

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, October 19, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
October 19, 2022

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

ROLL CALL [6:32pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:32pm]

Rollo moved and it was seconded to approve the minutes of September 29, 2021, October 06, 2021, and September 28, 2022. The motion was approved by voice vote.

APPROVAL OF MINUTES [6:33pm]

September 29, 2021 (Special Session)
October 06, 2021 (Regular Session)
September 28, 2022 (Special Session)

Smith summarized three petitions considered at the recent Plan Commission meeting. First, a petition to extend time for the alley vacation relating to the Johnson Creamery property, which was approved with a vote of 9-0. Second, a petition for Strausser Construction for a storage facility on South Walnut Street, which was also approved. Third, a petition from Monroe County government requesting a zoning map amendment for the proposed county detention center. He provided additional details. The Plan Commission would take final action at the next meeting.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Volan commented on early voting and election day, and his efforts with Vote Where You Sleep in consideration of students. He listed locations, rides to the polls, and more. He urged everyone to vote.

Rollo reported on the Food and Beverage Tax Advisory Commission's recent actions including the 2021 Annual Report, the election of officers, and yearend balances, and expenditures.

Lauren Clemens, Assistant Director of Sustainability in the Economic and Sustainable Development department, summarized the Climate Action Plan Progress Report. She discussed the goals of the 2018 Sustainability Action Plan and 2019 Climate Action Plan and progress made in the city. Other topics Clemens discussed included progress on emissions, climate mitigation and adaptation, buildings and energy use, transportation and land use, waste management, water and wastewater, local food and agriculture, health and safety, greenspace, and climate economy. She highlighted if the goal was either completed, underway, ongoing, not started, or inactive, and provided specific details.

- The MAYOR AND CITY OFFICES [6:45pm]

There was council discussion regarding the city's population growth and carbon impact, carbon sequestration, greenhouse gas emission tracking, the Zero in Bloomington website and household registration, Geographic Information System (GIS) data and maps, Phase I actions, regional collaborations, partnerships, agreements, and next steps. The discussion also included timing of implementing goals, funding for things like electric buses, Commission on Sustainability efforts, public engagement, climate justice, and the Environmental Commission's efforts.

Council discussion:

Flaherty summarized the Climate Action and Resilience Committee meeting and its efforts including the phasing out gas-powered, off-road equipment in exchange for electric equipment.

• COUNCIL COMMITTEES [7:07pm]

Jennifer Pearl, President of the Bloomington Economic Development Corporation, provided an update on the Economic Vitality Project.

• PUBLIC [7:10pm]

William Coulter commented on the Citizen Redistricting Advisory Committee's (CRAC) process and some community members' objections.

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke about Local Income Tax (LIT), transit infrastructure, city services, and the beautification of the downtown using Community Revitalization Enhancement District funding.

Piedmont-Smith moved and it was seconded to make the following appointment(s):

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:22pm]

- To appoint Kirsten Hawley to seat C-2 on the Historic Preservation Commission
- To appoint Lara Christoun to seat C-4 and Raquel Anderson to seat C-5 on the Commission on Hispanic and Latino Affairs
- To appoint Regina Moore to seat C-2A and Michael Schnoll to seat C-3A on the Parking Commission

The motion was approved by voice vote.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:25pm]

Rollo moved and it was seconded that Appropriation Ordinance 22-04 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Appropriation Ordinance 22-04 – To Specifically Appropriate from the General Fund Expenditures not Otherwise Appropriated to Fund an Emergency Reproductive Health Care Program to Help Address the Impacts of Indiana's Near-Total Abortion Ban [7:25]

Rollo moved and it was seconded that Appropriation Ordinance 22-04 be adopted.

Beth Cate, Corporation Counsel, reviewed the legal landscape that led to Appropriation Ordinance 22-04. She noted the recent decision by the Supreme Court of the United States (SCOTUS), referred to as Dobbs, and Senate Bill 01 passed by the Indiana General Assembly, regarding restrictions on abortions. She discussed additional information including access to healthcare, restrictions, integrity, repercussions, dangers to women and their reproductive health, autonomy, and more. She also referenced a statement signed by many local elected officials. Cate summarized the Appropriation Ordinance 22-04's goals and intent. She noted that there were three lawsuits filed, challenging the validity of Senate Bill 01. There was a stay via an injunction. The Indiana Supreme Court would decide the validity of Senate Bill 01 and if it violated the state constitution.

Beverly Calender-Anderson, Director of the Community and Family Resources (CFR) department, provided details on the management of the funds, the grant application process and evaluation, memorandum of understanding (MOU), annual reports from agencies, and compliance.

Sgambelluri thanked Cate and Calender-Anderson for their presentation and asked about the city's course of action if an agency did not follow the MOU.

Appropriation Ordinance 22-04
(cont'd)

Cate explained that a grant agreement was a contract and violating its terms allowed the city to seek repayment and more.

Council questions:

Sgambelluri asked about the application and process.

Calender-Anderson said that the application requested data on demographics, number of community members served, services provided, amount of funding needed, and how the program would be evaluated, what outcomes would be expected, and a budget.

Sandberg asked about the stay and if it impacted the expected number of applications. She also asked about leftover funds and if they could be rolled over to the following year.

Cate said that there was likely to be an impact. And, if there was money left over, it would be rolled over to the following year.

Sandberg asked if it was correct that the application clearly stated what the funding could and could not be used for.

Cate confirmed that was correct and that agencies would have to be compliant with local and state statute.

Scott Tibbs spoke against Appropriation Ordinance 22-04 and referenced bible verses against abortion.

Public comment:

Jessica Marchbank commented in favor of Appropriation Ordinance 22-04. She said that All-Options had seen a 120% increase in demand for diapers. She noted the high cost of abortions, difficulty with access, and the need to support families that were already struggling.

Renee Miller thanked staff and others for emergency funds for reproductive health and body autonomy. She spoke about the urgent need for the funding.

Jason Chen, Pastor of Chinese Reform Church of Bloomington, commented in opposition of Appropriation Ordinance 22-04. He said that all life was a gift from God and urged council to turn away from the murdering of babies.

Stephen Lucas, Council Attorney, read a statement submitted by Carol Canfield via Zoom chat. It stated reasons against Appropriation Ordinance 22-04 and asked council to quit playing God and support birth centers in the city.

Piedmont-Smith said that in the wake of Senate Bill 01, local staff and healthcare organizations were overwhelmed by requests for guidance from people who were pregnant and scared. They needed to have counseling on the options available to them. She noted that women were scared about having to carry a baby to full term when they were physically, psychologically, financially, or otherwise unprepared to do so. The decision to carry a pregnancy to term should be between the pregnant person and their healthcare provider. It was not the business of government, as it would be a violation of the separation of church and state. She thanked several community members, commissioners, and staff. She read a quote from a guest column in Bloom Magazine by Dr. Alice Wood, Obstetrician/Gynecologist, regarding pregnancy risks, and the dangers of prioritizing the growing life inside of a woman over her physical and mental wellbeing was not pro-life or pro-family and interfered with her right to life, liberty, and the pursuit of happiness. She would be voting in favor of Appropriation Ordinance 22-04.

Council comment:

Sgambelluri appreciated Piedmont-Smith's comments and the reminder of the foundational notions of bodily autonomy and reproductive rights being justice issues. She read a statement from Reverend Carlton Basey, President of the Religious Coalition for Reproductive Choice, in favor of reproductive justice including comprehensive sex education, family planning, contraception, adequate medical care, a safe environment, and more. She noted that was how she viewed the issue and would support Appropriation Ordinance 22-04.

Appropriation Ordinance 22-04
(cont'd)

Volan stated that there were about 78,616 live births in Indiana the previous year, and 531 died at birth, giving Indiana an infant mortality rate of 6.75 deaths per 1000 live births. The worst state for infant mortality was Mississippi with 8.12 per 1000 live births and the best was California with 3.92 per 1000 live births. He explained that there were opportunities to lower the infant mortality rate. He said that there were 8414 terminated pregnancies in Indiana and only about 1.25% occurred after thirteen weeks. If Indiana invested in reducing the mortality rate, 200 infants could be saved, which was double the number of abortions after thirteen weeks. He did not subscribe (ascribe?) to someone else's idea of the law, based on a book that was written a long time ago, and believed that the overturning of Roe v. Wade was a mistake. The continued unwillingness to invest in all aspects of childhood, and to only consider those who were not born yet, was also a mistake.

Sims wanted to make it clear that council did not make decisions on personal choices regarding abortive services. The legislation was an appropriation ordinance only. He believed in a woman's unrestricted right to choose.

Sandberg spoke about illegal and dangerous abortions prior to Roe v. Wade. It was known that abortions would happen regardless of safety, legality, or rareness. Council was attempting to assist those in need, especially those with low-income who could not afford legal and safe abortions, and was an emergency measure for the community. Women's rights were under attack, including their body and futures, and if they wished to become a parent or not. It was women who decided their fate. Much of the funding would go towards preventing unwanted or accidental pregnancies. Sandberg spoke about her daughter, who moved to Oklahoma, which was a very restrictive state. She did not want to have an accidental pregnancy and thus took preventative measures.

The motion to adopt Appropriation Ordinance 22-04 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 22-04 [8:07pm]

Rollo moved and it was seconded that Resolution 22-18 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Resolution 22-18 – Resolution Proposing an Ordinance Modifying Local Income Tax Allocations in Monroe County and Casting 56.66 Votes in Favor of the Ordinance – Re: Adjusting the Allocations Between the Public Safety Answering Point (PSAP) and General Public Safety Purposes Tax Rates Without Changing Other Allocations or the Total Expenditure Tax Rate [8:07pm]

Rollo moved and it was seconded that Resolution 22-18 be adopted.

Lucas, summarized the recommendation from the Public Safety Local Income Tax (PSLIT) committee which was an annual action that the Monroe County Local Income Tax Council took to adjust the allocation amounts divided up between Public Safety Answering Point (PSAP) and general public safety purposes. He noted proposed changes for 2023 and provided additional details on the amounts

proposed to go to the remaining bodies including Monroe County, City of Bloomington, Towns of Ellettsville, and Stinesville.

Resolution 22-18 (cont'd)

Volan asked for a brief report from the chair.

Council questions:

Lucas said the chair was Geoff McKim, who was not present. He explained that another purpose of the committee was to review applications for funding and that year there was only one application from the Bean Blossom Fire Department. The committee recommended not funding that application.

Sims spoke as a member of the committee and noted that part of the discussion was for a new position for the PSAP. He asked for additional information on it and recalled that it was for mental health services.

Lucas said that was correct and the original request was for \$2.5 million but had an additional \$85,000 for the additional position pertaining to mental health.

There was no public comment.

Public comment:

Piedmont-Smith mentioned the PSAP budget could be met with a smaller portion of the PSLIT due to substantial reserves for both the city and county, totaling about \$1.8 million.

Council comment:

The motion to adopt Resolution 22-18 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 22-18 [8:19pm]

LEGISLATION FOR FIRST READING [8:19pm]

Rollo moved and it was seconded that Ordinance 22-28 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 22-28 – Final Approval to Issue Economic Development Revenue Notes and Lend the Proceeds for the Renovation of Affordable Housing – Re: Country View Apartments, 2500 S. Rockport Road, Bloomington, Indiana (Country View Housing, LP, Petitioner) [8:19pm]

Sandberg referred Ordinance 22-28 to the Committee of the Whole (COW) to meet on October 26, 2022.

Flaherty moved and it was seconded that the Council discharge the COW from considering Ordinance 22-28.

Council discussion:

Flaherty explained his objection to the COW meeting for three reasons. First, it created unnecessary meetings and was a burden on staff, BPD, councilmembers, and the public. Second, was that the public record was different for committee meetings. Flaherty stated that was problematic since most of the substantive discussion, and the presentation of legislation, occurred at the COW instead of a Regular Session. Third, was the confusion on what the purpose of the COW was versus actions taken at Regular Sessions. He did not believe it was necessary to send legislation to the COW.

Volan agreed with Flaherty and added that it made it difficult to amend legislation. He would be making a motion to discharge all legislation from the COW and to instead send to a second reading.

Rollo stated that he did not fully concur and did not see the confusion between committee meetings and Regular Sessions. He believed that Ordinance 22-28 did not need to be sent to the COW, but perhaps other legislation did.

The motion received a roll call vote of Ayes: 7, Nays: 2 (Sgambelluri, Sandberg), Abstain: 0.

Rollo moved and it was seconded that Ordinance 22-29 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sandberg announced that she would not refer Ordinance 22-29 to the Committee of the Whole to meet on October 26, 2022.

Rollo moved and it was seconded that Ordinance 22-31 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sandberg referred Ordinance 22-31 to the Committee of the Whole to meet on October 26, 2022.

Volan moved and it was seconded that the Council discharge the Committee of the Whole from considering Ordinance 22-31.

Volan stated that he had met with the resident who had brought the concerns to council. He preferred that the presentation be in the record and presented at a Regular Session. If needed the legislation could go to a third reading.

Rollo stated that the resident was prepared to present at the COW as well as the Regular Session the following week.

Flaherty disagreed on sending the legislation to the COW and said that a second reading allowed for final action to be taken. Or, legislation could have a third reading, and that a presentation was not necessary since it had been presented at the second reading.

Volan understood the safety concerns with the intersection. He reiterated that sending the legislation to the COW would complicate submitting potential amendments to the legislation which could improve the remedy to the safety concerns.

Rollo said that he sponsored the legislation because he felt it was the best remedy for the safety concerns at the intersection. He saw value in hearing from the public at the COW, which could have a recommendation which was not binding.

Sandberg stated that she would be voting against discharging the legislation due to council's current schedule. She said sending the legislation to a third reading could affect other items council would be considering.

Volan commented on petitioners and their presence at Regular Sessions and the COW. He also did not have a preconceived notion about the intersection.

The motion received a roll call vote of Ayes: 4 (Rosenbarger, Volan, Flaherty, Piedmont-Smith), Nays: 5 (Sims, Sgambelluri, Sandberg, Rollo, Smith), Abstain: 0. FAILED

Lucas read a statement from Renee Miller submitted via Zoom chat that stated the COW was a waste of staff's and the public's time.

Vote to discharge Ordinance 22-28 [8:22pm]

Ordinance 22-29 – Ordinance Authorizing and Approving a Payment in Lieu of Taxes (“PILOT”) Agreement With Country View Housing Limited Partnership for Country View Apartments [8:23pm]

Ordinance 22-31 – To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” – Re: Amending Section 15.12.010 (Stop Intersections) to Change a Stop Intersection Location to a MultiStop Intersection Location [8:26pm]

Council discussion:

Vote to discharge Ordinance 22-31 [8:41pm]

ADDITIONAL PUBLIC COMMENT [8:42pm]

Lucas reviewed the upcoming council schedule, including a Work Session that Friday, and items for consideration.

COUNCIL SCHEDULE [8:42pm]

Flaherty stated that not all councilmembers could attend work sessions because they were scheduled during the work day. He provided alternatives to receiving information from staff and petitioners regarding upcoming legislation not already in the packet. He commented on his experience as a member of the public attending work sessions, which to him seemed to not be welcoming to the public. He also noted that there was substantial debate during the work session which was not appropriate.

Council discussion:

Volan concurred with Flaherty and noted that at Work Sessions councilmembers could ask for additional information from staff to be included in the presentation.

Piedmont-Smith agreed that it was necessary to reconsider Work Sessions and that perhaps emailing would work best. If the council president would notify councilmembers of upcoming legislation for consideration, then they could correspond with staff directly.

Sandberg commented that she was interested in hearing more about the petition from Peerless Development and the utility rates at the upcoming Work Session. She found Work Sessions to be useful.

Volan suggested that Sandberg reach out to presenters about the Peerless petition for information and ask questions directly to them.

Rollo appreciated the discussion and also recognized that it was important to not have any substantive discussion at Work Sessions.

Volan moved and it was seconded to cancel the Council Work Session on October 21, 2022. The motion was approved by voice vote.

Vote to cancel Work Session [8:51pm]

Volan moved and it was seconded to adjourn. Sandberg adjourned the meeting.

ADJOURNMENT [8:53pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 02 day of August, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington