

MEMORANDUM
Bloomington Common Council- Regular Session
Bloomington City Hall, 401 N. Morton Street, Bloomington, Indiana
Wednesday, March 29, 2023

Meeting called to order: 6:30 pm
Council President Sue Sgambelluri presided.

ROLL CALL

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived at 6:31pm)

Councilmembers present via Zoom: none

Councilmembers absent: none

City staff, officials, and guests present: Alex Crowley, Hank Duncan, Kirk White, Paul Schmidt, Stephen Lucas, Ash Kulak, Mayor John Hamilton, City Clerk Nicole Bolden

AGENDA SUMMATION

Council President Sue Sgambelluri gave a land acknowledgment and summarized the agenda.

APPROVAL OF MINUTES

There were no minutes for approval

REPORTS

Mayor and City Offices

Sidewalk/Sidepath and Paving Data Report-postponed

Update Report on Bloomington Capital Improvements, Inc. (CBCI)-Mayor John Hamilton

MOTION: Flaherty moved and it was seconded to extend the time limit on Reports from the Mayor and City Offices until 8pm.

ACTION: The motion was approved by voice vote.

Report on Staff Recommendations re: Scooters and Micro-mobility Options-Alex Crowley, Hank Duncan, Kirk White

MOTION: Rollo moved and it was seconded to extend the time limit on Reports from the Mayor and City Offices until 8:30pm.

ACTION: The motion received a roll call vote of Ayes: 6, Nays: 3 (Flaherty, Sims, Volan), Abstain: 0.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

For the Commission on the Status of Black Males - To appoint Caleb Poer to seat C-1

For the Commission on Aging - To appoint Rob Council to seat C-3

ACTION: The motion was approved by voice vote.

MOTION: Volan moved and it was seconded to make the following appointment(s):

For the Digital Underground Advisory Committee - To reappoint Mike Allen to seat C-1

For the Dr. MLK Birthday Celebration Commission - To appoint Da'Ja'Nay Askew to seat C-3

For the Traffic Commission - To appoint Cole Moore to seat C-4

ACTION: The motion was approved by voice vote.

MOTION: Volan moved and it was seconded to remove Luke Swain from seat C-3 on the Environmental Commission due to non-attendance pursuant to Bloomington Municipal Code 2.08.020, paragraph 4. In making this motion, I ask that before a formal decision to remove is reached that the Council give Mr. Swain at least five (5) business days to provide any extenuating circumstances, in writing, in response to this particular motion.

MOTION: Volan moved and it was seconded that the question of removal be postponed until the Council's Regular Session on April 12.

ACTION: The motion was approved by voice vote.

MOTION: Sandberg moved and it was seconded to make the following appointment(s):

For the Bloomington Commission on Sustainability - To appoint Alex Hakes to seat C-1 and Justin Vasel to seat C-2

For the Parking Commission - To appoint Michael Schnoll to seat C-2

ACTION: The motion was approved by voice vote.

MOTION: Rollo moved and it was seconded that Greg Alexander be removed from the Traffic Commission for cause under BMC 2.08.020, paragraph 4, for the following conduct that demonstrates Mr. Alexander's diminished ability and fitness to perform the duties of his appointment:

Statements at Issue:

The following statements were made on the social media site Twitter on the following dates:

- On November 3, 2022, in response to a Twitter thread regarding allocation of City funds for sidewalks, user @GregAlexander8 replies: "with all due respect, taking things away from elm heights *IS* exactly how the rest of the city gets help."
- On November 5, 2022, in response to a Twitter thread, in which user @clerkmoore used the words "punching through" to describe a planned infrastructure project within Elm Heights, user

@GregAlexander8 replies: “i would really like to know. It sounds like they are going to savagely penetrate your neighborhood and I want to know what they’re going to use to do that?”

- On November 16, 2022, user @GregAlexander8 tweeted the following: “haters gonna hate and bloomington democrats gonna lick the shit out from between elm heights’ neighbors ass cheeks”

The Traffic Commission’s duties are listed in Bloomington Municipal Code Section 2.12.070 Paragraph (1) and are as follows:

Purpose—Duties. It shall be the duty of the commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the common council and to appropriate city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

The statements diminish Mr. Alexander’s ability and fitness to perform these duties of appointment in one or more of the following ways:

1. Bias. The statements on Twitter from November 3, 2022 demonstrate bias against one of Bloomington’s neighborhoods. The statement advocates for taking city resources away from this neighborhood. This impacts Mr. Alexander’s ability to impartially discharge the enumerated duties in BMC 2.12.070. The following duties are specifically impacted: (1) receiving complaints from residents of this neighborhood and (2) recommending ways and means for improving traffic conditions and the administration and enforcement of traffic regulations within this neighborhood.
2. Chilling public engagement. Members of the public have come forward during public comment portions of Council meetings, including the Regular Sessions on January 25, 2023 and February 1, 2023 and the Special Committee on Council Processes meeting on February 20, 2023, to express concern that Mr. Alexander’s behavior has discouraged Bloomington residents from voicing traffic concerns and interacting with the Traffic Commission. The behavior in question includes Mr. Alexander’s statements on Twitter from November 5th and 16th, 2022 that use references to sexual acts and sexual violence to ridicule public concerns about public infrastructure projects. Members of the public have stated that they feel targeted, bullied, and intimidated by Mr. Alexander. This impacts Mr. Alexander’s ability to engage with the public as is required by several enumerated duties of the Traffic Commission, including: (1) carrying on educational activities and (2) receiving complaints regarding traffic matters.
3. Bullying and harassment that would be subject to disciplinary procedures under the City of Bloomington employee personnel manual. Volunteers are subject to the City of Bloomington policy prohibiting harassment in the workplace, in Section 3.04 of the personnel manual. Commission service is a volunteer position with the City. The personnel manual defines several behaviors that constitute conduct for which employees may be discharged immediately, including “any action that, whether or not a violation of a regularly established rule, regulation, or policy, is so deleterious to efficient City operations or to the public interest that discipline or discharge

could reasonably expected to result.” Mr. Alexander’s behaviors, including statements on Twitter on November 5 and 16, 2022 that ridicule public concerns with references to metaphors of sexual violence and depict graphic sexual acts, have interfered with public engagement with the Traffic Commission and the City. Members of the public have come forward to express feeling intimidated, harassed, and bullied. The chilling effect these statements have had on public engagement with the City and Traffic Commission is so deleterious to the public interest that discipline or discharge could reasonably be expected to result under the City of Bloomington’s personnel manual.

To be clear, I do not make this motion because of Mr. Alexander’s substantive criticisms of the city, the Council, or myself. Rather, I make this motion out of concern about Mr. Alexander’s fitness to carry out the duties of his appointment to the Traffic Commission.

In making this motion, I ask that the Council make no formal decision tonight but instead give Mr. Alexander at least five (5) business days to provide any written comments he would like to offer the Council in response to this particular motion.

MOTION: Sandberg moved and it was seconded that the question of removal be postponed until the Council’s Regular Session on April 12.

ACTION: The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

There was no legislation for second reading.

LEGISLATION FOR FIRST READINGS

Appropriation Ordinance 23-01 – To Specially appropriate the Current Balance of the Opioid Settlement Fund to Help Address the Impacts of the Opioid Crisis on City and County Residents

Synopsis: This ordinance appropriates \$391,906 of opioid settlement funds for the purpose of making grants in 2023 to community organizations assisting residents of Bloomington experiencing negative impacts from the opioid crisis.

MOTION: Rollo moved and it was seconded that Appropriation Ordinance 23-01 be introduced and read by title and synopsis only.

ACTION: The motion was approved by voice vote.

ACTION: Sgambelluri referred Appropriation Ordinance 23-01 to the Regular Session to meet on April 04, 2023.

Appropriation Ordinance 23-02 – To Specially Appropriate Funds from the General Fund for Construction of The Trades District Tech Center and Associated Construction Management Services

Synopsis: This ordinance appropriates \$3,061,391 from the General Fund to help pay for construction of the Trades District Tech Center and associated construction management services secured by The Dimension Mill.

MOTION: Rollo moved and it was seconded that Appropriation Ordinance 23-02 be introduced and read by title and synopsis only.

ACTION: The motion was approved by voice vote.

ACTION: Sgambelluri referred Appropriation Ordinance 23-02 to the Regular Session to meet on April 04, 2023.

ADDITIONAL PUBLIC COMMENT

COUNCIL SCHEDULE

ADJOURNMENT [9:43pm]

ACTION: Sgambelluri adjourned the meeting.

Memorandum prepared by:
Clerk Nicole Bolden
City of Bloomington