

In Bloomington, Indiana on Wednesday, November 18 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 18, 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 [6:31pm]

Piedmont-Smith moved and it was seconded to approve the minutes of December 04, 2019, January 08, 2020, February 05, 2020, and February 20, 2020. The motion was approved by voice vote.

APPROVAL OF MINUTES [6:35pm]

December 04, 2019 (Regular Session)
January 08, 2020 (Organizational Meeting)
February 05, 2020 (Regular Session)
February 20, 2020 (State of the City)

Rollo commented about the pandemic. He encouraged everyone to take precautions to prevent transmission of the virus.

REPORTS

- COUNCIL MEMBERS [6:36pm]

Piedmont-Smith said her next monthly meeting will be held on Zoom on Saturday, December 5 from 11-12:30 pm.

Sandberg echoed Rollo's sentiments and encouraged everyone to wear masks.

Sims agreed with Sandberg and Rollo. He encouraged everyone to be safe.

Volan encouraged mask wearing.

Mayor John Hamilton encouraged the public to remain diligent taking safety precautions to prevent the spread of the virus. He said he would attend the evening's presentation on the draft of the final master plan for the hospital site redevelopment.

- The MAYOR AND CITY OFFICES [6:41pm]

Senator Vi Simpson, co-chair of the steering committee for the hospital site redevelopment project, spoke about the process that had taken place over years to plan for the reuse of the hospital site.

Deputy Mayor Mick Renneisen, Project Lead for the hospital site redevelopment committee, gave an overview of the project.

Rachel Momanee of Skidmore, Owens & Merrill, the master planning consulting firm, gave an overview of the steps that had been taken during the planning process and shared some of the ideas that had come out of the planning. Chris Merritt from Merritt Chase, and Doug Voigt from Skidmore, Owens & Merrill, presented further details of the beginning stages of planning for the project.

Renneisen concluded the presentation.

There was a brief council discussion.

There were no council committee reports.

- COUNCIL COMMITTEES [8:10pm]

Jim Shelton spoke on behalf of Court Appointed Special Advocates (CASA).

- PUBLIC [8:11pm]

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [8:15pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Piedmont-Smith moved and it was seconded that Ordinance 20-31 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 4, Nays: 0, Abstain: 0.

Ordinance 20-31 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) [8:16pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-31 be adopted.

Philippa Guthrie, Corporation Counsel, presented the legislation which created a separate Engineering Department for the City of Bloomington.

Volan gave a brief report for the Administrative Committee, which was in favor of Ordinance 20-31.

There were no council questions.

Council questions:

Greg Alexander spoke about the past engineering staff for the City and the Public Works Department.

Public comment:

Rollo addressed Greg Alexander's comments by saying that he felt that the current proposed Engineering Department was a move in the right direction.

Council comments:

Volan spoke in favor of the proposed Engineering Department.

Sandberg remarked that Adam Wason did a great job as the Public Works Department Director. She cautioned others that comparing staff from the past to that of the present was like comparing apples to oranges.

The motion to adopt Ordinance 20-31 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 20-31 [8:34pm]

Piedmont-Smith moved and it was seconded that Resolution 20-17 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Resolution 20-17 Authorizing The Allocation of the Jack Hopkins Social Services – Recover Forward Funding Cycle Funds for the Year 2020 and Related Matters [8:35 pm]

Piedmont-Smith moved and it was seconded that Resolution 20-17 be adopted.

Susan Sandberg, Chairperson of the Jack Hopkins Social Service Committee, presented the legislation. Sandberg introduced the members of the committee and described the organizations who applied for funding and the proposed allocations for distributing funds.

Resolution 20-17 (cont'd)

Piedmont Smith asked why some organizations were not awarded funding.

Council questions:

Sandberg said some agencies were not in line with the criteria the committee was using as a basis for funding. She said the committee focused on Covid-19 related funding needs and some of the applications did not satisfy this requirement.

There was no public comment.

Public comment:

Sims expressed his appreciation for the work of the committee.

Council comment:

The motion to adopt Resolution 20-17 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 20-17
[8:45pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-20 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 1, Nays: 0, Abstain: 3.

Ordinance 20-20 To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code (To Establish a Community Advisory on Public Safety Commission) [8:46 pm]

Piedmont-Smith moved that Ordinance 20-20 be adopted.

Piedmont-Smith presented the legislation. She stated that the intent of the Community Advisory on Public Safety (CAPS) Commission was to include marginalized members of the public in public safety discussions that affect the City of Bloomington.

Sims spoke on behalf of the City Council Public Safety Committee. He described the proposed function and role of this commission. He also spoke about an amendment that was proposed by the Public Safety Committee.

Rollo asked about the estimated time commitment of the council staff for this commission.

Council questions:

Piedmont-Smith was unsure.

Stephen Lucas, Council Attorney, stated that the Council staff had worked on similar commissions in the past.

Flaherty stated that potential volunteer hours could be sought from the university community for the research component of the commission.

Sandberg asked why the structure of the commission would not include any mayoral appointments for the seats on the commission, since all other existing commissions for the city had a combination of appointments.

Flaherty responded that they were responding to various requests from the public to create the commission. He also noted that there was a board with only mayoral appointments in the realm of public safety. Flaherty stated that the natural starting point was to have a fully council appointed board but that they weren't opposed to another structure for the commission.

Sims noted that the composition of the Board of Public Safety members (all mayoral appointments) was dictated by statute. He also noted that there are approximately 22 social service organizations in our local community he had identified, many of which advocated for the populations that will comprise the CAPS Commission members. He asked if they were contacted before the legislation was composed.

Rosenbarger responded that all of the social service organizations were contacted before a draft of the ordinance was created, but that they did not send the draft of the ordinance after it was created.

Piedmont-Smith stated that 11 of 12 of the social service organizations that the sponsors of the legislation had identified were contacted before the legislation was written.

Sims would have felt more comfortable if more advocates for certain populations were included in the creation of the legislation. He felt the perception was that some voices weren't sought out to create the legislation. He stated that those populations were not interested in being saved, they were interested in participating in the creation of the legislation.

Piedmont-Smith answered that the intention was to include the voices of the black and brown community, and hoped that the creation of the commission was a mechanism to hear those voices.

Flaherty agreed that the notion was to set up a more formal structure to receive input from underrepresented populations.

Sims asked if the demographic groups of the individuals for nine of the eleven seats had already been identified.

Piedmont-Smith said that examples have been stated of different demographics to potentially seek candidates but nothing has been predetermined.

Sims said he did not notice that the Indigenous or Asian demographics were included in those examples.

Piedmont-Smith said that the examples cited were just some demographic possibilities and that they wanted to include anyone from a minority group demographic. Piedmont-Smith said it was not legal to discourage any demographic from applying to the commission.

Sims said his hope was that the legislation was fully inclusive. He asked if outreach was done with any Asian advocate organizations.

Piedmont-Smith said she did not think that was done.

Rollo called a point of order, asking Volan if an Administrative Committee Meeting was supposed to begin at 9:30 pm and how that would affect the current ongoing meeting.

Volan responded that it was scheduled to immediately follow the regular session meeting.

Rollo asked if the 10:30 pm rule would apply.

Volan responded that it would.

Flaherty responded to Sims by saying that the committee did not approach advocacy groups or organizations, but rather, individual constituents of varying demographic backgrounds.

Smith described the reasons he was not planning on supporting the formation of a new commission within the city. He wondered if a group might organize on their own prior to becoming part of a city commission.

Ordinance 20-20 (cont'd)

Piedmont-Smith said when issues were prioritized by the city, a commission had been created in the past. She stated that city-organized commissions have a standing with city government to effect change, and also benefits from administrative services from city staff in their organization.

Beverly Calender-Anderson, Director of Community and Family Resources Department, spoke about discussions that have taken place during the last two public safety meetings about seeking participation from community members from underrepresented populations. For historical purposes, she described how two city commissions were created during her tenure as an employee of the city. Calender-Anderson discussed community members' presentation on statistics and data to justify the creation of a new commission. She clarified that neither commission was created by city staff but were created based on feedback from community members. She believed that any new commission, in her experience, would take a year or more to mature and develop. She described the Divided Communities Project group which had been together for a year and it had taken the whole year to establish the group and be ready to conduct business. She stated she liked the goals of the commission but has received feedback from city staff that the existing taskforce work was addressing similar issues. She stated they would have liked to see the structure of the commission created differently.

Piedmont-Smith asked Calender-Anderson if she was speaking on behalf of the Mayor's administration or for herself.

Calender-Anderson said she was speaking on behalf of the administration.

Sandberg asked Calender-Anderson to explain the email she sent to the council about council appointments to the Future of Policing Taskforce.

Calender-Anderson explained that the Future of Policing Taskforce had asked the council, Monroe County officials, and representatives from IU to suggest potential candidates to serve on the taskforce.

Flaherty asked Calender-Anderson why council representative input wasn't sought 6-8 months ago for the Future of Policing Taskforce or the Divided Communities Project. He asked if Calender-Anderson felt that if the CAPS Commission was not a good fit for the goals of the committee, should the Future of Policing Taskforce or the proposals brought forth from the Divided Communities Project be scrapped as well and be revisited with broader input from elected officials.

Calender-Anderson spoke about the Divided Communities Project which included Bridge and Academy initiatives. She explained that the project was through The Ohio State University Moritz College of Law and that entity guided the choice of member participation for the Bridge Initiative. The ongoing activities of the Divided Communities Project included the Academy Initiative that prompted them to choose a group of city residents to form a committee to develop tools for dealing with community unrest, for instance. She stated that the Council was not excluded from participation on purpose. Calender-Anderson stated that when they left the academy, the group created a set of goals, out of which came two

task forces that would be resident led and driven, instead of by the city. She commented that a staff member of both the city and IU would attend task force meetings.

Flaherty said he was not discounting the work that had been done by the committees and task forces. He also stated that the council committee that worked on the legislation to create the CAPS commission did so as a response to requests by the community who felt like there were certain things that were not already being addressed by the city. He asked Calender-Anderson how the members of the Academy Initiative were chosen.

Volan asked about the members of the Academy Initiative of the Divided Communities Project. Volan then recited some of the memo that was issued by Calender-Anderson explaining to the city council that the taskforce were comprised of 2 municipal representatives, 2 individuals from non-profits, 1 member from clergy, 1 member from an educational institution, and the police chief.

Calender-Anderson explained how the structure was created.

Volan asked if the Future of Policing Taskforce was a top down initiative.

Calender-Anderson stated that the Future of Policing Taskforce structure was created by an outside consultant engaged by the Mayor's office. The Divided Communities Academy Team structure was not created by the Mayor's office.

Piedmont-Smith thanked Calender-Anderson for attending all of the meetings for the CAPS Commission. She recognized her as a valuable member of city staff and thanked her for her involvement in the discussed initiatives. She stated that the CAPS Commission will try to address issues outside the realm of policing. Piedmont-Smith felt there was a distinct difference between the objectives of the Future of Policing Taskforce and the CAPS Commission.

Lisa Padulka spoke on behalf of Amanda Nickey, President and CEO of Mother Hubbard's Cupboard, since Amanda was unable to attend the meeting. She also encouraged Ron Smith, her council representative, to support the CAPS Commission. Lisa read a statement from Amanda Nickey, which supported the CAPS Commission.

Public comment:

Maqubè Reese stated that she served on the Board of Public Safety as a black woman with lived experiences and did not work for law enforcement. She stated that she was not against the CAPS Commission, but was against the proposed structure of the initiative because it did not include people of color in the beginning.

Marc Teller spoke representing the Bloomington Homeless Coalition and the Rapid Response Team, therein. He described how the Rapid Response Team helped the homeless population and the problems they encountered when seeking help from the police and public safety personnel.

Ky Freeman, President of the Black Student Union, supported the concept of the CAPS Commission and felt that the conversation about public safety beyond policing was important. He stressed the importance of including diverse voices in the creation of the structure of the commission.

Donyel Byrd, a social worker in Bloomington, spoke in support of the ordinance to create the CAPS Commission.

Ordinance 20-20 (cont'd)

Vauhxx Booker spoke about his background with the local community, and asked why there would be opposition to the creation of the commission. He stated that he did not see a downside to this commission.

Nicole Johnson thanked the sponsors for proposing the CAPS Commission. She described her involvement in the community and her personal background.

Heather Lake expressed her support of the CAPS Commission. She described her mental illness and her experiences with local hospitals and police. She expressed her hesitancy to call 911. She stated her desire for the commission to include voices from the disabled community.

Abby Ang spoke in favor of the concept of the CAPS Commission. She thanked Sims for inquiring about the inclusion of Asian American Advocacy Groups. She spoke on behalf of the experiences of advocacy groups and their knowledge of community members. She expressed her concern about the process of selecting the commission members, hoping diverse voices would be represented.

Alex Goodlad spoke in support of the ordinance. He felt that there was no downside to creating the commission.

Tassie Gniady read a statement by a social worker from Bloomington supporting the CAPS Commission.

Renee Miller spoke in favor of the CAPS Commission.

Janna Arthur spoke on behalf of some of the homeless population she had spoken to about their experiences with law enforcement. She felt there were issues of marginalized populations that needed to be addressed.

Stephen Lucas read a message from Emily Pike. She stated she worked for a non-profit that served people impacted by homelessness. She spoke about her excitement around the potential of the CAPS Commission.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Ordinance 20-20.

Amendment 01 to Ordinance 20-20 [10:47 pm]

Amendment 01 Synopsis: This amendment is sponsored by Councilmembers Piedmont-Smith, Flaherty, and Rosenbarger. The amendment states that the Common Council will conduct a review of the Commission two years after the Commission's first meeting.

Volan asked how the date of the establishment of the commission would be defined.

Council questions:

Piedmont-Smith responded it would be two years after the first meeting.

Nicole Johnson asked how the efficacy of the commission would be qualified after two years.

Public comment:

Vauhxx Booker asked that the evaluation at the end of two years be done publicly.

Piedmont-Smith said that since the ordinance adds a section the municipal code, if the commission was discontinued after two years, committee meetings would take place again and the council would have to vote in a public meeting to take the commission out of city code. Piedmont-Smith, speaking for herself, stated the Amendment was put forth as a compromise to other Council members who felt an unlimited term for the commission was not what they wanted.

Ordinance 20-20 (cont'd)

The motion to adopt Amendment 01 to Ordinance 20-20 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 20-20 [10:51pm]

Smith asked if complaints against the police department or review of force of the police department were built into the CAPS Commission. He asked if this was meant to be a function of the commission.

Council discussion:

Piedmont-Smith responded that the duties or goals of the commission did not include oversight over the police department or use of force by the police department.

Smith asked for clarification that the commission would not review complaints against the police department.

Piedmont-Smith said the oversight of the police department was set by state statute and was done by the Board of Public Safety so the commission would not be doing that.

Rollo said that there was a great deal of merit to the commission. He did not feel this commission duplicated the work of other commissions.

Sandberg said that she was aware of the issues in the community that were causing distress and causing people to feel unsafe. She said that the structure of the commission was problematic to her because many of the concerns she had heard from the public were not related to any function that the Common Council or the City of Bloomington would have jurisdiction over. They did not have the authority to enact policy over EMT's, IU Health, or the lack of mental health providers in our community, for instance. Sandberg did not feel it was fair to characterize the council members as bureaucrats who did not care about community members. She said she was open to hearing about the problems of community members, and that city staff, through the Department of Family and Community Resources, and the Board of Public Safety were involved with public safety initiatives. She said that the police department was the public safety backbone in our community. She explained she would not be voting in favor of this ordinance, not because she did not care about public safety, but because she did care.

Sims expressed his support of many of the stated goals of the commission, however, he did not feel a need to create a commission to achieve the goals. He explained that he did not understand why the NAACP was not contacted for input on this commission due to an oversight. He had previously expressed that he felt a focus group or a task force could be assembled to address concerns surrounding public safety. He did not agree that the recommendations from a commission have more weight than a focus group or task force. He said there were many community members who didn't make comments at a public meeting that have shared their opinions with the council, and that the opinions shared at a public meeting were just some of the opinions that should be considered.

Ordinance 20-20 (cont'd)

Piedmont-Smith said she did not feel that marginalized communities would feel comfortable sharing their opinions with the Future of Policing Taskforce which would include members of the police department. She felt the city could bring people to the table to gather information that would inform policy. She said that 150 people had signed a petition regarding the desire to create a CAPS Commission and she felt this was a large enough number to merit the creation of the commission.

Flaherty said he appreciated criticism from community members and the council. He apologized for shortcomings in his approach for developing this ordinance and said he would learn from the feedback. He stated that the intent of the legislation was to create a structure and formalize a process for the council to gather more input on topics of public safety from residents who have been marginalized by our current systems and institutions. He said no current or proposed entity or commission was studying approaches outside the current criminal legal system and this commission would try to do this.

Sgambelluri thanked the sponsors for their work. She expressed her opinion that the entire council was interested in seeking out and engaging voices that have not been adequately represented in the past. She felt the issue would be deciding the best way to accomplish this goal. She explained there were many tables that already existed where voices of marginalized communities were being heard, such as the NAACP, the Bloomington Homeless Coalition, and Bloomington Pride, among others. She stated that the Council could do a better job of tapping these groups, and that it was being suggested that the only way to seek out and listen to alternative voices was through the context of the proposed commission. Sgambelluri also stated that she would continue to seek out and listen to everyone in the community. She suggested that existing intersecting and independent agencies, and municipalities, work together on the issues. She said that the ongoing Divided Community Project seemed to have great potential in this regard, especially now that council had been invited to put forth appointments to the Future of Policing Taskforce. She suggested that council liaisons could potentially serve on important community organizations, if they would be interested in having them. Sgambelluri said she would be voting no on the ordinance, but if it passed, she pledged to do everything she could to help it succeed.

Rosenbarger said that her main reason for sponsoring the commission was because so many people had asked for something like this commission to be created in order to listen to people that feel that they were not being heard or understood. She explained that the commission was an attempt to try something different to try to address challenges in the community. She did not see the downside to creating the commission.

Smith said his reticence had been over the structure of the commission. He stated that the goals of the commission were good and after listening to his colleagues on the council, he would be voting yes for the ordinance.

Volan spoke about the fact that all city commissions were advisory in nature, and did not set policy. He explained that their advice could be helpful to the council. He said he would vote for the creation of the new commission.

The motion to adopt Ordinance 20-20 as amended received a roll call vote of Ayes: 6, Nays: 3(Sandberg, Sgambelluri, Sims), Abstain: 0.

Vote to adopt Ordinance 20-20 as amended [11:37pm]

LEGISLATION FOR FIRST READING [11:38pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-29 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 20-29 TO AMEND TITLE 1 (GENERAL PROVISIONS) OF THE BLOOMINGTON MUNICIPAL CODE - Re: Amending Chapter 1.08 to Harmonize the Design of the City Logo and City Seal

Volan had intended to refer Ordinance 20-29 to the Administrative Committee to be held after tonight's Regular Session meeting, however, the meeting had gone past the legal start time of 9:45pm. Volan proposed to cancel tonight's meeting and reschedule it for December 9, 2020 at a time to be determined.

ADDITIONAL PUBLIC COMMENT [11:42pm]

Greg Alexander spoke about attending the ribbon cutting for the new protected bike lane on Adams Street between Kirkwood and Third St. He was complimentary of the engineering details implemented and commented about the installation of a new sidewalk on the east side of the street. He expressed hope that the city continues to install sidewalks for the benefit of everyone.

Andrew Gunther spoke about his application being excluded from a pool of candidates to be considered for two vacant seats appointed by the Transportation Committee. He said that Piedmont-Smith said his application shouldn't be considered since he was actively suing the City of Bloomington. He said he did not want to be reconsidered for a seat, he wanted to express that he didn't feel it was legal. He felt that anyone has the right to question matters that relate to state statute and that this should not affect their eligibility to serve on a city commission.

Alex Goodlad spoke in favor of limiting personal attacks on others when we don't agree with another person's opinion. He also advocated for listening to opinions and criticism with an open mind.

COUNCIL SCHEDULE [11:50pm]

Piedmont-Smith moved and it was seconded to move the Administrative Committee Meeting scheduled for the current night, Wednesday, November 18, to Wednesday, December 9, at a time to be determined. The motion was approved by voice vote.

Lucas reviewed the council schedule.

ADJOURNMENT [11:53pm]

Piedmont-Smith moved and it was seconded to adjourn. The motion was approved by voice vote.

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