

In Bloomington, Indiana on Wednesday, November 4 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
November 4, 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 [6:31pm]

Council President Stephen Volan summarized the agenda.

AGENDA SUMMATION [6:32pm]

APPROVAL OF MINUTES [6:38pm]

Piedmont-Smith moved and it was seconded to approve the minutes of October 10, and November 6, 2019, as amended, and the minutes of December 18, 2019. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

October 10, 2019 (Special Session)
November 6, 2019 (Regular Session)
December 18, 2019 (Special Session)
December 11, 2019 (Special Session)

Piedmont-Smith moved and it was seconded to approve the minutes of December 11, 2019.

Sandberg moved and it was seconded to amend the December 11, 2019 minutes to attach the Executive Committee Statement.

The motion to amend the December 11, 2019 minutes received a roll call vote of Ayes: 6, Nays: 1(Flaherty), Abstain: 2 (Rosenbarger, Volan).

The motion to approve the amended December 11, 2019 minutes received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Rosenbarger, Volan).

Sgambelluri invited the public to her constituent meeting, Saturday, November 7th at 1:30 pm via zoom.

REPORTS

- COUNCIL MEMBERS [6:46pm]

Sandberg commented on the success of the dedication of the Captain Janeway statue on the B-Line trail.

Volan echoed Sandberg's comments about the dedication of the statue.

Jane Kupersmith, Assistant Director of Small Business Development for the Economic and Sustainable Development Department, gave a report on the Rapid Recovery Fund Loan Program. There was brief council discussion and questions following the report.

- The MAYOR AND CITY OFFICES [6:48pm]

There were no council committee reports.

- COUNCIL COMMITTEES [7:20pm]

There was no public comment.

- PUBLIC [7:20pm]

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:21pm]

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:21pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-26 be read by title and synopsis only. The motion was approved by a 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 Ayes: 4, Nays: 0, Abstain: 0.

Ordinance 20-26 An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City's Sewage Works 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 Sewage Works and Other Related Matters.

Piedmont-Smith moved and it was seconded that Ordinance 20-26 be adopted.

Vic Kelson, Director of the Utilities Department, presented the legislation. The City of Bloomington Utilities wished to sell bonds totaling \$30.4 million to pay for two major capital projects. The bonds would be for the modernization and capacity improvements at the Dillman Road Wastewater Treatment Plant and replacement of major storm sewer infrastructure in downtown Bloomington.

Buzz Krohn, Krohn & Associates, presented a report on financial information about the bonds.

Rollo reported that the Utilities and Sanitation Committee met last week and reviewed the ordinance. The committee felt the projects were important and was in support of the ordinance.

Council questions:

Rollo asked Kelson how long the improvements to the Dillman plant would provide sufficient capacity.

Kelson answered that at the cities' current rate of growth, they anticipated fifteen years.

Piedmont-Smith asked for an explanation of Section 20 related to additional covenants of the city.

Kelson said this was already a practice in place by the city and was not a new provision.

There was no public comment.

Public comment:

There were no additional council comments.

Council comment:

The motion to adopt Ordinance 20-26 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 20-26
[7:40pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-27 be read by title and synopsis only. The motion was approved by a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 4, Nays: 0, Abstain: 0.

Ordinance 20-27 – To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater."

Piedmont-Smith moved and it was seconded that Ordinance 20-27 be adopted.

Kelson, presented the legislation. He described the problems created by fats, oils, grease (FOG) in sewage mains. He further explained the details of the proposed ordinance.

Rollo reported that the Utilities and Sanitation Committee met last week and reviewed the ordinance. The committee was in support of the ordinance.

Piedmont-Smith inquired about the cost to install the newly allowed grease inceptor devices compared to the previous allowed devices. Ordinance 20-27 (cont'd)

James Hall, Assistant Director of Environmental Programs for Utilities, explained that the new devices were estimated to cost \$12,000-\$15,000, whereas the previous ones cost \$15,000-\$20,000.

Volan asked for a more detailed explanation of the advantages of the new grease inceptor devices versus the grease inceptor devices that were currently permitted. Council questions:

Hall described the difference between the two devices.

Sims asked if it was mandatory to dump grease at the Dillman Road plant.

Kelson answered that the Dillman Road facility was the only facility that accepted grease. They only took grease from inside of Monroe County.

Sims asked if grease could be taken out of the county.

Kelson said Bloomington Utilities did not regulate where businesses take their grease.

Sims asked about the environmental impact of processing grease and how the city regulated if a business was compliant with cleaning their grease inceptors.

Kelson said that grease was released into a lagoon where it was oxidized by the sun. He explained there was an inspection program in place and tracked by the city.

Sims inquired about using digesters in the future.

Kelson said if the city does an analytic evaluation of anaerobic digesters in the future, the treatment of grease would be something they study.

Rollo asked what quantity of grease the Dillman Road facility received per month.

Hall said around 30,000 gallons per month.

Rollo asked if there was a use for converted grease as fuel for public busses.

Kelson said this was something they may research in the future.

Dave Askins asked why the council did not apply more rigor to the requirements of local law, which demanded that a fiscal impact statement, using a specific form, accompanied every piece of legislation that appeared on the agenda. Public comment:

Alex Crowley shared a couple anecdotes about the effect that the implementation of grease interceptors had on local businesses. He thanked Bloomington Utilities for working with businesses.

Volan asked if there was a cost to utility customers in the city when businesses did not implement interceptors. Council comment:

Kelson said that the cost to the utility was significant because labor costs were involved and expensive specialized equipment was needed to service sewage main clogs.

The motion to adopt Ordinance 20-27 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 20-27
[8:11pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-21 be read by title and synopsis only. The motion was approved by a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation for Amendment 01 to Ordinance 20-21 of Ayes: 4, Nays: 0, Abstain: 0; and giving the committee do-pass recommendation for the amended Ordinance 20-21 of Ayes: 4, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded that Ordinance 20-21 be adopted.

Neil Kopper, Interim Transportation and Traffic Engineer for the Planning and Transportation Department, introduced presenter, Sara Gomez.

Sara Gomez, Public Improvements Manager for the Planning and Transportation Department, presented proposed updates to Title 12 and Amendment 01 to the ordinance.

Rosenbarger reported for the Transportation Committee. They met on two occasions and worked with Gomez on Amendment 01 to the ordinance. They were in unanimous support of the ordinance.

Sims asked how the city would educate contractors on the new proposed regulations and fine schedules.

Gomez said if Ordinance 20-21 passed, the Planning and Transportation Department had a list of contractors they would contact.

Rosenbarger moved and it was seconded to introduce Amendment 01 to Ordinance 20-21.

Synopsis: This amendment is sponsored by Councilmembers Rosenbarger and Piedmont-Smith and changes language regarding walk-arounds when sidewalks are obstructed. The purpose of the amendment is to decrease sidewalk obstructions and thus allow safer passage of pedestrians in construction zones. The amendment also urges broader walk-arounds in busy downtown areas to ensure sufficient space for pedestrians with mobility issues. Finally, the amendment removes binary gender pronouns in the portion of text that is cited.

Sims asked why the requirement of five feet was amended to recommend an eight foot walk-around distance.

Rosenbarger said that PROWAG (Public Right-of-Way Accessibility Guidelines) had a five foot guideline with an advisory guideline, for areas with high pedestrian use, of eight feet. It guided that eight feet was considered safer.

Sims asked if it would trigger a fine if eight feet was not used.

Rosenbarger said there would not be a fine, because it was recommended but not required.

Sims questioned if a contractor had any incentive to adhere to an eight foot walk-around if no fine would be assessed.

Gomez answered that during the permitting process, this recommendation would be reviewed and would be recommended if it was possible for the construction being scheduled.

Ordinance 20-21 – To Amend Title 12 (“Streets, Sidewalks, and Storm Sewers”) and Title 17 (“Constructions Regulations”) of the Bloomington Municipal Code. Re: Deleting Chapter 12.08 (Excavations) and Replacing it with Chapter 12.08 (Use of the Right of Way) and Adding a New Chapter 12.10 (Enforcement and Penalties) and Deleting Three Sections of Chapter 12.04 (General Regulations) and Revising One Section of Chapter 17.08 (Administration and Enforcement).

Council questions:

Amendment 01 to Ordinance 20-21

Council questions:

Piedmont-Smith asked if the contractor turned in plans to city staff indicating they would provide an eight foot walk-around but then only provided a five foot walk-around, they could, in that instance, be fined.

Council questions: (cont'd)

Gomez agreed with her statement.

Sgambelluri asked about the city's process to ensure that the walk-around remain unobstructed at all times, unless otherwise approved. She wondered if the city process needed to be clarified.

Gomez said that if there was going to be a long-term closure of the city right-of-way, it could cause construction traffic to cross a walk-around. In those instances, the contractor would have to attend a Board of Public Works meeting for permission.

There was no public comment.

Public comment:

Sims thanked Gomez for her work on the presentation.

Council comment:

The motion to adopt Amendment 01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Ordinance 20-21 (8:51 pm)

Piedmont-Smith moved and it was seconded to introduce Amendment 02 to Ordinance 20-21.

Amendment 02 to Ordinance 20-21

Synopsis: This amendment is sponsored by Councilmembers Rosenbarger and Piedmont-Smith and modifies binary gender pronouns to gender neutral pronouns throughout Ordinance 20-21.

Kopper said staff was supportive of the proposed amendment.

There was no council comment.

Council comment:

There was no public comment.

Public comment:

Piedmont-Smith thanked Gomez for presenting the idea for Amendment 02.

Council comment:

The motion to adopt Amendment 02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 02 to Ordinance 20-21 (8:53 pm)

There was no council comment.

Council comment:

Greg Alexander spoke in favor of enforcing safety measures by contractors when city sidewalks were closed for construction.

Public comment:

Piedmont-Smith thanked Gomez and city staff for their work on this legislation.

Council comment:

Volan thanked Gomez and city staff for their work on this legislation.

Flaherty thanked Gomez and city staff for their work on this legislation. He stated his support of the ordinance as amended.

The motion to adopt Ordinance 20-21 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 20-21 as amended (9:04pm)

Piedmont-Smith moved and it was seconded that Ordinance 20-18 be read by title and synopsis only. The motion was approved by a vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation for Amendment 01 and for Ordinance 20-18 as amended of Ayes: 4, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded that Ordinance 20-18 be adopted.

Amir Farshchi, Long Range Planner for Planning and Transportation, presented the legislation.

Rosenbarger gave a brief report for the Transportation Committee, and indicated that members were supportive of Ordinance 20-18 and Amendment 01.

Piedmont-Smith made a motion and it was seconded to introduce Amendment 01 to Ordinance 20-18.

Synopsis: This amendment is sponsored by Councilmember Volan. It was prepared at the request of the Administration to clarify the boundaries of a residential neighborhood parking zone and eligibility of permits.

There were no council questions.

There was no public comment.

There was no council comment.

The motion to adopt Amendment 01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Greg Alexander felt the ordinance was a step in the right direction.

Piedmont-Smith asked about the signal that was being added at S. Walnut and the B-Line trail. She asked if it was the same type of signal that existed at Allen St. & South Walnut.

Kopper stated that a High Intensity Activated Crosswalk (HAWK) Signal and a Pedestrian Hybrid Beacon Signal were different names for the same type of signal. The signal found at Allen and Walnut was called a Rectangular Rapid Flashing Beacon (RRFB).

Rosenbarger stated that the committee discussed both types of signals at their meeting and the RRFB signals were more expensive, but could possibly be implemented in the future.

The motion to adopt Ordinance 20-18 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 20-18 – To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” Re: amending Chapters 15.12.010 (Stop Intersections) to add several stop signs; 12.15.030 (Pedestrian Hybrid Beacon Signals) to add a hybrid beacon signal; 15.32.080 (No Parking Zones) to add several no parking zones; 15.32.100 (Loading Zones) to delete several loading zones; 15.32.100 (Loading Zones) to add a loading zone; 15.37.020 (Applicability) to delete several streets from Zone 8; and 15.37.050 (Fees) to add provision about the timing of permit sales.

Amendment 01 to Ordinance 20-18 [9:05pm]

Council questions:

Public comment:

Council comment:

Vote on Amendment 01 to Ordinance 20-18 [9:17 pm]

Public comment:

Council comment:

Vote to adopt Ordinance 20-18 as amended [9:27 pm]

LEGISLATION FOR FIRST READING

Piedmont-Smith moved and it was seconded that Ordinance 20-31 be read by title and synopsis only. The motion was approved by the roll call vote of: Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 20-31 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” (Inserting Chapter 2.35 Establishing the Department of Engineering and Amending Chapter 2.14 titled Planning and Transportation Department)(9:28 pm)

Piedmont-Smith moved and it was seconded that Appropriation Ordinance 20-07 be read by title and synopsis only. The motion was approved by the roll call vote of: Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Appropriation Ordinance 20-07 – To Specially Appropriate from the General Fund, Enhanced Access Fund, Solid Waste Fund, Risk Management Fund, and the Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the Public Safety, Telecommunication Fund, Alternative Transportation Fund, Parking Meter Fund, Cumulative Capital Development Fund, Fleet Maintenance Fund, Police Pension Fund, and Appropriating Additional Funds from the General Fund, Rental Inspection Fund, Solid Waste Fund, and the Risk Management Fund) (9:29 pm)

Volan referred Ordinance 20-31 to the Administration Committee to meet on Thursday, November 12 at 6:30 pm. He referred Appropriation Ordinance 20-07 to the Committee of the Whole to meet on November 12 at 5:30 pm. The Public Safety Committee to meet at 7:30 on Thursday, November 12.

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT [9:33pm]

Stephen Lucas, Council Attorney, reviewed the council schedule.

COUNCIL SCHEDULE [9:33pm]

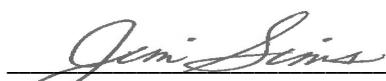
Sgambelluri moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [9:34pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 1 day of September, 2021.

APPROVE:

ATTEST:



Jim Sims, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington