

Volan asked why the College Mall road construction project was not listed as needing pavement maintenance in the report.

Wason said that College Mall road was not placed on the original pavement maintenance list because the city did not have the funding for the project. Wason said the road would have needed reconstruction by 2021.

Volan asked if every road on the list would be under construction during 2020.

Wason said that list was only a list of sections of road that needed reconstruction but the final decision was made in the winter months.

Volan asked if the grant money was an opportunity to move the College Mall Road construction project from 2021 to 2020.

Wason said that was a good characterization.

Volan asked when the list for road maintenance was compiled.

Wason said in the late fall and winter months.

Piedmont-Smith asked how much funding the city might receive from the 2020 Supplemental Local Income Tax (LIT) Distribution from the state.

Underwood said that Bloomington would receive \$1,778,285 and \$325,000 of that total would be diverted to the Public Safety LIT fund.

Piedmont-Smith asked how much of the funding typically came from the LIT fund.

Underwood said about 25% of the LIT fund went to the General Fund.

Appropriation Ordinance 20-02
(cont'd)

Flaherty asked about the decision process in deciding whether to spend limited funds on pavement maintenance or sidewalk maintenance and bicycle lanes.

Wason said it was important to strike a balance in investing in multiple forms of transportation projects.

Flaherty asked if conventional bike lanes could be added to College Mall Road that were not originally included in the transportation plan.

Kopper said that it would be possible to add conventional painted bike lanes to the road as long as the road was wide enough.

Flaherty asked if adding bike lanes was a possibility after the road was repaved.

Kopper said that Planning and Transportation would be looking into it after the construction was near completion.

Volan asked if there would be roads on next year's list needing similar levels of repair.

Wason said that road reconstruction was decided based on traffic levels, among other variables, which determines when roads would be repaved.

Volan made a statement that it seemed that the grant funding was diverted to repaving roads instead of multimodal forms of transportation.

Wason said he wanted to acknowledge that \$1.3 million from the 2020 budget would be diverted to multimodal forms of transportation. Wason said that investing in road construction was necessary because many constituents file complaints about potholes and inadequately paved roads. Wason said that diverting funds to road reconstruction was a necessary response to the community's needs.

Volan said that refilling potholes was answering a problem for something that was already in use as opposed to bicycle lanes that were not being created. Volan asked for Wason's thoughts on that matter.

Wason said that adding additional bike lanes would lead to maintenance in the future, which is why the city had to be deliberate in their projects.

Flaherty asked how Public Works found a balance between meeting the community's needs to address vehicle transportation while also being conscious of the ongoing climate crisis.

Wason said that was not an easy question to answer. Wason said that it was important to invest in projects that were environmentally friendly, yet was also necessary to meet the needs of the community by maintaining roadways.

Geoff McKim said that maintaining pavement infrastructure was important in saving money to prevent roads from being completely reconstructed.

Greg Alexander spoke of the need to divert road construction funding to multimodal projects.

Dave Askins thanked everyone for the publication of the council packet. Askins spoke of what he believed to be an incorrect response written in the council's supplemental packet.

Lucas said that tonight's council meeting served as a public hearing regarding Appropriation Ordinance 20-02 and if the vote was postponed, the public would be made aware of the new voting date.

Appropriation Ordinance 20-02
(cont'd)

Volan moved and it was seconded to recommit Appropriation Ordinance 20-02 to the Transportation Committee.

Volan asked to postpone the vote on Appropriation Ordinance 20-02 because he believed there were issues that needed to be readdressed by the Transportation Committee.

Rollo asked when final action by the council would occur so that city staff understood the time tables and could plan accordingly.

Volan said that the Transportation Committee would have to report their verdict back to the council by June 3rd if the council approved Volan's motion to recommit Appropriation Ordinance 20-02 to the Transportation Committee.

Rollo asked when final action by the council would take place.

Volan said that the council would reevaluate after June 3rd.

Sandberg said that she did not understand what issues Volan could have with the current Appropriation Ordinance 20-02 because she was prepared to vote on the issue tonight.

Volan said that he felt uncomfortable making a decision at the moment because questions were unanswered and the Transportation Committee did not receive enough time to fully evaluate Appropriation Ordinance 20-02.

Sims asked Volan to state his questions concerning Appropriation Ordinance 20-02 so that the city staff could work to answer them.

Volan said that he could try to state his questions. Volan asked Sims if he could chair the meeting while he looked through the supplemental council packet.

Flaherty asked Wason how a two week postponement of Appropriation Ordinance 20-02 affected the grant funding project.

Wason said that the College Mall Road pavement project bid must be awarded by August 1st. Wason said that if this project was delayed, Public Works would be pressed for time to adequately prepare all needed documents. Wason said it was crucial that Public Works start this project as soon as possible.

Flaherty asked if the Administration would entertain a conversation about the source of City funds being used to match the state grant funding.

Wason said that he believed that the City funding proposed was the best option available to match the funds from the INDOT grant.

Underwood said that any changes made to the current funding proposal would further delay the project.

Wason said that the project would not be completed at all if the City funding was reevaluated.

Dave Askins asked for clarification on the difference between recommitting Appropriation Ordinance 20-02 to the Transportation Committee and passing the amendment.

Volan said that there were three options regarding Appropriation Ordinance 20-02. The first option would be to recommit the proposal to the Transportation Committee. The second option

would be to divide the question and the third option would be to hear the amendment as proposed.

Appropriation Ordinance 20-02
(cont'd)

Sims asked Council Parliamentarian Piedmont-Smith if the public comment could also include questions to be answered by the council.

Piedmont-Smith said that it was the council's decision whether to answer questions from the public.

Wason said that he supported Appropriation Ordinance 20-02 and it was essential to move this project forward quickly because if the project was not awarded by August 1st, the city would lose the grant funding.

Rollo said that he believed the questions regarding Appropriation Ordinance 20-02 could be answered tonight but he believed that the project needed to be approved quickly because the pavement construction was needed on College Mall Road. Rollo said that adding bike paths could be added later and the council needed to take action to vote in favor of Appropriation Ordinance 20-02 tonight.

Sandberg said that all of her questions had been answered because she came to the meeting prepared. Sandberg said that the council should vote against the motion to postpone the vote and should vote in favor of Appropriation Ordinance 20-02 because there was a time constraint.

Volan said that he believed that ordinances should be separated to be more easily evaluated. Volan said that he did not believe that the proposal for Appropriation Ordinance 20-02 was clearly defined and explained.

Rosenbarger said that it was the council's responsibility to ask the right questions and fully evaluate the proposals presented to the council. Rosenbarger said that she believed that the City funding proposed should be reevaluated.

Sgambelluri said that she did not believe that the legislation should be sent back to the Transportation Committee and she stated her support for Appropriation Ordinance 20-02.

Piedmont-Smith said that she did not believe it necessary to send the legislation back to the Transportation Committee given the limited time frame available to begin the project.

Flaherty asked for clarification on the length of time a funding decision must be available for public notice.

Underwood said that it had to be a 10 day notice, but also providing ample time for the information to reach the newspaper would equal roughly 14 days.

Smith said that due to the time sensitive issue of approving the project to receive the grant funding, the legislation should be approved by council tonight.

Sims said that he did not believe it necessary to delay Appropriation Ordinance 20-02 because it was important for the Administration to begin further work.

Volan said that he did not believe that council was given proper time to discuss legislation. Volan spoke of his frustration towards the deliberations concerning Appropriation Ordinance 20-02.

Appropriation Ordinance 20-02
(cont'd)

Rollo stated his frustration regarding Volan's statement when the council leadership could have made a decision beforehand to separate the segments of Appropriation Ordinance 20-02 for deliberation.

The motion to recommit Appropriation Ordinance 20-02 to the Transportation Committee received a roll call vote of Ayes: 1 (Volan), Nays: 8, Abstain: 0. FAILED

Vote to recommit Appropriation Ordinance 20-02 to the Transportation Committee
[9:52pm]

Flaherty moved and it was seconded to divide the question on Appropriation Ordinance 20-02.

The motion to divide the question on Appropriation Ordinance 20-02 received a roll call vote of Ayes: 4 (Rosenbarger, Volan, Piedmont-Smith, Flaherty), Nays: 5, Abstain: 0. FAILED

Vote to divide the question on Appropriation Ordinance 20-02
[9:58pm]

There was no additional public comment.

Rollo spoke in support of Appropriation Ordinance 20-02. Rollo spoke of the importance of pursuing bike infrastructure and thanked city staff for their work.

Piedmont-Smith spoke of the importance of alternative transportation to motor vehicles and the need to take initiative in providing non-vehicular transportation.

Flaherty said that he had reservations about voting for Appropriation Ordinance 20-02. Flaherty spoke of the need for bike lanes and his concern with the funding source used in Appropriation Ordinance 20-02.

Rosenbarger discussed the importance of innovative thinking when developing climate action and transportation plans. Rosenbarger said that she did not support the source of city funds in matching the state grant.

Volan stated his frustration with council members not voting to divide the question concerning Appropriation Ordinance 20-02. Volan discussed why he could not approve the legislation.

The motion to adopt Appropriation Ordinance 20-02 received a roll call vote of Ayes: 6, Nays: 3 (Rosenbarger, Volan, Flaherty), Abstain: 0.

Vote to adopt Appropriation Ordinance 20-02 [10:23pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST
READING AND RESOLUTIONS

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Stephen Lucas, Deputy Council Attorney, reviewed the upcoming council schedule.

COUNCIL SCHEDULE [10:24pm]

Piedmont-Smith moved and it was seconded to hold a Special Session on May 27, 2020 at 6:30pm. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

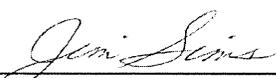
Volan confirmed that a council work session would be held on May 22, 2020 at noon.

Flaherty moved and it was seconded to adjourn the meeting. The motion was approved by voice vote. ADJOURNMENT [10:29pm]

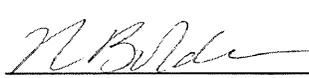
APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 2 day of June, 2021.

APPROVE:

ATTEST:



Jim Sims, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington

