

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 04, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 04, 2022

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived 6:31pm)
Councilmembers present via Zoom: none
Councilmembers absent: none

ROLL CALL [6:30pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:31pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:31pm]

Rosenbarger mentioned her upcoming constituent meeting.

REPORTS

Sgambelluri also mentioned her upcoming constituent meeting. She also commented on her recent ride along with Officer Taylor Jurgeto. She commented on the shootings that had occurred that night and praised Officer Jurgeto.

- COUNCIL MEMBERS
[6:33pm]

Piedmont-Smith congratulated students who were graduating that weekend. She commented on the low voter turnout in the recent primary election, and congratulated those who ran, and those who won their primary. She recognized the graduate students who were attempting to have dialogue with Provost Rahul Shrivastav which did not appear to be forthcoming.

Flaherty noted his upcoming constituent meeting.

Sandberg echoed Sgambelluri's support and praise for the Bloomington Police Department (BPD). She discussed her ride along with Downtown Resource Officer (DRO) and Sargent Josh Taylor that morning. She commented on BPD officers' compassion and professionalism and thanked Chief Michael Diekhoff and Captain Scott Oldham for organizing the ride alongs.

Nicole Bennett, Commission on the Status of Women, introduced Elizabeth Gribbins, Adam Shifriss, and Christina Samons from the O'Neil School of Public and Environmental Affairs at Indiana University (IU) who explored gender equity in Bloomington.

- The MAYOR AND CITY
OFFICES [6:40pm]

Elizabeth Gribbins discussed the capstone project to assess the status of women in Bloomington including workplace issues, housing security, safety, child care, and health care. She highlighted that an intersectional feminist approach was used. Gribbins briefly presented the survey, deliverables, best practices, and a grant toolkit.

Adam Shifriss presented the impact of COVID-19 on data analysis. He described 2019 as a baseline year, the 2020 census, and how 2021 data was leveraged. He summarized missing data, breakdowns for low-income women, and intersectional groupings.

Christina Samons described best practices for survey design including building trust through having a consent form and stressing anonymity. She discussed recommendations, minimizing bias, translating for other languages, and emphasizing identity inclusivity. She spoke about options for distributing the survey.

Shifriss and Gribbins also discussed pay discrepancies for men and women, as well as type of work examples, and actions the city could take. They presented on housing, homelessness, and additional recommendations for the city. Other topics they discussed included safety and intersectional perceptions on safety, health care, child care and child care deserts, and an intersectional dashboard. They highlighted the successes in Bloomington. They recommended an intersectional dashboard to better analyze accurate data, potential useful metrics, and recommendations on integrating the metrics into the budgeting process.

Sandberg stated that the Jack Hopkins Social Services Fund (JHSSF) committee were considering applications from thirty local organizations providing services to the city. There were \$317,000 to distribute. She provided some information on the good work the organizations were doing. Sandberg thanked the committee.

Hugh Kramer discussed the environmental and health hazards of gas-powered leaf blowers. He provided extensive details.

Jim Shelton spoke on behalf of the Court Appointed Special Advocate (CASA) program and its upcoming training and the need for volunteers.

There were no appointments to boards or commissions.

Rollo moved and it was seconded that Ordinance 22-07 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Sandberg asked Stephen Lucas, Council Attorney, if an explanation was needed for the consideration of Ordinance 22-07.

Lucas explained that the petitioner had requested that council reject Ordinance 22-07.

Rollo moved and it was seconded that Ordinance 22-08 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sandberg referred Ordinance 22-08 to the Committee of the Whole to meet on May 11, 2022 beginning at 6:30 pm.

Rollo moved and it was seconded that Ordinance 22-09 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sandberg referred Ordinance 22-09 to the Committee of the Whole to meet on May 11, 2022 beginning at 6:30 pm.

Rollo moved and it was seconded that Ordinance 22-10 be read by title and synopsis only. The motion was approved by voice vote. Flaherty was out of the room. Bolden read the legislation by title and synopsis.

Sandberg referred Ordinance 22-10 to the Committee of the Whole to meet on May 11, 2022 beginning at 6:30 pm.

- The MAYOR AND CITY OFFICES (*cont'd*)

- COUNCIL COMMITTEES [7:07pm]

- PUBLIC [7:08pm]

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:19pm]

LEGISLATION FOR FIRST READING [7:19pm]

Ordinance 22-07 – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for a Planned Unit Development - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner) [7:19pm]

Ordinance 22-08 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20 [7:20pm]

Ordinance 22-09 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.03 [7:21pm]

Ordinance 22-10 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.04 [7:22pm]

Rollo moved and it was seconded that Ordinance 22-11 be read by title and synopsis only. The motion was approved by voice vote. Flaherty was out of the room. Bolden read the legislation by title and synopsis.

Ordinance 22-11 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.05, 20.06, & 20.07 [7:23pm]

Sandberg referred Ordinance 22-11 to the Committee of the Whole to meet on May 11, 2022 beginning at 6:30 pm.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:24pm]

Rollo moved and it was seconded that Ordinance 22-07 be read by title and synopsis only. The motion was approved by voice vote. Flaherty was out of the room. Bolden read the legislation by title and synopsis.

Ordinance 22-07 – To Amend the City of Bloomington Zoning Maps by Amending the District Ordinance and Preliminary Plan for a Planned Unit Development - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner) [7:24pm]

Rollo moved and it was seconded that Ordinance 22-07 be adopted.

Lucas described the two changes requested by the petitioner. One allowed for the creation of small lots for signage which received a negative recommendation from the Plan Commission. The second changed the allowed uses to include a studio space for videos and podcasts. He said that staff noted that the existing allowed uses included studio space. Based on the negative recommendation for the small lots, and that studio space was an allowed use, the petitioner wanted council to reject the petition. He described actions council could take.

Eric Greulich, Senior Zoning Planner in the Planning and Transportation department, confirmed that Lucas had summarized the legislation sufficiently.

Volan asked for clarification on the negative recommendation for the small lots for signage by the Plan Commission.

Council questions:

Smith responded that it was based on the size of the sign not being an allowed nor recommended use.

Volan asked if it had been a unanimous vote.

Greulich confirmed that it was, for both changes proposed by petitioner.

There were no public comments.

Public comment:

Volan asked if the vote was to allow the petitioner to withdraw.

Council comment:

Lucas explained that the motion was to reject the changes to the already approved Planned Unit Development (PUD).

The motion to adopt Ordinance 22-07 received a roll call vote of Ayes: 0, Nays: 9, Abstain: 0. FAILED.

Vote to adopt Ordinance 22-07 [7:33pm]

Rollo moved and it was seconded that Resolution 22-09 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: 3, Nays: 0, Abstain: 4.

Resolution 22-09 – Resolution Proposing an Ordinance to Modify the Monroe County Local Income Tax Rate, Allocate the Additional Revenues to Economic Development and Cast Votes in Favor of the Ordinance [7:33pm]

Rollo moved and it was seconded that Resolution 22-09 be adopted.

Sandberg noted that the consideration of Resolution 22-09 was a continuation from a previous week's session.

Flaherty moved and it was seconded to adopt Amendment 01 to Resolution 22-09. Smith presented Amendment 01.

Amendment 01 to Resolution 22-09

Amendment 01 Synopsis: This amendment is sponsored by Cm. Smith. It would reduce the proposed Economic Development Income Tax rate from .855% to .69% and would revise the total expenditure tax rate to reflect this reduction. In the supporting materials and discussions that have accompanied this proposal, including memos provided by the Mayor and presentations given at Council meetings, the administration has listed several key areas of investment that it intends to fund based on projected new annual revenue for the city that would be generated by the new tax rate:

- Public Safety \$4,500,000
- Climate Change Preparedness and Mitigation \$6,595,000
- Equity and Quality of Life for All \$3,900,000
- Essential City Services \$3,000,000 Total \$17,995,000

While the specific amounts and types of investments in these broad categories will be put into effect through mechanisms outside of this resolution, the intent of this amendment is to revise the proposed Economic Development Income Tax rate such that investments in the broad categories detailed by the administration may be made at the amounts listed below.

- Public Safety \$4,350,000
- Climate Change Preparedness and Mitigation
- Transit investments \$3,850,000
- Climate Action Plan implementation \$645,000
- Equity and Quality of Life for All \$2,900,000
- Essential City Services \$2,750,000 Total 14,495,000

Rollo asked if the city was well-positioned to compensate city employees in pace with cost of living increases.

Council questions:

Mayor John Hamilton confirmed yes.

Rollo asked about using other funds like the expiring Community Revitalization Enhancement Districts (CRED) for capital projects, included in the expenditures of the Local Income Tax (LIT), for a new police station or a combined police and fire campus. He asked why the city had only allocated \$3 million of the total \$16 million.

Hamilton said that the administration had not recommended any of the CRED funding because it was crucial for a city the size of Bloomington to retain reserves in the case of unforeseen future needs. He said that, in working with council, it was determined that some of the CRED funds could be allocated.

Rollo said that the cost of living was going up and that the tax came at a difficult time. He asked where the CRED funds could be used, whether it be for emergency purposes or something else.

Hamilton referenced Controller Jeff Underwood's examples, at the previous week's meeting, of CRED funds that had been used. He reiterated that an \$18 million tax had been recommended by the administration because that was the amount needed to advance all the interests of the community. He noted that the proposal had been very carefully thought through, and had been reduced by the \$3 million. He provided additional details, and explained why it was necessary to have sufficient reserves.

Volan asked how the rainy day fund, and similar funds, were used over the two years of the pandemic, and how they were affected.

Hamilton said that the prudent reserves in the General Fund and the Parks and Recreation Department General Fund were used for backstopping short stops in various departments, and for

investments directly into the community via loans, grants, JHSSF funding, and more.

Volan asked about the funding in the rainy day fund.

Hamilton said the budget projections showed the fund went from four to two months of reserves, and provided additional details.

Volan commented on the state's feedback indicating that the rainy day fund was too high. He asked if the administration was grateful for the cushion.

Hamilton responded that it had been essential in order to avoid layoffs, keep services functioning, and investing into the community.

There were no public comments.

Amendment 01 to Resolution 22-09 (cont'd)

Public comment:

Piedmont-Smith said that Amendment 01 was a compromise that maintained the important parts of the proposed budget with the LIT increase, like the climate change and significant transit investments. She provided examples of improvements to transit service in order to encourage community members to choose to ride the bus. She discussed the economic equity fund of \$1 million and explained that many investments in the plan benefitted low-income individuals in Bloomington and Monroe County. She said there would be funds to make good on the tentative agreement with the Fraternal Order of Police (FOP). She supported Amendment 01.

Council comment:

Rollo said that the LIT was restricted by state statute as a regressive tax and would disproportionately burden low- to moderate-income residents. There were economic pressures and high inflation. It was incumbent on council to assist the administration in tightening the belt. He appreciated the difficult compromise and commented on the reduced tax rate. He believed that more could be done to increase savings. He commented on the Public Safety LIT (PSLIT) which had a surplus as well as the expiring CRED funds. He would support Amendment 01 but believed that more time was needed to figure out how to further lower the rate.

Volan addressed Rollo's comment about supporting Amendment 01 but needing more time to further reduce the rate. He said he had always supported an annual increase for transit, in perpetuity. It would be transformative. Volan commented on the compromise, and said that he was fine with it being tied to the public safety salaries and looked forward to future opportunities for increasing the LIT to increase funding for transit. Volan had not heard about a lack of support for increasing transit services. He commented on the CRED area and funds and said that he did not want to see the funds used outside of the district. He believed the businesses that had paid into the fund also did not want to see it used outside the district. Volan said he would contest using those funds outside of the district and disagreed with Rollo that those funds should be available. He commented on the intention of the funds that were collected in the district. He referenced the restriction imposed on municipalities to collect taxes in 1973. He commented on having balanced budgets throughout his time on council.

Sandberg commented on the difficult decision on the proposal. She had heard from staff and frontline workers as to the need for additional funding for services. She was troubled that it was council voting on something that impacted everyone in Monroe County, based on the tax council. She had wished it had been a more collaborative effort, including those in the rural areas who did not have social services like those in Bloomington. She appreciated the hard work her colleagues had done to reduce the tax increase, and

she could support it in the spirit of compromise. Sandberg looked forward to future discussions on budgets and service, and respecting the relationship with county colleagues. She noted that with negotiations, not everyone would be satisfied. She reiterated that the FOP contract must be honored.

Amendment 01 to Resolution 22-09 (cont'd)

The motion to adopt Amendment 01 to Resolution 22-09 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Resolution 22-09 [8:05pm]

Rollo moved and it was seconded to postpone discussion on Resolution 22-09 to a Special Session on May 11, 2022 at 5:30pm.

Volan said that the motion to postpone needed five votes to pass. Lucas stated that was correct.

Council questions:

Sgambelluri asked Rollo to describe the additional conversations he anticipated that merited a postponement of the proposal.

Rollo referenced his earlier remarks including surpluses and a windfall in the CRED. The bond principle could be reduced as well as the rate. He provided some examples of tax reductions.

Piedmont-Smith asked Rollo why he had not pursued that earlier since council had been discussing the proposal for six weeks.

Rollo stated that he had raised the issues at every meeting, and provided examples of answers to his questions. He said that he had hoped the administration would increase the use of CRED funds.

Piedmont-Smith asked if he had discussed his suggestions with other councilmembers since she had not heard directly from him.

Rollo confirmed that he had, as well as with the administration.

Flaherty said that the administration's intent was to set up a long term sustainable plan for facilities and city services, and that having a one-time influx of money did not address a fifty year plus timeline. He commented on the compromise and stated that he would vote against the motion to postpone.

Volan agreed with Flaherty and reminded Rollo that he was intending to pledge tax dollars of district six for the sake of reducing the tax for everyone else. The taxes had been collected in good faith for investments in the downtown CRED district. He was not sure what to tell residents, and businesses immediately surrounding the courthouse that were over one hundred and fifty years old, with infrastructure that could be upgraded, but suddenly the funds were going to be used elsewhere. He did not appreciate the last minute effort to lower the tax even more, late in the process. Volan said the CRED funds needed to be used in the district they were collected in.

Smith said that Rollo was doing his due diligence to reduce the tax, and was part of the fiduciary responsibility of council. He applauded and supported Rollo's efforts and would also support the proposal.

Rosenbarger explained that she would not be available the following week for a Special Session. She also commented on council's efforts over the previous few weeks, on having a good faith compromise. She said not all councilmembers had participated in that hard work. She was not encouraged to postpone.

Rollo asked if she would be available on May 18, 2022.

Rosenbarger confirmed that she was.

Rollo stated that he wanted to modify his motion.

Lucas explained that the motion could be modified if there was unanimous consent. If there was an objection, then a majority of the council needed to approve it.

Resolution 22-09 as amended
(cont'd)

Volan objected to the modification.

Rollo moved and it was seconded to change his motion in order to postpone discussion on Resolution 22-09 to the Regular Session on May 18, 2022 at 6:30pm.

The motion to adopt change in motion received a roll call vote of Ayes: 6, Nays: 3 (Volan, Sims, Sgambelluri), Abstain: 0.

Vote to modify motion [8:17pm]

Rollo responded to Volan and said that millions of dollars were collected and spent in the downtown area. He argued that the downtown was the focal area of expenditures in terms of physical improvement, employment, parking garages, and more. It was not accurate to say that he proposed seizing dollars from district six.

Council discussion:

Volan commented on downtown, council districts, parking, funds, and more. He was doing his due diligence for his district and asserted that the CRED funds should be used in the area the fund was intended for. He argued that Rollo's district was perhaps the wealthiest in the city.

Sims stated that he was impressed with where the proposal had started and where it currently was, via compromise. He asked for clarification from the mayor regarding excess funds in PSLIT. He also said that he understood the CRED and its intentions and the need for reserves and perhaps using some of the reserves.

Hamilton said that there was not a projected balance at the end of the year for PSLIT and it did not have extra funds.

Sims commented on the budget process and council's role. He said that he did not see any fundamental change that could happen in the next couple weeks.

Sandberg did not anticipate the motion to postpone would pass. She commented on constituent feedback and her intent of reducing the LIT to something feasible. She looked forward to working on the PSLIT committee and collaborating with the county, Ellettsville, and Stinesville.

The motion to postpone discussion on Resolution 22-09 as amended received a roll call vote of Ayes: 3 (Sandberg, Rollo, Smith), Nays: 6, Abstain: 0. FAILED.

Vote to postpone Resolution 22-09 as amended [8:27pm]

Eric Spoonmore spoke in favor of Cm. Rollo's motion considering the magnitude of the proposal and against a high increase in taxes.

Public comment:

Volan said he was sensitive to Spoonmore's concerns, since he had been a county councilor and was currently employed at the Greater Chamber of Commerce. Volan explained how the proposal helped local workers via housing, support for low income workers and families, and provided examples. He spoke about other investments, like in community arts. Volan explained that to only say that the tax would hurt residents was incorrect and he referenced his examples. He agreed with Smith about the incredibly hard decision on the proposed tax increase. He supported the proposal.

Council comment:

Sgambelluri thanked her colleagues for compromising. There were not always solutions, but rather tradeoffs via compromise, with no

perfect solution. She explained how she analyzed the proposal and came to a decision on her vote. She explained her thoughtful consideration of the proposal including questioning if there was a clear and coherent set of funding priorities, a reasonable time to pass a tax increase, substantial public engagement, collaborative discussions between the administration and council, housing concerns, and an effort to minimize the burden for those vulnerable and struggling. There were built in investments to reduce the burden like housing equity, transit services improvement, and more. She would vote in favor of the tax increase.

Resolution 22-09 as amended

Rollo said that he agreed with a lot in the proposal and he thanked his colleagues for compromising and lowering the LIT. He believed a better time to pass a tax increase was when wages kept pace with inflation and people had discretionary funds. He discussed salaries for essential city employees, city services, police salary investment, and more. He spoke about his efforts to lower the rate. He had hoped that the tax increase proposal had been done after the annual budget process so that the administration could show council the need to increase the revenue. Rollo was troubled by only reserving \$3 million in an account that had a windfall of \$16 million. He would support the proposal because of the FOP contract.

Sims thanked the mayor, Deputy Mayor Donald Griffin, the administration, Controller Underwood, and council for the discussion on the proposal. He was impressed with the successful compromise. He had been in favor of the public safety and essential city services buckets, but understood the very necessary bucket of climate change preparedness and mitigation and the equity and quality of life bucket. He explained that not everything could be done. He noted that Black residents were overrepresented in police citations by 245% and that 13.9% of the citations were written to Black residents. The city's Black population was less than 4%. He questioned the equity in operational policies. Sims noted that there was never a good time to pass a tax, and that the investments in the proposal would help substantially. He commented on his concerns about taxes in the county including property taxes, the Monroe County Community School Corporation (MCCSC) referendum, LIT, and more. He said that public safety was crucial. Sims said that compromise led to the decrease in the rate but still allowed the city to make substantial investments.

Piedmont-Smith supported Resolution 22-09 because it benefitted the city and county. She believed the money the county would receive would allow it to make investments into criminal justice. She noted that some community feedback she received was not in support of funding for the police. There were members of the community who did not equate safety with investment in police. There were some who preferred that the money reserved for police salaries be used elsewhere. She personally believed that police officers needed to be paid better, but policing practices needed to be reviewed. The community also needed to understand that police were not always the answer to public safety. Piedmont-Smith reiterated that any action that evening was for a recommendation to the tax council and was not the final step. She noted that if enough councilmembers supported the increase, then the increase would pass the tax council. Next steps included determining the projects and investments that would be done, and she planned to very carefully consider each one. She commented further on the process and action that evening.

Flaherty would support Resolution 22-09. He recognized the improved process and effort from the administration on the well-articulated and justified proposal. He recognized the compromise of all councilmembers despite having shared goals and differing views. He commented that it would be ideal to work directly with county government on proposed projects, though county elected officials believed new revenue was needed. He had spoken to six of the seven county councilors, as the fiscal body of the county as well as members of the tax council, who had expressed support. He discussed the status of the county's plans for the revenue. Flaherty commented on the flawed process of LIT from the state. He spoke about the feedback from some community members who were against the increase as being harmful. He firmly believed that was not the sentiment of everyone and many understood that taxes allowed for the investment in the public good. He commented on the role and justification for a functioning government. He said that part of the goal was to prepare for the impacts of climate change, and noted the recent flooding that had resulted in one death and the flooding of a fire station. He provided the Payment Protection Plan and Program, well-funded by rates, as an example of assisting those who were struggling to pay their utility bills.

Resolution 22-09 as amended

Rosenbarger appreciated councilmembers' comments and was glad Resolution 22-09 as amended was likely to pass. She highlighted the good work that had been done by the administration and council resulting in the collaborative compromise. She commented on transit services which helped those who did not have cars.

The motion to adopt Resolution 22-09 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 22-09 as amended [9:02pm]

There was no public comment.

ADDITIONAL PUBLIC COMMENT [9:03pm]

Lucas reviewed the upcoming council schedule and legislation.

COUNCIL SCHEDULE [9:03pm]


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


ADJOURNMENT [9:05pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 03 day of May, 2023.

APPROVE:

ATTEST:


Susan Sandberg, PRESIDENT
Bloomington Common Council


Nicole Bolden, CLERK
City of Bloomington