



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 26 July 2023

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
26 JULY 2023

*Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:*

<https://bloomington.zoom.us/j/86859424068?pwd=UW5zTXBCVVk4QkF5cDFrdEZYcUJ1dz09>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES:**
 - A. January 19, 2022 – Regular Session
 - B. August 3, 2022 – Regular Session
 - C. August 17, 2022 – Regular Session
 - D. September 7, 2022 – Regular Session
- IV. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section.)*
 - A. Councilmembers
 - B. The Mayor and City Offices
 - i. Report on Bloomington 2023 Community Survey
 - ii. Report on Old State Rd. 37 and Lower Cascades Park multi-use path alternatives
 - C. Council Committees
 - D. Public*
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Resolution 23-13 – Resolution on the Hazards of Artificial Intelligence
 - B. Resolution 23-14 – To Initiate Amendments to the City’s Comprehensive Plan Re: Accessible Transportation and Mobility Principles

(over)

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: 21 July 2023

VII. LEGISLATION FOR FIRST READINGS

- A. Ordinance 23-14 – To Amend Title 6 of the Bloomington Municipal Code Entitled “Health and Sanitation”- Re: Updating and increasing fees for service and harmonizing Chapters 4 and 5 of Title 6 of the Bloomington Municipal Code.

VIII. ADDITIONAL PUBLIC COMMENT *

(A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

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Posted: 21 July 2023



**City of Bloomington
Office of the Common Council**

Minutes for Approval

19 January 2022 | 03 August 2022 | 17 August 2022
07 September 2022

In Bloomington, Indiana on Wednesday, January 19, 2022 at 6:30 pm, Council President Susan Sandberg presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically via Zoom.

COMMON COUNCIL
REGULAR SESSION
January 19, 2022

Councilmembers present via Zoom: 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 Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:32pm]

Rollo moved and it was seconded to approve the minutes of February 17, 2021, March 17, 2021, and March 24, 2021. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:35pm]

February 17, 2021 (Regular Session)
March 17, 2021 (Regular Session)
March 24, 2021 (Special Session)

Sims discussed the Martin Luther King, Jr. Birthday celebration.

REPORTS

Piedmont-Smith commented on the lack of progress since the Civil Rights movement of the 1960s and encouraged people to keep up the good fight.

- COUNCIL MEMBERS [6:36pm]

Rollo reported on discussions from his constituent meeting regarding Planned Unit Developments (PUD). He also discussed the potential conflict between the United States and Russia.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES [6:43pm]

Smith reported that the Community Development Block Grant (CDBG) review was in process.

- COUNCIL COMMITTEES [6:43pm]

There were no public comments.

- PUBLIC COMMENT

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:45pm]

Rollo moved and it was seconded that Ordinance 22-01 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. City Clerk Nicole Bolden read the legislation by title and synopsis.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:45pm]

Ordinance 22-01 An Ordinance Establishing and Approving the Expanded Outdoor Dining Program in the Downtown Corridor [6:45pm]

Rollo moved and it was seconded that Ordinance 22-01 be adopted.

Jane Kupersmith, Assistant Director of Small Business Development, Economic and Sustainable Development (ESD) department, along with Larry Allen, Assistant City Attorney, and Adam Wason, Director of Public Works, presented the legislation. Kupersmith gave a brief history of the outdoor dining program, how it evolved, and staff recommendations for 2022.

There was council discussion of the ordinance related to parking, accessibility, business opinions, program costs, and revenue.

Council discussion:

Michael Carmin spoke in opposition to the legislation.

Public comment:

Talisha Coppock, on behalf of Downtown Bloomington, Inc., spoke in favor of the ordinance.

Galen Cassady thanked those responsible for the program and spoke in favor of the legislation.

Sam Dove commented via Zoom chat that dining rooms needed to open.

Bob Costello spoke on behalf of the Kirkwood Community Association about how some of the businesses and restaurants would not have survived during the COVID-19 pandemic if it were not for the Kirkwood closure and urged the council to support this ordinance.

There was additional council discussion related to how many businesses used the program, other ways to increase participation, how to benefit businesses, safety issues, and what would happen after the health emergency ended.

Council comments:

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

Vote to adopt Ordinance 22-01 [8:30pm]

Rollo moved and it was seconded that Ordinance 22-02 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 22-02 - Amending Ordinance 21-37 Which Fixed the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington for 2022 - Re: Covid Premium Pay and Create a New Position in the Department of Economic and Sustainable Development [8:31pm]

Rollo moved and it was seconded that Ordinance 22-02 be adopted.

Caroline Shaw, Director of Human Resources, presented the legislation, which amended Ordinance 21-37 and set pay grades and salary ranges for appointed officers, non-union, and AFSCME employees. It also added a full-time Sustainability Program Coordinator for ESD.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

Piedmont-Smith was happy that the Program Manager position for sustainable activities in the city was created in order to comply with the commitments of the sustainability and climate action plan.

Council comments:

The motion to adopt Ordinance 22-02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-02 [8:36pm]

Rollo moved and it was seconded that Ordinance 22-03 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 22-03 - Amending Ordinance 21-36 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington for 2022 - Re: COVID Premium Pay and Retention Pay [8:37pm]

Rollo moved and it was seconded that Ordinance 22-03 be adopted.

Shaw presented the legislation which amended Ordinance 21-36 which fixed the salaries of officers of the police and fire departments for the year 2022. It also modified the language for COVID and Retention Pay.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 22-03 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-03 [8:40pm]

Rollo moved and it was seconded that Resolution 22-02 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis. Clerk's Note: Resolution 22-02 was postponed on January 12, 2022.

Resolution 22-02 To Establish Four Standing Committees and Abolish Certain Other Standing Committees of the Common Council [8:41pm]

Sandberg passed the virtual gavel to Rollo.

Piedmont-Smith asked to have the sponsor review the amendment.

Amendment 01 Synopsis: This amendment is sponsored by Councilmember Flaherty and removes provisions that would abolish the Council's Administration Committee; Climate Action & Resilience Committee; and Land Use Committee.

Amendment 01 to Resolution 22-02

Volan asked the sponsors to comment on Amendment 01.

Council questions:

Sandberg stated Amendment 03, which would be presented later in the meeting, would address the concerns of climate action which she supported. She commented that the Committee of the Whole (COW) was an efficient way for all councilmembers to conduct business.

Sims commented that Sandberg's response to the amendment was sufficient and had no other comment.

Volan asked if the sponsors thought there would be no additional issues that would arise requiring the Administration Committee.

Sandberg stated that once an issue was brought forward, a rules committee could be created.

Sgambelluri commented that creating ad-hoc, special committees that addressed matters as needed would be helpful. They could be disbanded once the committee would no longer be necessary.

Volan asked Sgambelluri if Resolution 22-02 would eliminate the questions pertaining to committees.

Sgambelluri said it was not her place to say, but that based on what she has seen, questions on committees would continue.

Flaherty responded that issues would always arise and council would not have the bandwidth to respond to everything. It would be too much to create ad-hoc committees every time. The purpose of the standing committee was to be readily available to handle issues as they come about.

Volan asked Sandberg for her opinion on the Land Use Committee.

Sandberg thought the Land Use Committee had been useful but was redundant. For her, it conflicted with her appointment to the Plan Commission. She believed that the Land Use Committee should be eliminated. She also stated that the COW was a better way to streamline some of these issues.

Sgambelluri commented that it was an advantage to have someone outside the Land Use Committee on the Plan Commission so they could provide different perspectives.

Volan responded that he did not see Sgambelluri's point since she sought to eliminate the Land Use Committee.

Amendment 01 to Resolution 22-02 (cont'd)

Flaherty supported Amendment 01. The Land Use Committee was used because the COW did not have the capacity to handle plan developments. He said that legislation would not always be referred to a committee just because the committee existed. A majority vote on the council would determine if the legislation would be heard at a COW meeting or for second reading. He could support Resolution 22-02 with Amendment 01 and Amendment 02 and could compromise on the COW.

Piedmont-Smith agreed with Flaherty and supported Amendment 01. She said that prior to the Administration Committee, the Rules Committee had a full agenda. That included onboarding new councilmembers which did not occur. She stated that due to the current climate emergency, the Climate Action Committee had goals and it was not a good idea to disband it at the time.

Rosenbarger supported Amendment 01 and did not believe that standing committees should to be eliminated. Keeping some of the committees was a good compromise.

Volan commented that the Climate Action Committee was an example of why standing committees should exist specifically since it dealt with ongoing issues.

Rollo partially agreed with Volan regarding the Climate Action Committee. He said he supported having some standing committees but also thinks that COW was a better fit for the council. He did not support the amendment.

Volan stated the councilmembers who opposed standing committees had not tried to ensure they worked well because they did not see their value.

Rollo said he did not see the downside of having all councilmembers deliberate on concerns from the public on legislation.

Smith stated that after he attended both the Land Use Committee and Plan Commission meetings, he thought they were repetitive. He said that all councilmembers should come together under one accord and work together.

Flaherty said that Amendment 01 or Amendment 02 would allow for the council to work together.

Volan commented on council's process for comments.

Piedmont-Smith commented she did not understand Smith's remarks about the redundancy of the Plan Commission and Land Use Committee. She also commented on the difference of nine councilmembers debating an issue as opposed to four committee members. She did not agree with Smith's comments about the ideological divide because they all had different perspectives.

Volan noted that committees never had the authority to kill legislation and that he did not understand the opposition of the committees.

The motion to adopt Amendment 01 to Resolution 22-02 as amended received a roll call vote of Ayes: 4 (Piedmont-Smith, Flaherty, Rosenbarger, Volan) Nays: 5, Abstain: 0. FAILED

Vote to adopt Amendment 01 to Resolution 22-02 [9:18pm]

Rosenbarger moved and it was seconded that Amendment 02 to Resolution 22-02 be adopted.

Amendment 02 to Resolution 22-02 [9:19pm]

Amendment 02 Synopsis: This amendment is sponsored by Councilmember Rosenbarger and it removes provisions that would abolish the Council’s Transportation Committee and the provisions that re-establish the Council’s Sidewalk Committee.

Sgambelluri said that the discussion had included that it would be okay to leave standing committees in code and not using them, and asked for clarification on that reasoning.

Council questions:

Volan said that city code had many items that were used once in a great while or had not been used in years. He challenged Sgambelluri to research items in code that did not necessarily need to be included.

Rosenbarger said it was important to have options for council actions because not everything needed to go through the COW. She believed that committees needed to be more flexible.

Sgambelluri commented that throughout the discussion of Resolution 22-02, it was mentioned that standing committees facilitated being more proactive. She stated that she disagreed with that approach.

Rosenbarger reiterated that standing committees allowed for more options for council actions.

Volan asked the sponsors of Resolution 22-02 for their opinion on making the Transportation Committee long-standing if Amendment 02 failed.

Sims said the majority of the council could allow special committees to continue in perpetuity without giving a special report or a recommendation. He also referenced Bloomington Municipal Code (BMC) 2.04.240 to provide context.

Sandberg said that Amendment 03 considered special committees. It was acceptable for council to create these committees.

Rosenbarger asked Sandberg if the work of the Sidewalk and Transportation Committees continued, why not keep the committee’s name of the Transportation Committee as per Amendment 02.

Sandberg stated the sponsors of Amendment 02 had the option to communicate their desired changes regarding committee functions to the council and staff. She noted that it would not hinder any ongoing momentum or work.

Volan asked why the Transportation Committee should be abolished but the Sidewalk Committee and the Jack Hopkins Social Service Fund (JHSSF) Committee continue as standing committees.

Sgambelluri said that the JHSSF and the Sidewalk Committee both had specific recurring tasks, as well as a financial responsibility.

Volan responded that the Sidewalk Committee and JHSSF committee were not responsible for funding and that the committee recommended funding for groups and organizations.

Flaherty stated that none of the sponsors of the Resolution 22-02 had approached him regarding Amendment 01. He asked Rosenbarger if she was approached about a compromise.

Rosenbarger responded that she had not been contacted.

Natalia Galvan commented that the Transportation Committee was important for equity among Bloomington residents and she supported Amendment 02.

Amendment 02 to Resolution 22-02 (cont'd)

Deborah Myerson supported the Transportation Committee. It was important to have this committee continue for ongoing issues in Bloomington.

Public comment:

Sarah Mosier supported Amendment 02 and wanted the council to retain it.

Jan Sorby commented that Amendment 02 was not democratic, did not have enough constituent work, and that she opposed it.

Piedmont-Smith stated that all nine councilmembers were working with constituents, especially when it came to research on special topics. She supported the amendment.

Council comments:

Smith commented, as chair of the Transportation Committee, that he found it not to be very functional nor essential in a neutral way.

Volan commented that as chair, Smith was at fault that the committee did not function properly. He said that canceling the Transportation Committee would not make a difference in how the council conducted business. He stated that there had not been much of a compromise from the sponsors of Resolution 22-02.

Rosenbarger reiterated Piedmont-Smith's point of obtaining feedback when reaching out to constituents and talking to other groups when considering legislation. She hoped that Amendment 02 would pass.

Rollo stated he thought the COW was best for council processes because it included all councilmembers. The Sidewalk Committee was responsible for funds and the special Transportation Committee looked at plans regarding transportation. He believed COW was an inclusionary committee that was scheduled at the same time every week and provided continuity for the public.

Flaherty commented that based on Rollo's reasoning regarding standing committees, the JHSSF committee, the Sidewalk Committee, and every standing committee that the council created should be abolished. That was the only way to ensure that all nine councilmembers were involved in the process.

Rollo stated that Flaherty misinterpreted what he said and that there was a specific purpose for those committees.

Volan agreed with Flaherty and did not see the differences that Rollo had pointed out. He said those opposed to Amendment 02 were not being specific when they described the special committees.

Flaherty clarified that he did not misquote Rollo but he took his logic and applied it to the other committees.

Rollo responded that he defined the differences between the committees. He also responded to Volan's comments regarding specific reasons and provided examples.

Rosenbarger commented it was unfair for council to consider something recommended by committees like JHSSF and Sidewalk Committee because not everyone was represented in the meetings.

Rollo responded that the council voted on recommendations from committees and the purpose was justified.

Amendment 02 to Resolution 22-02 (*cont'd*)

The motion to adopt Amendment 02 to Resolution 22-02 received a roll call vote of Ayes: 4 (Piedmont-Smith, Volan, Rosenbarger, Flaherty), Nays: 5, Abstain: 0. FAILED

Vote to adopt Amendment 02 to Resolution 22-02 [10:09pm]

Sims moved and it was seconded that Amendment 03 to Resolution 22-02 be adopted.

Amendment 03 to Resolution 22-02 [10:10pm]

Amendment 03 Synopsis: This amendment is sponsored by Councilmember Sims and Councilmember Smith and removes the Climate Action & Resilience Committee from the list of committees to be dissolved.

Sims saw Amendment 03 as a form of compromise for the Climate Action Committee which would exist in perpetuity. He hoped the efforts related to climate action would move beyond the city of Bloomington and into the surrounding counties.

Smith commented that climate action was a very important issue and commended the Climate Action Resilience Committee on the work that they were doing.

Rosenbarger asked the sponsors if they collaborated with the chair of the Climate Action Committee.

Council questions:

Sims and Smith said they had not.

Volan asked what inspired the sponsors of Amendment 03.

Smith commented that he was inspired by Flaherty regarding the work of the Climate Action Committee and felt it was important to continue it.

Sims agreed with Smith about the continued discussion with some of the other councilmembers. He also thought it was an act of compromise for some of his colleagues on the council.

Volan asked why the Affordable Housing Committee was not considered a priority like the Climate Action Resilience Committee.

Smith said that he thought the Housing Committee was important but not as important as the Climate Action Committee.

Sims said he did not weigh one against the other and that Amendment 03 was returning to what the council voted on regarding the committees twenty-two months ago.

Natalia Galvan commented that although she disagreed on how much time city issues needed for discussion, she supported Amendment 03.

Public comment:

Sarah Mosier commented that she supported Amendment 03 because of the importance of the Climate Action Resilience Committee's efforts.

Volan commented that he supported Amendment 03, but it was not enough for him to support Resolution 22-02.

Council comment:

Sims stated one of the things that he did not hear during the discussion was the role of the council in working with the mayor's office and the administration. He clarified why he had not consulted with current standing committee chairs.

The motion to adopt Amendment 03 to Resolution 22-02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 03 to Resolution 22-02 [10:28pm]

Volan asked the sponsors for Resolution 22-02 if they thought councilmembers should be compelled to attend the COW.

Council questions:

Sandberg said as elected councilmembers, they should all want to attend the COW even though they were not mandatory.

Volan asked Sandberg if she had the same obligation to attend other committee meetings along with the COW.

Sandberg did not understand Volan's question. She attended the committee meetings that she was assigned to and hoped that Volan was not saying she did not attend those meetings.

Volan asked why items that JHSSF and Sidewalk Committee discussed were not referred to the COW the since they considered funding.

Sgambelluri commented that JHSSF and the Sidewalk Committee only made the recommendations which made those committees different than the other committees.

Volan asked Sandberg about the abundance of boards and commissions, and if it caused confusion.

Sandberg said boards and commissions provided an opportunity for community members to get involved in local government. She was not sure what Volan was eluding to.

Volan asked Sandberg if council needed a special committee on public safety.

Sandberg said that was not for only her to decide. She suggested deferring to the council for their opinion on the matter.

Sarah Mosier was disappointed in the likely outcome for Resolution 22-02 that evening after a long meeting.

Public comment:

Mary Catherine Carmichael, the Public Engagement Director for the Office of the Mayor, had talked with various departments in the city and the majority believed that the standing committees unnecessarily added more time and staff resources.

Sims expressed his disappointment at hearing the term "hatred" that had been used during the discussion. He emphasized that Resolution 22-02 served as an opportunity for a different approach from what had been done twenty-two months ago.

Council comments:

Flaherty said he was very disappointed in five of his colleagues.

Rosenbarger said the reason why the discussion lasted so long was because some councilmembers had not been asked for their input when Resolution 22-02 was being drafted. She was shocked by some of the councilmembers' unwillingness to compromise and work with others on the legislation. She commented that she would vote no on Resolution 22-02.

Volan commented that sponsors did not like doing math and did not understand the basics of the committees.

Rollo asked Volan to address the legislation and not the motives and integrity of the sponsors.

Volan stated he was being interrupted because the chair was offended by the discussion.

There was a brief discussion between Rollo and Volan on how to address legislation and avoid personal attacks towards councilmembers.

Resolution 22-02 as amended
(cont'd)

Volan commented that councilmembers had not researched how the council should conduct business, especially relating to committees. He felt that his opinion was not given proper consideration and questioned why the majority of the council would require his attendance at the COW.

Rollo stated that he had expressed his opposition to the standing committees twenty-two months ago. He would support Resolution 22-02.

Sgambelluri believed certain issues would require all nine councilmembers' consideration. She agreed that the Climate Action Committee should remain, and supported Amendment 03. She stated that committees were not the best tool to manage the council's workload. She believed that standing committees were not the best approach to conduct council business, and as one of the sponsors, she supported Resolution 22-02.

Volan commented that standing committees were used throughout various municipalities. He thought it was absurd to think that the committees were considered the status quo. He reminded everyone of the chair's responsibility and parliamentary procedures related to debating issues. He thought the proposal was absurd and he despaired for the future of the council.

The motion to adopt Resolution 22-02 as amended received a roll call vote of Ayes: 5, Nays: 4 (Piedmont-Smith, Volan, Flaherty, Rosenbarger), Abstain: 0.

Vote to adopt Resolution 22-02 as amended [11:01pm]

Rollo passed the virtual gavel back to Sandberg.

Sandberg noted, with the adoption of Resolution 22-02, the following standing committees:

Council Appointments to Standing Committees [11:02pm]

- Interview Team A: Rosenbarger, Sims, and Smith
- Interview Team B: Flaherty, Sgambelluri, and Volan
- Interview Team C: Piedmont-Smith, Rollo, and Sandberg

The Sidewalk Committee will consist of the same group that was the Transportation Committee and that would consist of Smith (Chair), Rollo, Rosenbarger, and Volan.

The Jack Hopkins Social Service Committee: Sandberg, Sgambelluri, Sims, and Smith.

The Climate Action and Resilience Committee: Flaherty (Chair), Piedmont-Smith, Rollo, and Rosenbarger.

LEGISLATION FOR FIRST
READING [11:04PM]

Rollo moved and it was seconded that Ordinance 22-04 be read by title and synopsis only. Bolden read the legislation by title and synopsis. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 22-04 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending BMC 2.12 (Boards, Commissions and

Sandberg said that she would refer Ordinance 22-04 to the COW on January 26, 2022, at 6:30 pm.

Councils) to Make Certain Commission Memberships Easier to Fill [11:04pm]

Flaherty moved and it was seconded that Ordinance 22-04 go to the Regular Session meeting on February 2, 2022.

Piedmont-Smith stated the motion was to discharge Ordinance 22-04 from the COW.

Flaherty accepted and noted it was appropriate and amended his motion to discharge Ordinance 22-04 from the COW.

Piedmont-Smith said since Ordinance 22-04 changed the appointment on the Sidewalk Committee from a mayoral appointment to a council appointment, that she would support the motion.

Volan supported the motion but wanted to point out that Ordinance 22-04 was about commissions and not committees.

The motion received a roll call vote of Ayes: 5, Nays: 4 (Sims, Sandberg, Rollo, Smith), Abstain: 0.

Vote to discharge Ordinance 22-04 [11:09pm]

There was no public comment.

ADDITIONAL PUBLIC COMMENT [11:11 PM]

Stephen Lucas, Council Attorney, reviewed the upcoming council schedule and legislation for consideration.

COUNCIL SCHEDULE [11:12 pm]

Rollo moved and it was seconded to cancel the Wednesday, January 26, 2022 Committee of the Whole. The motion was approved by a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.

Vote to cancel COW [11:12pm]

Rollo moved and it was seconded to cancel the Council Work Session on Friday, January 21, 2022.

Vote to cancel Work Session [11:13pm]

The motion was approved by a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

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

ADJOURNMENT [11:13pm]

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

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, August 03, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
August 03, 2022

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Susan Sandberg, Sue Sgambelluri, Ron Smith
Councilmembers present via Zoom: Kate Rosenbarger
Councilmembers absent: Jim Sims, Stephen Volan

ROLL CALL [6:31pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:32pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:35pm]

Piedmont-Smith noted her upcoming constituent meeting.

REPORTS

Smith acknowledged the Parks and Recreation department's efforts to fix the basketball goals at Switchyard Parks.

- COUNCIL MEMBERS [6:35pm]

Flaherty mentioned his upcoming constituent meeting.

Sgambelluri also mentioned her upcoming constituent meeting.

Rosenbarger noted her upcoming constituent meeting.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES [6:39pm]

There were no council committee reports.

- COUNCIL COMMITTEES [6:39pm]

Bradley Rushton, President for the American Federation of State, County, and Municipal Employees (AFSCME) #2487, thanked the council and city for supporting the police department. He commented on the ongoing contract negotiation with the city as well as previous agreements including wage increases.

- PUBLIC [6:39pm]

Stephen French spoke about the need for reasonable and fair wage increases and the ongoing contract negotiation.

Steve Robertson discussed staff turnover due to higher inflation and cost of living, and the lack of competitive wages.

Lisa Martin commented in support of the AFSCME members and thanked council for their work. She read a brief statement from Mayor John Hamilton.

Jennifer Pearl, Bloomington Economic Development Corporation (BEDC), invited community members engage in a new initiative called The Economic Vitality Project which hoped to identify challenges and gaps for prosperity, and how to better support initiatives.

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:59pm]

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:00pm]

Rollo moved and it was seconded that Ordinance 22-20 be read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis. There was not a do-pass recommendation.

Rollo moved and it was seconded that Ordinance 22-20 be adopted.

Beth Rosenbarger, Assistant Director of Planning and Transportation department, presented the legislation. She summarized the amendments to Title 15 in the Bloomington Municipal Code (BMC) including removal of signals, deletion from the BMC, changes to speed limits, parking, loading zones, neighborhood parking zone updates, pay by phone parking, and an administrative fee for towed vehicles.

Ordinance 22-20 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Amending Section 15.12.030 to remove three signalized intersections and add three signalized intersections; Section 15.20.010 by deleting the reference to restricted turn intersections; Section 15.24.020 by changing speed limits at four locations; Section 15.32.030 to change parking on Lincoln Street between Smith and Third to back-in angle parking and to add pull-in parking on S. Morton Street from W. Patterson Drive and Grimes Lane to 190' north of W. Patterson Drive and Grimes Lane; Section 15.32.050 to allow for prohibiting parking in municipal parking lots to respond to weather and maintenance issues; Section 15.32.080, to remove no parking spaces on S. Morton Street and S. Rogers Street and to add no parking spaces on Lincoln Street and N. Park Avenue; Section 15.32.100 to add two 2 loading zones on E. 4th Street; Section 15.37.020, to change the boundaries of the Garden Hill Residential Neighborhood Permit Parking Zone; Section 15.040.010, to add paid parking spaces and the Trades District Garage; and Section 15.48.020 to add an administrative towing fee when vehicles are towed for reserved parking or outstanding citation violations [7:00pm]

Sgambelluri moved and it was seconded to adopt Amendment 01 to Ordinance 22-20.

Amendment 01 to Ordinance 22-20

Amendment 01 Synopsis: This amendment clarifies that the loading zone listed in Section 7 of the ordinance is located on East Fourth Street by inserting the word "East" into the proposed new row of Schedule O.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 22-20 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 22-20 [7:13pm]

Piedmont-Smith asked why the changes had not been brought to council at an earlier date.

Council questions:

Neil Kopper, Senior Project Engineer, Planning and Transportation, said that Title 15 updates could have been done earlier. The changes were presented to the Traffic Commission.

Piedmont-Smith asked why the legislation was not done sooner. She referenced the change in parking on South Lincoln Street.

B. Rosenbarger stated that she did not know exactly, but that there were challenges in compiling the updates, and commissions relating to traffic. She preferred to have presented earlier.

Sgambelluri asked how speed limits were determined, in regards to Henderson Street.

Kopper said that state code only allowed speed limits to be twenty miles per hour or higher. He noted that it was on par with surrounding streets.

Sgambelluri asked if there was a mechanism to obtain feedback from residents in areas where speed limits were changed.

Kopper stated that in the case of Henderson Street, feedback would have been obtained during the Traffic Commission's evaluation of the street and the request to lower the speed limit.

Flaherty asked how many amendments to Title 15 were presented to council in a given year, and if there was regularity with that.

B. Rosenbarger stated that the goal was to have three updates per year, but that it had been only twice per year due to staffing shortages and other issues.

Smith asked about the impact on changing the boundaries of Garden Hill.

B. Rosenbarger said the impacts were minimal, and provided some examples pertaining to the neighborhood parking permits.

Piedmont-Smith asked for clarification on the administrative fee for towing.

Michelle Wahl, Parking Services Division Director, said that the fee was presented earlier that year. Staff removed the Bloomington Police Department (BPD) tow fee, and captured it as a tow citation fee.

Piedmont-Smith asked what the fee paid for.

Wahl explained that the fee covered the processing and towing of the vehicle, and that it would be changed to a citation fee. Previously, to get a tow release, a driver could go to BPD which was open at all hours.

There was no public comment.

Public comment:

Piedmont-Smith asked if the instructions for back-in parking would be posted on South Lincoln Street.

Council comments:

B. Rosenbarger responded that she would have to confirm. Instructions had been placed on cars for some time, instead of citations, as well as handed out at the Boys and Girls Club.

Piedmont-Smith said that on-street paid parking zones were expanding and asked if that was a policy decision.

B. Rosenbarger said that the decision was demand based. The areas that were included in Ordinance 22-20 were adjacent to Indiana University (IU) and were in demand. Without paying for

parking, drivers would leave their cars for large amounts of time. She provided additional factors.

Piedmont-Smith asked if it was to discourage drivers from essentially storing their cars.

B. Rosenbarger confirmed that was correct.

Piedmont-Smith asked that Title 15 updates go to council on a quicker basis. She was not comfortable with updates coming to council after construction or a build out had already started.

Sandberg agreed with Piedmont-Smith and expressed concern with staffing shortages. She also noted the benefit of having the Committee of the Whole (COW) so that the public could weigh in.

The motion to adopt Ordinance 22-20 as amended received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Rollo moved and it was seconded that Ordinance 22-21 be read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Sandberg referred Ordinance 22-21 to the Committee of the Whole to meet on August 10, 2022 beginning at 6:30 pm.

There was no public comment.

Stephen Lucas, Council Attorney, reviewed the upcoming council schedule.

Rollo moved and it was seconded to cancel the Council Work Session on Friday, August 5, 2022. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

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

Ordinance 22-20 (cont'd)

Council comments:

Vote to adopt Ordinance 22-20 as amended [7:28pm]

LEGISLATION FOR FIRST READING [7:29pm]

Ordinance 22-21 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” To Establish A Historic District – Re: Bethel A.M.E. Church and Parsonage (Bethel A.M.E., Owner and Petitioner) [7:29pm]

ADDITIONAL PUBLIC COMMENT [7:30pm]

COUNCIL SCHEDULE [7:31pm]

Vote to cancel Work Session [7:31pm]

ADJOURNMENT [7:32pm]

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

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, August 17, 2022 at 6:30pm, Council Vice President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
August 17, 2022

Councilmembers present: Matt Flaherty, Dave Rollo, , Sue Sgambelluri, Jim Sims (arrived at 6:33pm), Ron Smith, Stephen Volan

ROLL CALL [6:30pm]

Councilmembers present via Zoom: Isabel Piedmont-Smith, Kate Rosenbarger (arrived at 6:32pm), Susan Sandberg

Councilmembers absent: none

Council Vice President Sue Sgambelluri summarized the agenda.

AGENDA SUMMATION [6:30pm]

Rollo moved and it was seconded to approve the minutes of March 03, 2021.

APPROVAL OF MINUTES [6:34pm]

March 03, 2021 (Regular Session)

Rollo amended the minutes to correct the word "Historic" instead of "Housing" regarding the Historic Preservation Commission.

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

Sandberg noted her presence via Zoom due to being infected with COVID-19.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Volan observed the passing of Owen Johnson, Professor in the former Journalism School, now the Media School. He spoke about being his student and noted his expertise on Ernie Pyle. He also spoke about a resolution he authored which declared council's interest in opening up the Bloomington Transit services outside of the city.

Sims offered his condolences to the family and friends of Owen Johnson. He also offered condolences to Judge Marc Kellams' family for his recent passing. He also welcomed and thanked the attendees there to present on the Bethel A.M.E. church.

Smith appreciated the Utilities department for staff's attention to storm water drain issues in the Park Ridge neighborhood. Staff assessed issues in person in the neighborhood.

Rollo commented on the upcoming budget cycle and noted the importance of keeping compensation up with inflation and appropriate for city employees.

Jeff Jackson, Transportation Demand Manager, Economic and Sustainable Development (ESD) department, presented an update on the Transportation Demand and Management Plan that was prepared in June 2019. He spoke about his experience, budgeting, branding, website development, marketing, community participants, metrics, and goals for 2023. There was brief council discussion regarding the community participants, branding, metrics and goals, promotions, revenue, expansion of services and carpooling, data, registering for carpooling and more, and new funding types like climate-reduction funding.

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

There were no council committee reports.

- COUNCIL COMMITTEES [6:48pm]

Daryl Ruble spoke about his daughter, who passed away, and granddaughter.

- PUBLIC [6:48pm]

Marc Haggerty thanked staff for fixing the rims on the basketball goals at Switchyard Park, and for the pads on the posts. He commented on the need to have lights in Switchyard Park past 11:00pm.

Stephen French discussed staffing shortages across the city and compensation.

Bradley Rushton commented on behalf of the American Federation of State, County and Municipal Employees (AFSCME) members on negotiation meetings, agreements, and the city budget.

David Wolfe Bender spoke about the start of the Indiana University (IU) school year and the IU Student Government's priorities including registering for voting.

John Deckard discussed his experience working in the Utilities department and commented on compensation, employee's leaving the city for other organizations with better compensation, and requested a living wage for city employees.

Steve Robertson has worked for the city for twenty-nine years, and urged council to view the budget from a city employee's perspective and ask if compensation was sufficient. He noted that it was important to appropriately compensate experience.

Allan Johnson discussed his experience working with the Streets department over the last eight years. He commented on staffing shortages, turnover rates, compensation and negotiation, and city services.

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

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:30pm]

- For the Community Advisory on Public Safety Commission:
 - to appoint Jordyn Porter-Meche to seat C-1
 - to appoint Michael Ross to seat C-3
 - to appoint John Shearer to seat C-4
 - to appoint Emily Alford to seat C-7

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

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

- For the Environmental Commission:
 - to appoint Elizabeth McCleery to seat C-4
 - to appoint Conner Wright to seat C-6

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

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

- For the Traffic Commission:
 - to appoint Daniela Moloci to seat C-1

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

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:36pm]

Rollo moved and it was seconded that Ordinance 22-21 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Deputy Clerk Susan Stoll read the legislation by title and synopsis.

Ordinance 22-21 - To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" To Establish A Historic District – Re: Bethel A.M.E. Church and Parsonage (Bethel A.M.E., Owner and Petitioner) [7:36pm]

Rollo moved and it was seconded that Ordinance 22-21 be adopted.

Gloria Colom-Braña, Historic Preservation Program Manager, Housing and Neighborhood Development (HAND) department, presented the legislation. She highlighted the historic district nomination for the Bethel AME Church and Parsonage and staff's recommendation. She noted that the property exceeded the minimum criteria listed in code. Colom-Braña summarized the criteria and explained the reasons for staff's recommendation. She spoke about Mattie Jacobs Fuller, acclaimed singer and organ player and prominent member of the community, who helped raise funding to buy the land where the current church was located.

Volan asked why it had taken so long to bring the petition to council. Council questions:

Colom-Braña said that throughout Bloomington, there were many hidden gems that were assumed to be part of the landmark list, including the Bethel AME church. She explained the two options for requesting the designation; the first was for the owners of the property to bring forth the request, and the second was through the demolition delay process where the city and Historic Preservation Commission (HPC) determined whether to designate a building as historic or allow it to be destructed. Staff did not actively search the city for structures qualified to be historic.

Volan asked the petitioners if they had not been aware of the option to designate as historic.

Elizabeth Mitchell, Historian for Monroe County on the African American experience and culture in Bloomington, said that there were many locations on the west side that had been forgotten and needed to be included and saved in order to remember African American sites. She said that Bethel AME was just the start. She spoke about Mattie Jacobs Fuller, who had been born into slavery, then had gone to Bloomington, and became the richest Black woman in the city. She explained that Mattie Jacobs Fuller was just one part of the African American experience in the city.

Volan was pleased that Mitchell had discovered the option of designating buildings as historic.

Rollo said that it was unfortunate that Ms. Fuller's singing had not been recorded. He asked how community members could listen to the interview with Ms. Fuller.

Mitchell said that the Monroe County History Center had the recording and other information on Ms. Fuller. Mitchell was part of Resilience Productions which had done plays about Ms. Fuller. She reiterated that Ms. Fuller's organ was still in the church and that she donated all her earnings to the church. Ms. Fuller was very popular in Bloomington and had even been asked to play in Martinsville.

Rollo asked if a local quarry had donated the limestone for the church.

Mitchell explained that Ms. Fuller had been paid for a performance in Bethany Park near Martinsville and she had donated that money to the church. Mitchell noted that the Showers family loved Ms. Fuller.

Rollo asked if he had misunderstood that a local quarry had donated the limestone.

Ordinance 22-21 (cont'd)

Colom-Braña clarified that according to secondary sources, there were donations from quarries around Bloomington.

Karen Duffy expressed her support for the historic designation of the Bethel AME church and parsonage.

Public comment:

Nicole Bolden supported the designation. She thanked council for their discussion, and Colom-Braña for her presentation. She noted the importance of churches for the Black community and how they reminded incoming students of where to find a community.

Renee Miller thanked Mitchell for her work and appreciated and supported the petition.

Natalia Galvan supported the legislation and thanked Mitchell for her work.

Betty Lewis was a member of the Bethel AME church, and encouraged community members to attend services.

Smith said it was great that the petition came before council, and noted the importance of recognizing the Bethel AME church in the record as a historical property.

Council comment:

Flaherty thanked the petitioners and staff for their work.

Sims mentioned his upbringing which included AME, and stood for African Methodist Episcopal. He thanked Colom-Braña and community members for their efforts. He discussed his experience with Mitchell and with the community. He commented on diversity, equity, and inclusion and the importance of legislation like Ordinance 22-21. He said that Bethel AME had always been inclusive. Sims stated that it was easier to internalize knowledge when knowing and hearing the story.

Volan commented on some public speakers, from ten years ago, who were very angry and disruptive. A councilmember had agreed to limit time for public speaking. He stated that it was rare that community members came to the podium to share their knowledge. He encouraged historians like Mitchell to share their knowledge. He thanked the Bethel AME church's congregation, and Mitchell, for their work.

Piedmont-Smith also thanked the congregation at Bethel AME church, Mitchell, and Colom-Braña, for their work. She had believed that the church was already historically protected. She was glad that the parsonage was included, as part of the fabric of the neighborhood and for its' stone work. Piedmont-Smith said it was impressive to learn what she had about Mattie Jacobs Fuller and was glad that it had been brought to the public's attention. She believed that Mitchell also contributed to the important history of the city and her work shined a light on Black history and community in the city.

Sandberg said it had been a pleasure to learn about the petition, and thanked Mitchell for her passion, dedication to history, and for her work. She said it was important to protect historic buildings. She mentioned her friends having attended Mitchell's tours. She hoped

that the discussions about the city’s history continued. She thanked all those who worked on the petition.

Ordinance 22-21 (cont’d)

Rollo said that Mattie Jacobs Fuller had been diligent in raising funds for the Bethel AME property and did so during a shameful time in Indiana. He was impressed by her courage and the congregation’s perseverance in constructing the beautiful building.

Sgambelluri added that Bloomington was richer and better when these stories were told.

The motion to adopt Ordinance 22-21 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-21 [8:12pm]

Rollo moved and it was seconded that Resolution 22-15 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Flaherty out of the room)

Resolution 22-15 – Expressing Support for the Protection of Reproductive Rights [8:13pm]

Rollo moved and it was seconded that Resolution 22-15 be adopted.

Sandberg presented the legislation and discussed the effects of recent events and concerns in the nation and state. She commented on Roe v. Wade and its protection for women and their privacy. She discussed women’s health, unsafe abortions, and marching for women’s’ rights. It was devastating the way Supreme Court of the United States (SCOTUS) had ruled. She highlighted the risks to the health and safety for women and the community.

There were no council questions.

Council questions:

David Wolfe Bender read a statement by the Indiana University Student Government’s (IUSG) President and Vice President. The statement referenced SCOTUS’s decision to overturn Roe v. Wade and IUSG’s disdain for that decision and recent bills at the Indiana General Assembly.

Public comment:

Shelby Ford, Community Advisory on Public Safety (CAPS) commissioner, supported Resolution 22-15 and provided reasons. She noted a resolution that CAPS commissioners were drafting in support of women’s health in the community as well as other issues.

Council comment:

Sims commented on the local official’s statement that was made on July 01, 2022. Resolution 22-15 was similar to that statement. He would support the legislation.

Rollo thanked the sponsors and said that the reversal of Roe v. Wade was a major step backwards. It was an abrogation of the equal protection clause and was a blatant attack of reproductive autonomy of women. He supported current efforts to lobby the state and federal governments to reverse the decision.

Piedmont-Smith thanked the cosponsors and said there were many reasons to actively fight against the Dodds decision in Senate Bill 1. The wide impact the restrictions would have on the community, and not just women. She commented on the difficulties some community members faced when they became pregnant and the impacts and hindrances it could cause, especially if it was an unplanned pregnancy. Piedmont-Smith said it was egregious that lawmakers could impede on community members’ healthcare.

Sandberg said that women would decide their fate, not the church or state. She noted chanting that throughout the decades. There were several options moving forward including family planning, affordable birth control, and programs to help women obtain healthcare. She was not as optimistic that the reversal would change in the near future. It was abhorrent to take away hard-fought, basic rights. The council had the opportunity to support Planned Parenthood birth control options, and All-Options assistance to the community. It was necessary for the city to provide as many healthcare services to help families.

Resolution 22-15 (cont'd)

The motion to adopt Resolution 22-15 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 22-15 [8:31pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING [8:31pm]

There was no public comment.

ADDITIONAL PUBLIC COMMENT

Stephen Lucas, Council Attorney, reviewed the upcoming council schedule and possible legislation.

COUNCIL SCHEDULE [8:31pm]

Rollo moved and it was seconded cancel the Committee of the Whole on Wednesday, August 24, 2022. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to cancel Committee of the Whole [8:32pm]

Rollo moved and it was seconded to adjourn. Sgambelluri adjourned the meeting.

ADJOURNMENT [8:39pm]

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

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, September 07, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
September 07, 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 [6:31pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:31pm]

Rollo moved and it was seconded to approve the minutes of April 07, 2021 and May 05, 2021. The motion was approved by a voice vote.

APPROVAL OF MINUTES [6:34pm]

April 07, 2021 (Regular Session)

May 05, 2021 (Regular Session)

Smith recognized Bloomington Police Department (BPD) for their response to a call he made regarding a person experiencing issues near Eastland Plaza.

REPORTS

- COUNCIL MEMBERS [6:34pm]

Volan appreciated council's empathy for his attendance via Zoom the previous meeting due to being ill. He commented on a series of tweets he made on Twitter regarding students and their right to vote. He noted the recent 2020 census.

Sims appreciated BPD and discussed an incident near his home that required officers to intervene. He also noted National Hispanic and Latinx Heritage month and wished his brothers and sisters of color well.

Sandberg reminded all of her upcoming joint constituent meeting with Rollo. She thanked the Citizens' Redistricting Advisory Committee (CRAC) for their work.

There were no reports from the mayor and city offices.

- The MAYOR AND CITY OFFICES [6:39pm]

There were no council committee reports.

- COUNCIL COMMITTEES [6:39pm]

Maggie Sullivan, Watershed Coordinator with Friends of Lake Monroe, discussed the watershed management plan to improve and protect the water quality. She spoke about sediment, nutrients, E. coli, source water, Lake Monroe Day, and the importance of maintaining the lake as the drinking water source. She discussed several other upcoming events.

- PUBLIC [6:40pm]

Flaherty moved and it was seconded to remove Emily Alford and to appoint Noelle Conyer to seat C-7 on the Community Advisory on Public Safety Commission. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:43pm]

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

- To appoint David Jennings to seat C-4 on the Commission on Aging
- To appoint Felisa Spinelli to seat C-2 on the Bloomington Urban Enterprise Association

– To appoint Herbert Caldwell to seat C-2 on the Commission Status of Black Males

APPOINTMENTS TO BOARDS AND COMMISSIONS (cont'd)

The motion was approved by voice vote.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:46pm]

Rollo moved and it was seconded that Resolution 22-16 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 22-16 – A Resolution Expressing Support for the Extension of Bloomington Transit Services Outside the City Boundaries for Bus Service to Daniels Way [6:46pm]

Rollo moved and it was seconded that Resolution 22-16 be adopted.

Volan presented Resolution 22-16 and explained that the Monroe County Council had a new funding mechanism for transit services provided by the city. He summarized the extension including access to Daniel’s Way by Ivy Tech Community College.

Smith thanked Volan and asked what the estimate would be for the extension.

Council questions:

Volan said that Bloomington Transit (BT) estimated the cost of the corridor, during the Local Income Tax (LIT) conversation, at \$1.7 million per year, and that a quarter of that would be \$400,000 or so. He said that he believed the cost would be closer to less than \$300,000 for the county.

Sims also thanked Volan and said he believed that the Monroe County Council and Bloomington City Council had fundamentally agreed on extending the route. He asked about Route #3 and the Express line and if it was cost-effective to have any overlap.

Volan said that it would take about two or three years for the Express line to be realized while Route #3 could be extended as soon as the mayor and county commissioners make an agreement. BT would have to provide additional details too.

Sims said he was very familiar with the area and knew many residents who used Route #3 regularly. He wanted to ensure that there would not be any disruption.

Volan said he did not foresee BT changing Route #3 and the Express line would be an added benefit.

Sgambelluri thanked Volan and asked for clarification on the costs.

Volan explained that there was a marginal cost, but was not a per mile cost.

Smith said that the marginal cost to the county would be \$75,000-100,000 for the extension of Route #3.

David Wolfe Bender supported Resolution 22-16 and spoke about access to equity and how transit facilitated success. He provided additional reasons in support.

Public comment:

Christopher Emge, Greater Bloomington Chamber of Commerce, supported the expansion of BT services.

Piedmont-Smith supported Resolution 22-16 and the expansion out to Ivy Tech. She would support the legislation.

Council comment:

Sandberg supported Resolution 22-16 in an effort to make progress with the extension of the route.

Resolution 22-16 (cont'd)

Volan said he drafted the legislation in an effort to demonstrate the city's dedication to expand services. He urged the mayor and county commissioners to come to an agreement in the near future.

The motion to adopt Resolution 22-16 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 22-16 [7:09pm]

LEGISLATION FOR FIRST READING [7:09pm]

Rollo moved and it was seconded that Ordinance 22-23 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 22-23 – To Vacate A Public Parcel – Re: Two, 12-Foot Wide Rights-of-Way in the Lone Star Addition Within A Triangular-Shaped Block Bordered by West Cottage Grove on the North, West 10th Street on the South, and North Monroe Street on the West (Solomon L. Lowenstein, Jr. and Julia G. Beerman, Petitioners) [7:09pm]

Sandberg referred Ordinance 22-23 to the Committee of the Whole to meet on September 14, 2022.

Piedmont-Smith moved and it was seconded that the Council discharge the Committee of the Whole from considering Ordinance 22-23.

Council discussion:

Piedmont-Smith noted that since the Committee of the Whole (COW) did not require a narrative record of its meetings, that it was more appropriate to move the legislation to a second reading. She noted that it could even be sent to a third reading.

Flaherty added that much of the substantive discussion, including the presentation of legislation, occurred at the COW but was not kept in narrative minutes as a record.

Smith said that he did not see how council could consider all legislation without a COW meeting. He said that there was nothing preventing council from having a narrative record like was done for Regular Sessions.

Bolden noted that there would be additional costs as well as use of staff's time to prepare narrative minutes of committee meetings. She suggested that council and clerk discuss the topic. She explained that there were legally required records for all council meetings, and the memo listed the date, time, location, room, attendance, motions, and actions taken. She clarified that narrative minutes were a courtesy, and custom, and not legally required.

Rollo said that while there was not a formal record of COW meetings, there was a complete archive on Community Access Television Services (CATS). The public was welcome to review and contact councilmembers prior to a final vote.

Volan commented that there were several councilmembers who appreciated the COW because all councilmembers could attend. Though it was clear to him that not all councilmembers wanted to hear what he had to say.

Rollo said that Volan's understanding was not correct, and that he wanted to hear from all councilmembers.

Ordinance 22-23 (cont'd)

Sandberg stated that she had always appreciated the buffer between first reading and final action. She appreciated the questions and discussion that occurred at the COW, even without official minutes. Councilmembers were often contacted by members of the public after a first reading and before final action. She noted that council was always able to send legislation to a third reading. She did not believe that the COW was not necessary, or a waste of time and resources, and believed instead that it was another opportunity for the public to see what council was considering. She commented on the council schedule.

Piedmont-Smith said that the buffer was naturally built into the council schedule, whether there was a COW or not, and that sending legislation to a third reading provided yet another buffer. She commented that the idea of respecting the process was really more about precedent because COW meetings had been the way council did business. She noted that in other municipalities, COW was not often used. She felt that the process did not serve the public, and did not follow Robert's Rules for COWs. She believed that moving legislation to a second reading was almost always appropriate.

Volan spoke about the council schedule and committees in the recent past, which had been eliminated. He said that Special Sessions could be scheduled instead of the COW and narrative minutes would be on the record. He noted that there were ways to schedule legislation so as to have weeks after a first reading. He clarified that the way council currently used COW meetings was a misunderstanding of Robert's Rules and the intent for COW meetings.

Rollo discussed council processes including first readings, which had no debate or presentation, and said that having a COW meeting provided for two hearings. He favored a COW meeting as opposed to a smaller group of councilmembers presenting to the full council.

Piedmont-Smith stated that legislation should be sent to a second hearing at a Regular Session instead of a COW meeting which better respected staff's time. Otherwise staff would be presenting twice.

Rosenbarger concurred with Piedmont-Smith and said that another reason to reconsider COW meetings was because if staff had presented already at the COW meeting, then they might not present again at a second reading. She said that it was important to have the presentations in the record. She also concurred with Volan that if there was a need to have a Special Session, they could do so, on a Wednesday evening between Regular Sessions. She believed it was important not to create a sense of urgency with legislation. She also stated that it was not easy to understand the difference between COW and Regular or Special Sessions.

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

Vote to discharge Ordinance 22-23
[7:32pm]

There was no public comment.

ADDITIONAL PUBLIC COMMENT

Stephen Lucas, Council Attorney, reviewed the upcoming council schedule and possible legislation. He provided council with options with its schedule to receive the CRAC recommendation for redistricting.

COUNCIL SCHEDULE [7:33pm]

Rollo moved and it was seconded to schedule a Special Session to be held on Wednesday, September 14, 2022 at 6:30pm with a Committee of the Whole to immediately follow.

There was brief council discussion regarding the possibility of a Special Session and if a motion was needed to schedule it.

Rollo withdrew the motion to schedule a Special Session to be held on Wednesday, September 14, 2022 at 6:30pm.

There was brief council discussion regarding the upcoming Work Session that week.

Sandberg scheduled a Special Session to be held on Wednesday, September 14, 2022 at 6:30pm with a Committee of the Whole to immediately follow.

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

ADJOURNMENT [7:49pm]

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

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

MEMO

TO:	The Bloomington Common Council
FROM:	Scott Robinson, Director of Planning & Transportation
DATE:	07/20/2023
RE:	Old State Road 37 and Lower Cascades Park

Lower Cascades Park, where Old State Road 37 once provided the northern gateway entry into the City, is one of our oldest community-sized parks. Today, many improvements and changes have happened within and surrounding Cascades Park, raising important transportation mobility considerations about accessing the Park or traveling within the surrounding area. In a broad context, mobility within the park, mobility to and from the park, and mobility surrounding the Park have similar and at times conflicting priorities. Through prior policy guidance from the *2002 Growth Policies Plan* and the *2008 Bicycle and Pedestrian Transportation & Greenways System Plan*, the City established mobility guidance that contributed to multimodal improvements within the area. Further, the *2018 Bloomington Comprehensive Plan* and *2019 Transportation Plan* continued policy support, prioritization, and design standards for multimodal improvements in the area.

The following list provides a 20-year account of efforts to identify and implement trail connections to and within the Cascades Park area:

- *2002 Growth Policies Plan* - Classifies Old SR 37 as a Secondary Collector, which identifies sidewalks as a priority. The Plan's Mitigate Traffic Policy 2: Enhance Bicycle and Pedestrian Transportation Facilities specifies the City implement "alternative transportation projects annually as outlined in the City's (2001 - Resolution 01-24) Alternative Transportation Plan and Greenways System Plan". <https://bloomington.in.gov/sites/default/files/2017-07/Growth%20Policies%20Plan%202002.pdf>
- *2008 Bicycle and Pedestrian Transportation & Greenways Systems Plan* - This Plan prioritized over 75 projects, including the Cascades Trail network. The Cascades Trail network was prioritized as either a "medium" or "low" priority project due to implementation timings. <https://bloomington.in.gov/sites/default/files/2017-07/Bicycle%20and%20Pedestrian%20Transportation%20%26%20Greenways%20System%20Plan%202008%20%28reduced%20size%29.pdf>

- *2007 Bicycle/Pedestrian Feasibility Study: Cascades Park - Miller Showers to Griffy Lake* - This \$44,900 study evaluated the proposed network into 18 segments (A-R), which were grouped into 11 priority improvement phases. The highest identified priority was the segment between Miller-Showers Park and the central portion of Lower Cascades Park.
- *2008 Bicycle & Pedestrian Transportation & Greenways System Plan:*
<https://bloomington.in.gov/sites/default/files/2017-07/Bicycle%20and%20Pedestrian%20Transportation%20%26%20Greenways%20System%20Plan%202008%20%28reduced%20size%29.pdf> -
- *2008 Rose-Hulman Institute of Technology Senior Capstone Report - Cascades Creek Streamside Restoration-* concluded the “stream has excess energy that will continue to erode the bed and banks” and recommended a three-phase plan: stabilization, bank grading and alignment, and erosion protection through vegetation and boulder revetments.
- 2009 - \$132,553 design Phase 1 of the Cascades network: Sidepath from Clubhouse Drive to Stone Mill Road (~1.0 mile)
- *2009 Redefining Prosperity: Energy Descent and Community Resilience*
<https://bloomington.in.gov/sites/default/files/2017-07/peakoil.pdf> - This Council-led document outlines strategies to mitigate the effect of declining fuel supplies in areas including, but not limited to, transportation, municipal services, energy production and consumption, food security, water, and wastewater.
- *2011 Breaking Away Journey to Platinum* - specifies bicycle friendly community indicators for Quality of Life, Health Promotion, Environmental Harmony, and Economic Resiliency.
- 2012 - \$637,000 construction of Phase 1 Cascades network from Club House Drive to Stone Mill Road (~1.0 mile).
- 2014 - \$476,000 construction of Phase 2 Cascades network along Club House Drive from Old SR 37 to the Cascades Club House/Upper Cascades playground (~0.7 mile).
- 2016 - \$68,700 design funds approved (\$51,800 spent) of Phase 4 of the Cascade network (~0.6 mile).
- 2016 Resolution 16-14 designates Old S.R 37 as a designated U. S. Bicycle Route - Route 235; approved by council on November 16, 2016 with a 9-0 unanimous vote.
https://bloomington.in.gov/onboard/legislationFiles/download?legislationFile_id=110 -
- 2017 - \$1,562,783 construction and design of Old SR 37 and Dunn Street intersection alignment and trail connection from Stone Mill Drive to Griffy Dam (~0.35 mile).
- *2018 Bloomington Comprehensive Plan* - Chapter 6: Goal 6.1 Increase Sustainability, Goal 6.3 Improve the Bicycle and Pedestrian Network, and Goal 6.4 Prioritize Non-Automobile Modes. <https://bloomington.in.gov/sites/default/files/2018-04/Final%20Council%20Amended%20CMP%20%20Web%202.pdf>
- 2018 Bicentennial Bond, Resolution 18-22 - Funding for a trail connection from Clubhouse Drive to College Avenue and combined with funding for trails at Griffy Lake. The Resolution supporting a bond for \$3,865,000 stated “to finance certain capital improvements at facilities operated by the City of Bloomington Parks Department including the design, acquisition and construction of (i) trails at Griffy Lake, (ii) a trail from Clubhouse Drive to College Avenue at Cascades Park, and (iii) all related and incidental expenses incurred in connection therewith...”

- Current Status:
 - \$3.5 million Bicentennial Bond Series B funding approved - plus \$119,000 interest
 - \$1,250,000 for trails at Griffy Lake (Loop Trail)
 - \$2.1 million for a trail from Clubhouse to College Avenue at Cascades Park
- Expenditures to Date:
 - Cascades Phase 5 - after pilot project was conducted; road improvements; creek stabilization. accessible trail to waterfall(~0.25 mile) - \$1,316,720
 - Trails at Griffy Lake (Loop Trail) - \$1,593,425
 - 7-Line Overage: \$622,455
- 2018 Sustainability Action Plan, Resolution 18-19 approving the *Bloomington Sustainability Action Plan* was approved 8-0 on October 31, 2018 - Goal 1.2a Conduct a climate vulnerability assessment, Goal 3.3 Achieve bicycle and pedestrian fatality rates of zero by 2023, Goal 3.4 Achieve the Walk Friendly Communities Platinum level designation by 2022, and Goal 3.5 Achieve the League of American Bicyclists Platinum Rating by 2022.
<https://bloomington.in.gov/sustainability/action-plan>
- 2019 *Transportation Plan* - Identifies the Bicycle Facilities Network: Figure 20 includes a multiuse network for the Cascades area.
<https://bloomington.in.gov/sites/default/files/2020-02/Transportation%20Plan%20Online%20Complete%20Draft%20with%20Appendices%20reduced.pdf>
- 2021: *Climate Action Plan*, Resolution 21-08 accepting the City of Bloomington Climate Action Plan was passed unanimously on April 21, 2021.
- 2022 General Obligation (GO) Bond - \$800,000 to \$960,000 design for the North Dunn Street Path. The planned 1.3 mile path provides connectivity to Griffy Lake Nature Preserve along one side of North Dunn Street from SR 45/46 to Old SR 37.

Even with these many plans and goals, there is a missing link 0.85-1.00 miles long between Miller Showers Park and Lower Cascades Park. Upon review, Planning staff determined there to be four alternatives for moving forward to meet mobility needs of the area, each with trade-offs regarding mobility, sustainability, and environmental outcomes, additional steps to implement, and associated costs. As there are many assumptions and unknowns at this time, selecting a preferred option will require additional steps so more detailed information is available to further guide implementation. The Administration seeks the Common Council's direction on their preferred alternative so these next steps can be taken. In no particular order, the four alternatives identified to connect Miller-Showers through Cascades Park are as follows:

- **No Build:** requires streamside stabilization, annual roadway maintenance, construction of a complete sidewalk network to access the area's parks, and amendments to the *Transportation Plan* and *Comprehensive Plan*
- **New Multi-Use Path/Trail:** build a new separated path that crosses over the creek at some point (or points) to join with the existing (Phase 5) trail project; requires streamside stabilization and annual roadway and trail maintenance

- **One-Way Road with Multi-use Path:** requires streamside stabilization, road width improvements for barrier between roadway and multi-use path, and annual roadway and path maintenance.
- **Road Conversion to Multi-use Path/Trail:** convert the road into a pedestrian and bike trail facility; requires streamside stabilization, roadway and private access improvements, parking improvements, and annual trail maintenance.

Below is a summary of general assumptions that are considered and will be part of the implementation of the preferred implementation (not in any order of preference):

- **Emergency Services:** Access to the Park for emergency services may change. People experiencing homelessness frequently use various areas of the Park as shelter. Other users of the Park also may need emergency services. This issue is similar to other parks in Bloomington.
- **Turnarounds/Parking/IMI Access:** Design may need to account for possible vehicle turnaround areas and/or additional parking and access to Irving Materials Incorporated (IMI) property.
- **Connectivity:** Access and mobility accounts for multi-modal connectivity to Miller Showers Park, Upper Cascades, Griffy Lake Nature Preserve, Ferguson Dog Park, and Bloomington High School North. Access to ADA-accessible parking areas is a priority. Facilities are designed to meet ADA standards.
- **Utilities infrastructure:** This corridor contains major CBU sewer infrastructure and storm infrastructure. Improvements are needed and the park will accommodate infrastructure access for infrastructure improvements and maintenance.
- **Road/Trail Width:** Design will need to evaluate the roadway width to account for transportation and long-term maintenance needs if the road conversion to multi-use path/trail alternative is not selected.
- **Traffic Signal Improvement:** The signal at N. Walnut and Old SR 37 may need to include a left turn signal onto Old SR 37 into Cascades Park. Indiana University sporting events do create “game day” traffic changes. Additional strategies can be employed to mitigate traffic and safety concerns. Recent Average Daily Traffic (ADT) counts taken in November 2021, between Gourley Pike and Club House Drive are 307 (weekday), 331 (Saturday - no IU Football Game) and 282 (Saturday IU Football Game).
- **Creek Crossing(s):** Designs may need to consider a new bridge to access the existing trail system on the west side of the creek. The multi-use path/trail alternative will require one or more new bridges to connect to the existing trail.
- **Streamside Stabilization:** In 2021, floodwaters damaged the roadway and demonstrated the need to comprehensively address streamside stabilization. Removing the spillway and adding boulder revetments, plantings, and alignment are previously-identified needs. The roadway restoration cost \$168,500 for included roadway milling, resurfacing, pavement markings, and guardrails. The Federal Highway Administration (FHWA) report “Addressing Resilience to Climate Change & Extreme Weather in Transportation Asset Management,”

issued in April 2023, is a handbook to help practitioners incorporate natural hazard resilience into transportation facilities. Flooding and precipitation present environmental conditions that could impact pavement, bridges, culverts, slopes and soils, and mechanical and electrical equipment (Table 3-1 - <https://www.fhwa.dot.gov/asset/pubs/hif23010.pdf>). This section of roadway may be at a higher vulnerability than other transportation facilities in the area.

- **IDEM Mitigation Site:** The former motorcycle garage is capped in asphalt that must remain, which currently serves as a parking area. Designs will need to consider parking options and access from the south into the park.
- **Neighborhood and Regional Destination:** Lower and Upper Cascades Parks are resources for local and regional residents. The park is located close to the Blue Ridge, Fritz Terrace, Northwood Estates, and North Kinser Point neighborhood, as well as other adjacent residential areas to the south, west, and north. The park’s many amenities are also a draw for users from across Bloomington and the region. Providing multi-modal access to the park would allow all of these user groups to enjoy getting to the park, with or without a car.
- **Cascades Phase 4:** How do the decisions change priorities and/or completed design for Cascades Phase 4—from the Cascades Clubhouse to Kinser Pike, terminating at Acuff Road—connecting Bloomington High School North and neighborhoods north of Cascades Park. A 2017 estimate for construction was \$850k, and additional funding may be needed for golf course hole redesign.

Each alternative provides trade offs with the aforementioned assumptions and unknowns. Using our best reasonable assumptions the “no build” option would be the lowest-cost, and a separated multi-use path/trail would be the highest-cost option. The “one way with multi-use path/trail” and “road conversion to multi-use path/trail” alternatives would be similarly and moderately-priced. All options would require streamside stabilization and utility improvements along with annual maintenance needs. Note that the actual implementation costs are difficult to estimate until more details can be determined through the preliminary design process.

The “no build” option would leave unmet mobility and connectivity issues for the area's destinations, as it would not provide park access for pedestrians, bicyclists, or any non-motorist users accessing the park from the south. Additionally, this alternative presents a significant divergence in over 20 years of policy guidance and trail implementation, as past investments and guidance support a trail/path network system in this area: Cascades Phase 4 has preliminary designs for a multi-use path, and North Dunn Street also has funding to implement a multi-use path connecting to Griffy Lake Nature Reserve.

The separated “multi-use path/trail” would be consistent with policy guidance but would be the most expensive to implement, roughly estimated at approximately \$3 million with an additional \$600k needed for design and permitting (not including improvements for streambank stabilization or needed utility improvements). For comparison, the B-Line Trail extension from Adams Street to 17th Street (~0.8 mile long) is currently anticipated to cost over \$4.3 million for right of way, design, and construction.

The possibility exists for more than one stream crossing, and impacts to environmental resources are likely unavoidable due to steep slopes, trees, and the narrow sections between the streambank and hillside.

The “one way with multi-use path/trail” and the “road conversion to multi-use path/trail” options present opportunities to significantly reduce costs and may reduce some anticipated impacts to environmental resources, compared to the separated “multi-use path/trail” alternative. The direction of the one-way street presents trade-offs as far as which direction provides the most benefit. Typically, one-way streets are paired with another parallel one-way street that carries traffic in opposite direction, so the one-way couplet can address access and mobility needs. In this alternative, there is no one-way couplet opportunity, as the width of the existing roadway (approximately 20 feet) is too narrow for this alternative. The roadway width would need to be 30-32 feet wide (10’ trail, 4’ barrier, 10’ vehicle lane, 6-8’ shoulder), which is not feasible without widening the roadway.

The “road conversion to multi-use path/trail” alternative offers similar opportunities to reduce costs and impacts to environmental resources as the prior two alternatives. This option also avoids challenges related to not implementing a one-way couplet. Reusing the existing roadway offers opportunities to minimize raw construction materials and reduce other resources needed for new construction. The section of roadway that would be closed to vehicular traffic is less than 500 vehicles per day, and the majority of these trips are likely not associated with park users, but rather through traffic which can be easily accommodated on adjacent roadways. Therefore, the Administration recommends supporting the “road conversion to multi-use path/trail” alternative. It is up to the Council to decide on closure (this option) or not (and one of the other three alternatives), and the Administration can identify budget needs and a plan to implement the preferred alternative.



MEMO FROM COUNCIL OFFICE ON:

Resolution 23-13 – Resolution on the Hazards of Artificial Intelligence

Synopsis

This resolution is sponsored by Councilmember Rollo. It calls for officials at all levels of government to consider and acquaint themselves with the existential risks posed by artificial intelligence and calls for the imposition of a moratorium on artificial general intelligence development until there is a guarantee that the technology aligns with human values and well-being.

Relevant Materials

- [Resolution 23-13](#)

Summary

This resolution notes recent advancements in artificial intelligence (“AI”) and artificial general intelligence (“AGI”) technologies and describes concerns with these technologies that some experts have expressed publicly. In particular, the resolution references an [open letter](#) calling for a pause on the training of certain AI systems published by the Future of Life Institute, a nonprofit organization with the stated mission of steering transformative technology towards benefiting life and away from extreme large-scale risks.

[Resolution 23-13](#) would express the Council’s position that elected officials at all levels of government should work to fully understand AI technologies and its associated risks. The resolution also calls on the federal government to impose a moratorium on AGI development until the technology’s alignment with human values and well-being is guaranteed. The details of how such a moratorium might function in practice are left to federal representatives, who are also urged to work on corresponding international agreements ensuring that any domestic regulations are shared and adhered to globally. The sponsor does not anticipate any direct fiscal impact to the City as a result of this resolution.

Contacts

Councilmember Dave Rollo, rollod@bloomington.in.gov, (812) 349-3409

RESOLUTION 23-13

RESOLUTION ON THE HAZARDS OF ARTIFICIAL INTELLIGENCE

- WHEREAS, artificial intelligence (“AI”) technologies and learning capabilities have been increasing exponentially, with one AI research company finding that AI/machine learning training capabilities had increased by a factor of 300,000 between 2012 and 2019—a doubling of compute every 3.43 months;¹ and
- WHEREAS, AI technologies have the potential to replace millions of jobs, impacting the labor market and causing social disruption;² and
- WHEREAS, AI technologies, including large language models, present serious threats for misuse, including the spread of misinformation;³ and
- WHEREAS, in a competitive market, private technology companies will endeavor to create the most advanced versions of AI; and
- WHEREAS, the aim of many companies is to create Artificial General Intelligence (“AGI”), an AI system capable of deduction, reasoning, self-awareness, and human-like cognitive abilities that would far exceed human general intelligence by many orders of magnitude; and
- WHEREAS, researchers from Cornell University contend that ChatGPT-4, a language processing tool driven by AI technology, is an early form of AGI that can perform novel and difficult tasks close to human-level performance;⁴ and
- WHEREAS, the pace of AI development is outpacing the ability to guarantee AI alignment that is meant to ensure AI systems achieve desired outcomes in alignment with human values and well-being;⁵ and
- WHEREAS, experts in alignment research have warned that creating super-intelligent AI before solving the alignment problem could lead to catastrophic outcomes;⁶ and
- WHEREAS, on March 22, 2023, the Future of Life Institute published an open letter calling for all AI labs to observe a six-month moratorium on certain AI development, which has subsequently been signed by over 1,000 notable technology industry leaders and many more thousands of individuals;⁷ and
- WHEREAS, in response to the Future of Life Institute’s letter, other experts such as Eliezer Yudkowsky (co-founder of the Machine Intelligence Research Institute) have stated that a moratorium on AGI development is urgently needed to prevent humanity’s extinction;⁸ and

1 Dario Amodei and Danny Hernandez, “AI and Compute”, OpenAI, May 16, 2018, openai.com/research/ai-and-compute.

2 Jack Kelly, “Goldman Sachs Predicts 300 Million Jobs Will Be Lost or Degraded by Artificial Intelligence”, Forbes, April 3, 2023, www.forbes.com/sites/jackkelly/2023/03/31/goldman-sachs-predicts-300-million-jobs-will-be-lost-or-degraded-by-artificial-intelligence/?sh=1d177b63782b; Jan Hatzius et al., “The Potentially Large Effects of Artificial Intelligence on Economic Growth”, Goldman Sachs, 26 March 2023, www.gspublishing.com/content/research/en/reports/2023/03/27/d64e052b-0f6e-45d7-967b-d7be35fabd16.html.

3 Todd C. Helmus, “Artificial Intelligence, Deepfakes, and Disinformation,” RAND Corporation, July 2022, <https://www.rand.org/pubs/perspectives/PEA1043-1.html>.

4 Sébastien Bubeck et al., “Sparks of Artificial General Intelligence: Early Experiments with GPT-4”, arXiv.org, April 13, 2023, arxiv.org/abs/2303.12712; Nanyi Fei et al., “Towards Artificial General Intelligence via a Multimodal Foundation Model” Nature News, June 2, 2022, www.nature.com/articles/s41467-022-30761-2.

5 Ben Lutkevich, “AI alignment”, TechTarget, May 2023, www.techtarget.com/whatis/definition/AI-alignment?Offer=abt_pubpro_AI-Insider.

6 Sara Brown, “Why Neural Net Pioneer Geoffrey Hinton Is Sounding the Alarm on AI” MIT Sloan, May 23, 2023, mitsloan.mit.edu/ideas-made-to-matter/why-neural-net-pioneer-geoffrey-hinton-sounding-alarm-ai.

7 “Pause Giant AI Experiments: An Open Letter” Future of Life Institute, March 22, 2023, futureoflife.org/open-letter/pause-giant-ai-experiments/.

8 Eliezer Yudkowsky, “Pausing AI Developments Isn’t Enough. We Need to Shut It All Down” TIME, March 29, 2023, <https://time.com/6266923/ai-eliezer-yudkowsky-open-letter-not-enough/>; Otto Barten and Joep Meindersma, “An AI Pause Is Humanity’s Best Bet for Preventing Extinction.” TIME, July 20, 2023, <https://time.com/6295879/ai-pause-is-humanitys-best-bet-for-preventing-extinction/>.

WHEREAS, Geoffrey Hinton, a former VP and engineering fellow at Google often referred to as the “Godfather of AI”, has warned that humanity will not be able to limit AI’s potential and believes the technology is an imminent existential threat;⁹ and

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Elected officials at all levels of government are urged to fully understand AI technology and its potential hazards.

SECTION 2. Federal representatives are urged to determine the extent of existential threats posed by Artificial General Intelligence and to consider whether a super-intelligent AGI could be controlled by a much less intelligent beings, such as humans.

SECTION 3. Federal representatives are urged to impose a moratorium restricting AGI development until AGI alignment with human values and well-being is guaranteed.

SECTION 4. Federal representatives are urged to work on international agreements that would ensure the provisions of any such regulations are shared and adhered to globally.

SECTION 5. The City Clerk is directed to send a copy of this resolution, duly adopted, to both Houses of the Indiana General Assembly, to the Governor of Indiana, to the Indiana Congressional delegation, and to the President of the United States.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

SUE SGAMBELLURI, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2023.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmember Rollo. It calls for officials at all levels of government to consider and acquaint themselves with the existential risks posed by artificial intelligence and calls for the imposition of a moratorium on artificial general intelligence development until there is a guarantee that the technology aligns with human values and well-being.

9 Cade Metz, “The Godfather of A.I.’ Leaves Google and Warns of Danger Ahead.” The New York Times, May 1, 2023, www.nytimes.com/2023/05/01/technology/ai-google-chatbot-engineer-quits-hinton.html.



MEMO FROM COUNCIL OFFICE ON:

Resolution 23-14 – To Initiate Amendments to the City’s Comprehensive Plan Re: Accessible Transportation and Mobility Principles

Synopsis

This resolution, sponsored by Councilmember Volan, directs the Plan Commission to prepare an amendment to the City’s Comprehensive Plan consistent with four accessible transportation and mobility principles.

Relevant Materials

- [Resolution 23-14](#)
- Presentation slides from December 7, 2022 report to Council on Accessible Transportation and Mobility Principles

Summary

[Resolution 23-14](#) is sponsored by Councilmember Volan and would initiate an amendment to the City’s Comprehensive Plan for the purpose of incorporating policies consistent with four accessible transportation and mobility principles. The four principles, described more fully in the resolution, are:

1. Involve people with disabilities in decision-making.
2. Develop equitable access.
3. Provide safe and functional mobility.
4. Ensure accountability.

These principles stem from a report given to the Common Council on December 7, 2022 by Special Projects Coordinator Michael Shermis and Deborah Myerson that preceded consideration of an update to the City’s ADA Transition Plan approved via [Resolution 22-19](#). The presentation slides shown during that report are included herein.

According to Indiana Code [36-7-4-501](#), the Comprehensive Plan is meant for the promotion of public health, safety, morals, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of development.

Once adopted, the City must give consideration to the general policies and pattern of development set out in the Comprehensive Plan in the:



(1) authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities;

(2) authorization, construction, alteration, or abandonment of public ways, public places, public lands, public structures, or public utilities; and

(3) adoption, amendment, or repeal of zoning ordinances, including zone maps and PUD district ordinances, subdivision control ordinances, historic preservation ordinances, and other land use ordinances.

The resolution cites existing portions of the City's [Comprehensive Plan](#) that call for prioritizing accessibility in various ways.

Indiana Code [36-7-4-511](#) allows the Common Council to initiate an amendment to the Comprehensive Plan. This resolution would do so by directing the Plan Commission to prepare the amendment and to submit it to the Council for consideration. In preparing the amendment, the Plan Commission would be required to follow the procedures set forth in state law for the adoption of comprehensive plans, which include the publication of a notice and holding one or more public hearings on the proposal.

State law says that the Plan Commission has sixty (60) days to prepare and submit an amendment after the formal written request by the Council. However, the Council may grant the Commission an extension of time, of specified duration, in which to prepare and submit the amendment. Planning staff have indicated that they intend to prepare and propose Comprehensive Plan and Transportation Plan updates by spring 2024 to, in part, better position the city to apply for [Safe Streets and Roads for All \(SS4A\)](#) grant funding from the federal government. In order to avoid a duplication of efforts and to align this proposed amendment with the upcoming effort from the Planning and Transportation Department, this resolution provides that the Plan Commission has 300 days to prepare and submit the amendment rather than 60 days.

The sponsor of the resolution, Cm. Volan, does not anticipate any direct financial impact to the city as a result of this particular resolution, though implementation of these principles through legislation or other action by the city may entail future expenses.

Contact

Councilmember Stephen Volan, volans@bloomington.in.gov, 812-349-3409

Michael Shermis, Special Projects Coordinator, shermism@bloomington.in.gov, 812-349-3471

RESOLUTION 23-14

TO INITIATE AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN Re: Accessible Transportation and Mobility Principles

- WHEREAS, pursuant to Indiana Code 36-7-4-501, the Plan Commission is responsible for preparing comprehensive plans and amendments thereto and forwarding them to the Common Council; and
- WHEREAS, a new Comprehensive Plan was adopted on March 20, 2018 via Resolution 18-01, in accordance with Indiana Code 36-7-4-500; and
- WEREHAS, a Transportation Plan was adopted in 2019 via Resolution 19-01 and serves as an amendment to the Comprehensive Plan; and
- WHEREAS, pursuant to Indiana Code 36-7-4-511, each amendment to the Comprehensive Plan must be approved according to the procedure set forth in the 500 series; and
- WHEREAS, Indiana Code 36-7-4-511 provides that the Common Council may direct the Plan Commission to prepare an amendment to the Comprehensive Plan; and,
- WHEREAS, the Comprehensive Plan is the City's long-range vision for the community, upon which future land use and other policy decisions are predicated; and
- WHEREAS, the Transportation Plan, as an amendment to the Comprehensive Plan, builds on the goals of the Comprehensive Plan and supports Bloomington's vision of a safe, efficient, accessible, and well-connected multimodal transportation system; and
- WHEREAS, transportation equity is critical to fully participate in community life, yet is too often unavailable specifically to people with disabilities; and
- WHEREAS, disability is intersectional, affecting people regardless of age, race, gender, sexual orientation, class, or gender identity, and any one person may become disabled at some point in their lifetime; and
- WHEREAS, the City of Bloomington's Council for Community Accessibility (CCA) promotes awareness of the challenges faced by people with disabilities and works to develop solutions to problems of accessibility in the community; and
- WHEREAS, the City's 2022 Americans with Disabilities Act (ADA) Transition Plan, which was approved by Resolution 22-19, describes the City's commitment to ensure that public facilities, services, programs, and activities are accessible; and
- WHEREAS, the City's Comprehensive Plan invokes the ADA throughout its text, calling for the implementation of the City's ADA Transition Plan (p. 30) and for the City to "[e]nsure ADA compliance in public spaces and incentivize universal design in private spaces to assure the built environment will serve a market of all ages and abilities" (p. 56); and
- WHEREAS, the Comprehensive Plan additionally states that "[i]nvesting in multimodal transportation can result in a reduced cost of living for Bloomington residents," and cites the CCA, which says that "approximately 20% of Bloomington's population has a disability" (p. 68); and
- WHEREAS, the Comprehensive Plan says, "[e]nsuring greater access to the transportation network can result in better mobility throughout the community for the disabled. By prioritizing our walking, bicycling, and transit networks, more destinations will be more accessible for all residents [, and o]ur entire community will receive large returns" (p. 68); and

WHEREAS the Comprehensive Plan prioritizes accessibility in at least three Policies:

Policy 6.1.2: Balance economic, environmental, accessibility, and equity issues in local transportation decisions;

Policy 6.1.7: Prioritize safety and accessibility over capacity in transportation planning, design, construction, and maintenance decisions;

Policy 6.4.1: Consider all ages, all abilities, and all modes, including pedestrians, bicyclists, transit vehicles, emergency responders, and freight; when planning, designing, modifying, and constructing transportation facilities; and

WHEREAS, the Comprehensive Plan calls for the City to “[e]nhance the understanding of maintenance of traffic and ADA compliance standards,” and “[e]nhance the standards for maintenance of traffic and ADA compliance approvals” (p. 76); and

WHEREAS, city leaders seek guidance on how to accomplish these goals and policies through a set of principles for, and from, people with disabilities as they make decisions on transportation and mobility;

WHEREAS, the Common Council wishes, pursuant to Indiana Code 36-7-4-511, to direct the Plan Commission to prepare an amendment to the Comprehensive Plan to reflect additional accessible transportation and mobility principles;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY INDIANA, THAT:

SECTION 1. Pursuant to Indiana Code 36-7-4-511, the Common Council directs the Plan Commission to prepare an amendment to the City of Bloomington Comprehensive Plan to include new policies consistent with the following four Accessible Transportation and Mobility Principles:

1. **Involve people with disabilities in decision-making.** Establish a transparent, equitable public process that includes people with low vision, mobility challenges, and other disabilities in the full range of transportation decisions from design to operations.
2. **Develop equitable access.** Connect people with disabilities meaningfully to essential needs and services, including housing, grocery stores, health care facilities, jobs, schools, mass transit stops, parks, and other places to live, work, and play.
3. **Provide safe and functional mobility.** Prioritize transportation safety for the most vulnerable users over and above access and speed for cars and trucks, through funding for infrastructure such as well-maintained sidewalks, readily-available ramps, and accessible transit stops.
4. **Ensure accountability.** Document and evaluate progress on implementation of the municipality's ADA Transition Plan by updating the Plan's data and revising its goals at least biennially.

SECTION 2. Pursuant to Indiana Code 36-7-4-511, the Plan Commission is instructed to prepare and submit this amendment in the same manner as any other amendment to the Comprehensive Plan. The Plan Commission is instructed to prepare and submit the amendment within three hundred (300) days from the effective date of this resolution, unless granted an additional extension of time, of specified duration, in which to prepare and submit the amendment.

SECTION 3. If any section, sentence, or provision of this resolution, or the application thereof to any person or circumstance, shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this resolution which can be given effect without the invalid section, sentence, provision or application, and to this end the provisions of this resolution are declared to be severable.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

SUE SGAMBELLURI, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution, sponsored by Councilmember Volan, directs the Plan Commission to prepare an amendment to the City's Comprehensive Plan consistent with four accessible transportation and mobility principles.

ACCESSIBLE TRANSPORTATION AND MOBILITY PRINCIPLES

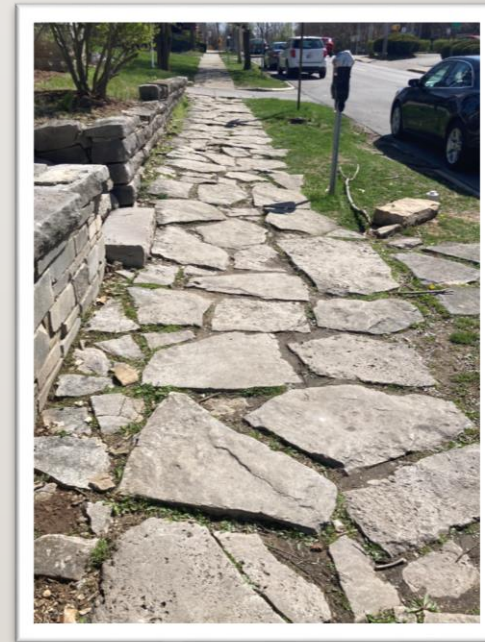
A STEP IN THE RIGHT DIRECTION

ADVANCING TRANSPORTATION EQUITY

A WALK TO BRYAN PARK



A DOWNTOWN CHALLENGE



ACCESSIBLE TRANSPORTATION AND MOBILITY PRINCIPLES

STATEMENT OF PURPOSE

- To guide how the City of Bloomington plans and implements accessible transportation and mobility considerations for persons with disabilities.
- To inform city-wide improvements and developments of public spaces so that legislation and infrastructure truly reflect the needs of our diverse community.

COUNCIL FOR COMMUNITY ACCESSIBILITY



- A volunteer group that advocates for the interests of people with disabilities, promotes awareness of the challenges faced by people with disabilities, and works to develop solutions to problems of accessibility in the community.
- CCA Transportation and Mobility Committee June 2021 workshop: *Increasing Pedestrian Accessibility Opportunities for All*

TECHNICAL ASSISTANCE FROM HEALTH BY DESIGN



We are grateful for the support of a Complete Street Technical Assistance award from Health By Design that funded guidance on this project from their staff:

- Marjorie Hennessey, Active Living Program Manager
- Taylor Firestine, Walk & Bike Program Coordinator

ATMP STEERING COMMITTEE



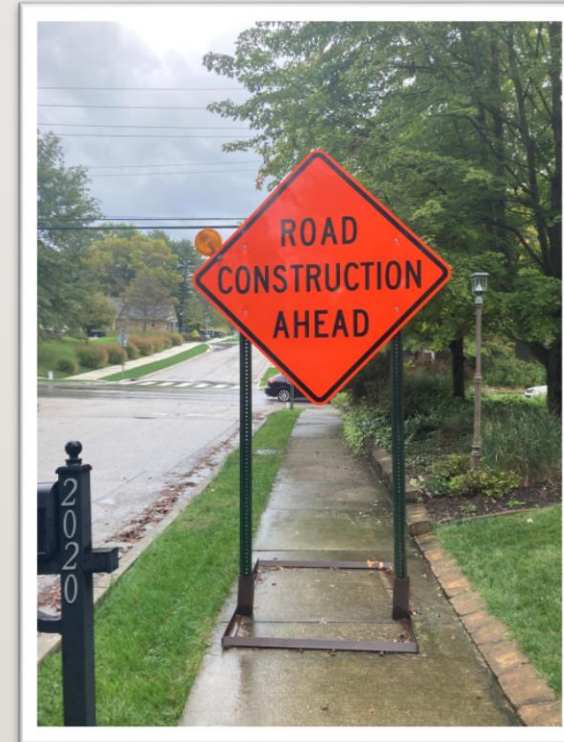
- Deborah Myerson, Chair
- Michael Shermis, staff, Community and Family Resources Department, City of Bloomington
- Michelle Hahn
- Kristen King
- James McClary
- Michelle Moss
- Barbara Salisbury

A COLLABORATIVE EFFORT

- Office of Mayor John Hamilton, City of Bloomington
- Beverly Calender-Anderson, Community and Family Resources Department
- Scott Robinson, Beth Rosenbarger, and Mallory Rickbeil, Planning and Transportation Department
- Andrew Cibor, Engineering Department, City of Bloomington
- Councilmember Matt Flaherty
- Councilmember Isabel Piedmont-Smith
- Councilmember Ron Smith, City of Bloomington
- Transportation and Mobility Committee, Council for Community Accessibility, City of Bloomington

PRINCIPLE I: ADOPT INCLUSIVE PROCESSES

- Establish an equitable process
- Involve people with disabilities in transportation decisions
- Seek meaningful input and a fully inclusive process



PRINCIPLE 2: SEEK EQUITABLE OUTCOMES



- Goal: an equity-based transportation network
- Connect people with disabilities to places where they can live, work, and play.

PRINCIPLE 3: PURSUE PLANNING

- Implement the ADA Transition Plan to improve accessibility.
- Details how the City will ensure all of its facilities, services, programs, and activities in the public right-of-way are accessible to all individuals.



PRINCIPLE 4: PRIORITIZE SAFE ACCESS



Design and repair sidewalks, streets, public rights-of-way, and other transportation facilities to prioritize safety and reduce risk for the most vulnerable users

PRINCIPLE 5: ANTICIPATE AND REPORT IMPACTS

- Evaluate the impacts of transportation decisions on people with disabilities
- Review and refine the implementation of these Principles



MORE IN THE PRINCIPLES

- Recommendations on implementation
- Indicators for accessibility
- Examples of accessibility in Complete Streets policies
- Glossary & resources
- **FULL DOCUMENT:**
<https://tinyurl.com/ATMPrinciples>



NEXT STEPS

Adopt and implement the Accessible Transportation and Mobility Principles to accompany the city's ADA Transition Plan





MEMO FROM COUNCIL OFFICE ON:

Ordinance 23-14 – To Amend Title 6 of the Bloomington Municipal Code Entitled "Health and Sanitation" – Re: Updating and increasing fees for service and harmonizing Chapters 4 and 5 of Title 6 of the Bloomington Municipal Code

Synopsis

This ordinance makes several changes to Title 6 of the BMC to bring the Title in line with changed local practice, to increase service fees, to clarify references, and to harmonize current practices with the City Code.

Relevant Materials

- Ordinance 23-14
- Staff Memo from Adam Wason, Director of Public Works
- Strikethrough document showing proposed amendments to Title 6
- Sanitation Division 2023 Budget Memo provided in August 2022

Background

Public Works proposed adjustments to sanitation rates, among other changes to [Title 6](#) ("Health and Sanitation") of the Bloomington Municipal Code (BMC), in [Ordinance 23-11](#). That ordinance came forward to the Council for first reading on May 17, 2023, was considered in a committee of the whole meeting on June 7, 2023, and returned to the Council for second reading on June 14, 2023 with no committee recommendation. The ordinance failed by a vote of 3-5-0 on June 14, 2023. Council discussion of [Ordinance 23-11](#) is available at the following links: [June 7, 2023 Committee of the Whole meeting](#) and [June 14, 2023 Regular Session](#).

Public Works is now bringing forward [Ordinance 23-14](#), which is almost identical to [Ordinance 23-11](#) with the exception of the proposed rate increases for sanitation fees. Instead of providing for a range of rates as is currently included in local code and was proposed in [Ordinance 23-11](#), [Ordinance 23-14](#) incorporates fee schedules that increase on an annual basis through 2029. This change, from rate ranges to an annual fee schedule, is being proposed by Public Works in response to council discussions of [Ordinance 23-11](#).

Summary

[Ordinance 23-14](#) amends Title 6 of the Bloomington Municipal Code to make several updates to [Chapter 6.04](#) of that title related to trash, recycling, and yard waste collection services, including the adjustment of fees for trash service. One change to [Chapter 6.05](#) is also included related to the hours during which commercial refuse collection should occur.



There are ten sections of the ordinance that make text changes to Title 6. The changes made by the ordinance, in brief, are listed below. All of the proposed changes are identical to what was proposed in [Ordinance 23-11](#), with the exception of the rate adjustments in Section 6.

Section 1 clarifies that solid waste must be bagged and that trash cart lids must be completely closed for collection to occur.

Section 2 clarifies that recyclable items must be placed loosely (not bagged) in the cart and that recycling cart lids must be completely closed for collection to occur. The section also adds language to state that recyclable items should not be mixed with solid waste items, which can lead to a fine under [BMC 6.04.100](#). Finally, this section addresses the list of recyclable items prepared by the Public Works Department and approved by the Board of Public Works by removing styrofoam and referring to plastic containers rather than plastic bottles.

Section 3 removes a provision that references fall [leaf collection services](#), which the Public Works Department has announced will be discontinued in the fall of 2023.

Section 4 clarifies that large items may be set out for collection for an additional cost and makes updates to how and when customers should request that service.

Section 5 states that items infested with vermin will not be collected, that items with waste must be “completely” rather than “adequately” sealed before being placed in a refuse cart, and that collection shall only occur between 5:00 a.m. and 9:00 p.m. (currently 10:00 p.m.).

Section 6 includes adjustments to the service fees for disposal of solid waste. The current ranges for rates are based on cart size as follows:

- (i) Thirty-five gallon solid waste cart fee range: \$4.82—\$6.51.
- (ii) Sixty-four gallon solid waste cart fee range: \$8.60—\$11.61.
- (iii) Ninety-six gallon solid waste cart fee range: \$13.72—\$18.52.

The ordinance proposes to increase sanitation rates along a fee schedule instead of rate ranges that were subject to the determination of the board of public works. Fees will instead increase on an annual basis according to the fee schedule listed below. The proposed schedule of rate increases is as follows:



Thirty-five gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$6.51
Beginning January 1, 2024	\$8.75
Beginning January 1, 2025	\$9.80
Beginning January 1, 2026	\$10.85
Beginning January 1, 2027	\$11.90
Beginning January 1, 2028	\$12.95
Beginning January 1, 2029	\$14.00

Sixty-four gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$11.61
Beginning January 1, 2024	\$16.00
Beginning January 1, 2025	\$17.92
Beginning January 1, 2026	\$19.84
Beginning January 1, 2027	\$21.76
Beginning January 1, 2028	\$23.68
Beginning January 1, 2029	\$25.60

Ninety-six gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$18.52
Beginning January 1, 2024	\$24.00
Beginning January 1, 2025	\$26.88
Beginning January 1, 2026	\$29.76
Beginning January 1, 2027	\$32.64
Beginning January 1, 2028	\$35.52
Beginning January 1, 2029	\$38.40



Section 6 also includes adjustments to the service fees for additional pickup requests. Currently, the rates for large items and appliances are \$10.00 per item. The ordinance proposes to increase the rates to \$25.00 per large item pickup and \$35.00 per appliance pickup. This section additionally clarifies that residents are still responsible for the full rate of the pickup costs should they fail to place the items at curbside prior to collection time.

The increase in service fees would help cover increased expenses the City has seen to provide trash service. It would also reduce the amount of support out of the City's General Fund needed to provide trash service, which was mentioned as a goal for the Sanitation Division during the 2023 budget hearings conducted in August, 2022. The Sanitation Division's 2023 budget memo from last August is included in this packet for reference. This includes an organizational chart, a narrative memo with activity descriptions and goals, and expenditure sheets for both the Solid Waste Fund and General Fund showing actual expenditures (2019-2021) and budgeted expenditures (2022-2023).

Please note that state law ([IC 36-1-3-8](#)) requires that the City not impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.

Section 7 adds language to specify the form a notice of violation (NOV) may take related to violations of BMC 6.04 – either a notice from a neighborhood compliance officer or a notice of non-collection left on the cart. It also expands on the NOV appeals process and relevant deadlines.

Section 8 clarifies that when carts and containers are removed from the street or sidewalk, they should be removed in a manner that ensures the public right-of-way is passable.

Section 9 includes a revision to specify that the capital items to be funded out of the non-reverting capital replacement fund are items of the sanitation division.

Section 10 updates the hours during which commercial refuse collection should occur so that collection ends at 9:00 p.m. instead of 10:00 p.m.

Note that Public Works has indicated it intends to propose decreasing the fee for exchanging sanitation carts from \$50 to \$25 through the board of public works. Costs for the replacement of carts for other reasons are set forth in the rate structure set by the board of public works.

For more information on the rate models used by Public Works and the gradual reduction of general fund support to Sanitation, please consult Adam Wason's staff memo.



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

Note: Both state law and the Council's [electronic meeting policy](#) provide that councilmembers may not participate in a meeting electronically if the Council is attempting to take final action to establish or increase a fee or penalty. When this ordinance appears on a meeting agenda for possible adoption, members should plan to attend the meeting in person.

Contact

Adam Wason, Public Works Director, wasona@bloomington.in.gov, 812-349-3410

Aleksandrina Pratt, Assistant City Attorney, aleksandrina.pratt@bloomington.in.gov, 812-349-3426

Michael Large, Special Projects/Operations manager, largem@bloomington.in.gov, 812-349-3410

ORDINANCE 23-14

TO AMEND TITLE 6 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "HEALTH AND SANITATION"- Re: Updating and increasing fees for service and harmonizing Chapters 4 and 5 of Title 6 of the Bloomington Municipal Code

WHEREAS, a review of Title 6 of the Bloomington Municipal Code (BMC), Chapter 6.04, entitled "Solid Waste, Recycling and Yard Waste Collection by the City" and Chapter 6.05, entitled "Commercial Refuse Hauling and Collection," indicates that there are several sections that require maintenance, and a review of such has determined that multiple sections should be updated and amended; and

WHEREAS, changes to local practice warrant an update to Title 6 to reflect current and best practices; and

WHEREAS, increased operational costs warrant an adjustment to service fees and fines;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 6.04.030, entitled "Solid waste collection" shall be amended as follows:

Subsection (e) shall be amended by adding the words "be bagged and" in the first sentence and "In order for a cart to be considered closed, its lid must be completely flush with the container so that there is no gap between the lid and the container. A cart that is over-filled with solid waste such that its lid does not rest flush with the container is not considered closed" as a third and fourth sentence" so that the subsection reads as follows:

(e) All solid waste, before being placed in said carts, shall be bagged and have drained from it all liquids. Solid waste must be free of vermin and pests, and said cart must be closed and facing the street for collection. In order for a cart to be considered closed, its lid must be completely flush with the container so that there is no gap between the lid and the container. A cart that is over-filled with solid waste such that its lid does not rest flush with the container is not considered closed. Carts not placed appropriately at the curb or without lids closed will not be collected.

SECTION 2. Section 6.04.040, entitled "Recycling collection," shall be amended as follows:

Subsection (a) shall be amended such that the first and second sentences will be the new subsection (a), the third sentence will be the new subsection (b), and the fourth and subsequent sentences will be the new subsection (c). The original subsection (b) will become the new subsection (d).

The new subsection (b) shall be amended by adding the words "loosely, and not bagged" in the first sentence and "Solid waste items should never be placed in recycling carts. Failure to comply with these provisions will result in non-collection of the recycling container and the owner or occupant of the premises will be subjected to fines in accordance with Section 6.04.100" as the second and third sentences so that the new subsection reads as follows:

(b) Recyclable items must be placed loosely, and not bagged, into the recycling cart provided by the City of Bloomington. Solid waste items should never be placed in recycling carts. Failure to comply with these provisions will result in non-collection of the recycling container and the owner or occupant of the premises will be subjected to fines in accordance with Section 6.04.100.

The new subsection (c) shall be amended by inserting "In order for a cart to be considered closed, its lid must be completely flush with the container so that there is no gap between the lid and the container. A cart that is over-filled with recycling such that its lid does not rest flush with the container is not considered closed" as third and fourth sentences so that the new subsection reads as follows:

(c) Residents shall choose a cart they deem appropriate for their needs from the following sizes: sixty-four gallon, or ninety-six gallon. The lid must be closed with the cart facing the street for collection to occur. In order for a cart to be considered closed, its lid must be completely flush with the container so that there is no gap between the lid and the container. A cart that is over-filled with recycling such that its lid does not rest flush with the container is not considered closed. Carts not placed appropriately at the curb or without the lids closed will not be collected.

The new subsection (d) shall be amended by deleting the word “Styrofoam” and replacing the word “bottles” with the word “containers” in the first sentence.

SECTION 3. Section 6.04.050, entitled “Yard waste collection,” shall be amended to delete subsection (c) in its entirety.

SECTION 4. Section 6.04.060, entitled “Large item collection,” shall be amended to add the words “for an additional cost, as stated in Section 6.04.090” at the end of the first sentence, to replace the word “call” with the word “contact” and the words “by 8:00 p.m. on the” with the words “during operating hours Monday through Thursday at least one business” in the third sentence, and delete the last sentence in its entirety so that the section reads as follows:

Large items, other than appliances, may be placed on the curb on the customer’s assigned collection day for an additional cost as stated in Section 6.04.090. The department of public works, upon approval by the board of public works, shall prepare and promulgate annually a list of what types of items are considered large items. For the purposes of route optimization, customers are required to contact the sanitation division during operating hours Monday through Thursday at least one business day prior to their assigned collection day to request large item collection.

SECTION 5. Section 6.04.080, entitled “General collection practices and guidelines,” shall be amended as follows:

Subsection (c)(1) shall be amended by adding the words “the” and “option” to the last sentence of the subsection so that the sentence reads as follows: “Any resident requesting to be an assisted stop shall contact the sanitation division to receive the necessary paperwork and instructions in order to be approved to receive the assisted service option.”

Subsection (c)(2) shall be amended by replacing the word “cars” with the word “vehicles” in the last sentence.

Insert a new subsection (e) to read as follows: “Items that are infested with vermin, including but not limited to bedbugs, cockroaches, or rodents, will not be collected.”

Subsection (e) is renamed subsection (f), subsection (f) is renamed subsection (g), subsection (g) is renamed subsection (h), subsection (h) is renamed subsection (i), subsection (i) is renamed subsection (j), and subsection (j) is renamed subsection (k).

The new subsection (h), entitled “Disposal of Diapers, Animal Feces, and Cat Litter” shall be amended by replacing the word “adequately” with the word “completely.”

The new subsection (j) shall be amended by replacing the time of “10:00 p.m.” with “9:00 p.m.”

SECTION 6. Section 6.04.090, entitled “Fees and billing,” shall be amended as follows:

Subsection (1) shall be amended by deleting the words “beginning the month following the commencement of automated collection services by the city sanitation division” at the end of the sentence.

Subsection (1)(A) shall be amended by deleting the word “ranges” in the first sentence and by deleting the second and third sentences in their entirety, such that the subsection reads as follows:

The following fee schedule will apply based on the solid waste cart size chosen by customers.

Subsections (1)(A)(i)-(iii) shall be deleted in their entirety and shall be replaced by adding the following:

Schedule of Service Fees for Disposal of Solid Waste

(i) Thirty-five gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$6.51
Beginning January 1, 2024	\$8.75
Beginning January 1, 2025	\$9.80
Beginning January 1, 2026	\$10.85
Beginning January 1, 2027	\$11.90
Beginning January 1, 2028	\$12.95
Beginning January 1, 2029	\$14.00

(ii) Sixty-four gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$11.61
Beginning January 1, 2024	\$16.00
Beginning January 1, 2025	\$17.92
Beginning January 1, 2026	\$19.84
Beginning January 1, 2027	\$21.76
Beginning January 1, 2028	\$23.68
Beginning January 1, 2029	\$25.60

(iii) Ninety-six gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$18.52
Beginning January 1, 2024	\$24.00
Beginning January 1, 2025	\$26.88
Beginning January 1, 2026	\$29.76
Beginning January 1, 2027	\$32.64
Beginning January 1, 2028	\$35.52
Beginning January 1, 2029	\$38.40

Subsection (2)(C) shall be amended by replacing “\$10.00” with “\$25.00.”

Subsection (2)(D) shall be amended by replacing “\$10.00” with “\$35.00.”

Subsection (2)(E) shall be amended by inserting “(4.30)” in the first sentence and adding “In the event a resident schedules an additional pick-up and fails to place the cart at the curbside prior to the collection time, said resident will still be charged the full rate for the additional pick up” as a second sentence so that the subsection reads as follows:

Additional pick up requests: one hundred twenty-five (125) percent of regular weekly solid waste charges based on four and three-tenths (4.30) weeks on average per month, per year. In the event a resident schedules an additional pick-up and fails to place the cart at the curbside prior to the collection time, said resident will still be charged the full rate for the additional pick up.

Subsection (3) shall be amended by inserting the word “the” in the first sentence so that it reads as follows: “The fees for solid waste collection and disposal services provided to single-family residential dwellings shall be billed directly to the customer of record with CBU.” The final sentence of subsection (3) shall remain in place and unaltered.

SECTION 7. Section 6.04.100, entitled “Enforcement procedures,” shall be amended as follows:

Subsection (a) shall be amended by adding “The NOV may be in the form of a citation from the neighborhood compliance officer or a notice of non-collection that is left on the cart by sanitation division staff” as the second sentence so that the subsection reads as follows:

(a) If the director of public works, sanitation division director, director of the housing and neighborhood development department, the assistant director, any neighborhood compliance officer, or any other designee of the directors (collectively referred to as “staff”) determines that there exists a violation of this chapter, that person shall issue a notice of violation (NOV) to the responsible party. The NOV may be in the form of a citation from the neighborhood compliance officer or a notice of non-collection that is left on the cart by sanitation division staff. For purposes of issuing an NOV, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: persons with any possessory interest in the property; property owner(s); and/or any persons who have caused the violation.

Subsection (b)(7) shall be amended by adding “appealed to the board of public works within seven days of the date of the NOV” and deleting “contested in the county circuit courts” so that the subsection reads as follows: “That the fine may be appealed to the board of public works within seven days of the date of the NOV.”

Subsection (c), entitled “Schedule of Fines” shall be amended by replacing “\$15.00” with “25.00” in the first sentence.

Subsection (d) shall be deleted in its entirety and replaced with “Any person issued a written NOV of this chapter shall pay the total amount of the penalty to the City of Bloomington within seven days of such notice, unless such notice is appealed in conformity with this chapter.”

A new subsection (e) shall be added and shall read as follows: “All appeals shall be filed to the board of public works within seven days of the day of the NOV.”

A new subsection (f) shall be added and shall read as follows: “All appeals from the written findings of the board of public works shall be made to courts of competent jurisdiction within sixty (60) days.”

A new subsection (g) shall be added and shall read as follows: “Upon failure to appeal an adverse finding or failure to comply with a written order or assessed penalty, the city legal department shall be empowered to take all appropriate action necessary to enforce the written findings of the enforcement officer or of the board of public works.”

SECTION 8. Section 6.04.110, entitled “Removal of solid waste and recycling carts and yard waste containers,” shall be amended by adding “to ensure the public right-of-way is passable” to the end of the second sentence.

SECTION 9. Section 6.04.130, entitled “Capital recovery fund,” shall be amended by inserting the words “items of the sanitation division” in the second sentence so that the sentence reads as follows: “This fund shall be established for the purpose of paying for the costs of capital equipment purchases necessary to replace capital items of the sanitation division on schedules outlined by industry standards.”

SECTION 10. Section 6.05.020, entitled “Collection practices,” shall be amended by replacing the words “five” and “ten” with the numbers “5:00” and “9:00” respectively, so that the section reads as follows: “Collection shall be made only during the hours of 5:00 a.m. and 9:00 p.m.”

SECTION 11. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 12. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law. The changes in this ordinance shall take effect on January 1, 2024.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

SUE SGAMBELLURI, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2023.

NICOLE BOLDEN, Clerk,
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2023.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several changes to Title 6 of the BMC to bring the Title in line with changed local practice, to increase service fees, to clarify references, and to harmonize current practices with the City Code.



**DEPARTMENT OF
PUBLIC WORKS •
SANITATION DIVISION**

**PROPOSAL TO
ADJUST SERVICE
FEES**

Memorandum

TO: Members of the City of Bloomington Common Council

FROM: Adam Wason, Director of Public Works
Rhea Carter, Sanitation Director
Michael Large, Special Projects and Operations Manager

Date: July 20, 2023

Re: City of Bloomington - Department of Public Works Sanitation Division
Ordinance 23-14 Updating Title 6 To Adjust Service Fees

Background

After discussion and consideration of Sanitation rate adjustments by the Common Council in June of 2023, the ordinance ultimately failed. In those discussions, it was noted that there was interest from the Council in considering a rate structure that did not have a higher per gallon charge for the larger cart sizes, and that the reduction of the general fund support to the Sanitation Division budget over a longer period of time may be preferred by a majority of Council members.

Rate Proposal

This proposal to adjust rates takes into consideration the points from those conversations, and attempts to produce a rate structure that also meets the revenue needs of the division in an ever changing solid waste management environment. The rates will not be set with a range for the Board of Public Works to set annual rates within. This proposal codifies the annual rate increases from 2024-2029, meaning that if market or operating conditions change beyond the projections and forecasting included in our model, we would need to come back to Council for any rate adjustments.

We are also proposing to reduce the cart exchange fee from \$50 to \$25. All other aspects of the ordinance previously discussed in June are still in place which includes increased rates for large item and appliance pickup, as well as for additional weekly pickups.

One clarification from previous discussions is that while we have roughly 13,500 accounts at any given time, the rate models are based on the number of revenue generating carts in circulation which hovers closer to 14,600. The point of clarification comes down to the fact that one address may have multiple units, and multiple carts that are on the same account. The models previously discussed in June, and currently under consideration in this proposal were based on the 14,600 cart numbers, but we were often discussing in the context of the number of accounts.

Below is the proposed fee structure that gradually reduces the general fund support to the Sanitation Division over a six year period from 2024-2029. The model reflects rates that take into consideration annual cost increases for the division at 3% per year. Additionally, this model takes into account monthly delinquency rates, as well as an anticipated shift of account holders continuing to choose the smaller cart sizes to reduce waste and household costs.

Constant cost per gallon across cart sizes		35 gallon	64 gallon	96 gallon	Total Annual Revenue
Year	GF Subsidy	Monthly Price	Monthly Price	Monthly Price	
2023	\$1,000,000	\$6.51	\$11.61	\$18.52	\$1,688,606.88
2024	\$1,000,000	\$8.75	\$16.00	\$24.00	\$2,272,824.00
2025	\$800,000	\$9.80	\$17.92	\$26.88	\$2,545,562.88
2026	\$600,000	\$10.85	\$19.84	\$29.76	\$2,818,301.76
2027	\$400,000	\$11.90	\$21.76	\$32.64	\$3,091,040.64
2028	\$200,000	\$12.95	\$23.68	\$35.52	\$3,363,779.52
2029	\$0	\$14.00	\$25.60	\$38.40	\$3,636,518.40

Amendments to Sections of Bloomington Municipal Code Title 6 (“Health and Sanitation”)
proposed by Ordinance 23-14 shown in context
(proposed additions are shown in **bold**, proposed deletions are show in ~~strikeout~~)

Section 1 of Ordinance 23-14

6.04.030 Solid waste collection.

- (a) Solid waste carts shall be provided by the City of Bloomington. Said carts shall be maintained in good and sanitary condition, with no ragged or sharp edges or any other defect that could hamper or injure the person collecting the contents thereof.
- (b) Solid waste will only be collected from the cart provided by the city on the customer's assigned collection day unless the owner or occupant arranges for an additional pickup on another day with the sanitation division in accordance with board of public works policies. Items outside of the cart will not be collected. Residents shall choose a cart they deem appropriate for their needs from the following sizes: thirty-five gallon, sixty-four gallon, or ninety-six gallon.
- (c) It will be the responsibility of the resident to notify the sanitation division should a cart become damaged and unusable. The cost of replacing a damaged cart not due to normal wear and tear may be the responsibility of the resident, subject to the discretion of the sanitation division director. The replacement cost will be set forth in the rate structure set by the board of public works.
- (d) Solid waste scattered by animals or weather shall be removed promptly by the owner or occupant of the premises or be subject to fines in Section 6.04.100.
- (e) All solid waste, before being placed in said carts, shall **be bagged and** have drained from it all liquids. Solid waste must be free of vermin and pests, and said cart lid must be closed and facing the street for collection. **In order for a cart to be considered closed, its lid must be completely flush with the container so that there is no gap between the lid and the container. A cart that is over-filled with solid waste such that its lid does not rest flush with the container is not considered closed.** Carts not placed appropriately at the curb or without the lids closed will not be collected.

Section 2 of Ordinance 23-14

6.04.040 Recycling collection.

- (a) Recycling collection is provided to recipients of solid waste collection. Collection occurs every week on the customer's assigned collection day.
- (b) Recyclable items must be placed **loosely, and not bagged**, into the recycling cart provided by the City of Bloomington. **Solid waste items should never be placed in recycling carts. Failure to comply with these provisions will result in non-collection of the recycling container and the owner or occupant of the premises will be subjected to fines in accordance with Section 6.04.100.**

- (c) Residents shall choose a cart they deem appropriate for their needs from the following sizes: sixty-four gallon, or ninety-six gallon. The lid must be closed with the cart facing the street for collection to occur. **In order for a cart to be considered closed, its lid must be completely flush with the container so that there is no gap between the lid and the container. A cart that is over-filled with recycling such that its lid does not rest flush with the container is not considered closed.** Carts not placed appropriately at the curb or without the lids closed will not be collected.
- ~~(d)~~ (b) The department of public works, upon approval by the board of public works, shall prepare and promulgate annually a list of what types of paper products, metal cans, glass containers, Styrofoam and plastic **containers bottles** are recyclable. The list may change from time to time as the recycling market adjusts to shifting demands and technologies. All paper products must be clean and dry. All metal cans, glass containers and plastic containers must be clean, rinsed out and with the lids removed.

Section 3 of Ordinance 23-14

6.04.050 Yard waste collection.

- (a) All grass, weeds, leaves and other similar yard and garden materials shall be placed in appropriate watertight thirty-five gallon or less container or two-ply biodegradable wet strength paper bag with each weighing less than forty pounds separate from solid waste and recycling and shall not be mixed with any other substances. Said container shall be maintained in good and sanitary condition, with no ragged or sharp edges or any other defect that could hamper or injure the person collecting the contents thereof. Yard waste will be collected weekly on the customer's assigned collection day.
- (b) Brush, tree trimmings, hedge clippings and similar materials shall be cut to a length not to exceed four feet and securely tied in bundles not more than two feet thick before being deposited for collection.
- ~~(c) During the free leaf collection period in the fall of each year, residents may obtain biodegradable two-ply wet strength paper bags from their choice of local retail establishments. Those bags may be filled with leaves only and placed out for collection on the customer's assigned collection day. The bags may not contain trash or other refuse. Yard waste in plastic bags will not be collected.~~

Section 4 of Ordinance 23-14

6.04.060 Large item collection.

Large items, other than appliances, may be placed at the curb on the customer's assigned collection day **for an additional cost as stated in Section 6.04.090.** The department of public works, upon approval by the board of public works, shall prepare and promulgate annually a list of what types of items are considered large items. For the purposes of route optimization, customers are required to **contact** ~~call~~ the sanitation division **during operating hours Monday through Thursday at least one business** ~~by 8:00 p.m. on the day prior to their assigned collection day to request large item collection.~~ **Items such as clothesline poles and swing sets must be broken down before being placed at the curb.**

Section 5 of Ordinance 23-14

6.04.080 General collection practices and guidelines.

- (a) Collection of solid waste, recycling, yard waste, large items and appliances shall be made at least once each week or more often as may be ordered by the board of public works. Collection schedules shall be established and published by the board.
- (b) Collection shall be made from all places of residence within the city limits except for the following:
 - (1) Buildings containing more than four residential units;
 - (2) Residences located above or in the same structure as a business or businesses;
 - (3) Residential units located on private streets.

However, collection may be provided to the above listed residences if specifically authorized in writing by the director of public works. Before authorizing such collection, the director of public works may require terms and conditions to protect the city and residents. The director of public works may revoke such authorization in writing at his or her discretion.

- (c) Collection shall be made from curbs or, where there are no curbs, the property line immediately adjacent to the public thoroughfare. In order to be collected, all carts, yard waste, and other items must be placed adjacent to the curbs, facing the street and suitable for automated collection.
 - (1) All residents except those approved for special assistance for a person with a disability, illness or infirmity shall place their solid waste and recycling carts and yard waste containers at curbside or at the edge of the street no later than 5:00 a.m. on the day of collection. Any resident requesting to be an assisted stop shall contact the sanitation division to receive the necessary paperwork and instructions in order to be approved to receive **the assisted service option.**
 - (2) The cart or container shall be placed in such a manner as not to interfere with overhead power lines or tree branches, parked cars, vehicular traffic, or in any other way that would constitute a public hazard or nuisance. Carts and containers are to be at least four feet from any tree, pole, mailbox, fire hydrant, etc., and at least ten feet away from any **vehicles** ~~cars~~ parked in the street.
 - (3) The cart is not to be painted, abused, mutilated, altered or modified in any manner.
- (d) Paints, stains and similar materials still in their liquid form shall not be placed in refuse carts or dumpsters and shall not be collected by the department of public works as a part of regular collection.
- (e) **Items that are infested with vermin, including but not limited to bedbugs, cockroaches, or rodents, will not be collected.**
- (f) ~~(e)~~ No person shall remove or attempt to remove materials from any refuse cart or dumpster belonging to another person or business. All materials placed in a refuse cart or dumpster shall be the property of the city.

- (g) ~~(f)~~ Highly flammable, combustible, explosive or hazardous materials shall not be placed in refuse carts or dumpsters and shall not be collected by the department of public works as a part of regular collection. Such materials shall be disposed of as prescribed by state and local laws.
- (h) ~~(g)~~ Disposal of Diapers, Animal Feces, and Cat Litter. All diapers, animal feces, cat litter and similar wastes shall be placed in durable plastic bags **completely** ~~adequately~~ sealed before being placed in a refuse cart.
- (i) ~~(h)~~ Collection shall not be made from alleyways.
- (j) ~~(i)~~ Collection shall be made only between the hours of 5:00 a.m. and **9:00 p.m.** ~~10:00 p.m.~~
- (k) ~~(j)~~ It shall be a violation of this chapter for any unauthorized commercial enterprise to collect, obtain, possess, pick up or cause to be collected, obtained, possessed or picked up any refuse, solid waste, garbage or yard waste from places of residence on routes within the city limits that are served by the city sanitation division. Occasional removal of bulk trash associated with construction, moving, or seasonal cleaning does not require authorization other than for approval of placement of dumpsters within the right-of-way. The board of public works shall determine such authorization. Any and each such violation hereof from one or more locations shall constitute a separate and distinct violation of this chapter.

Section 6 of Ordinance 23-14

6.04.090 Fees and billing.

Service fees for the disposal of solid waste shall be prepared, billed and collected by the City of Bloomington Utilities Department (CBU) as agreed to by the utilities service board and the board of public works.

- (1) The service fees for all users shall be prepared and billed monthly in accordance with the established billing procedures of CBU ~~beginning the month following the commencement of automated collection services by the city sanitation division.~~
- (A) The following fee schedule ~~ranges~~ will apply based on the solid waste cart size chosen by customers. ~~The board of public works shall determine the final fee for each of the three solid waste cart sizes. At no time shall the individual cart size fees exceed the highest amount of the following ranges, without amendment of this chapter by the common council.~~
 - ~~(i) Thirty five gallon solid waste cart fee range: \$4.82 — \$6.51.~~
 - ~~(ii) Sixty four gallon solid waste cart fee range: \$8.60 — \$11.61.~~
 - ~~(iii) Ninety six gallon solid waste cart fee range: \$13.72 — \$18.52.~~

Schedule of Service Fees for Disposal of Solid Waste

(i) Thirty-five gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$6.51
Beginning January 1, 2024	\$8.75
Beginning January 1, 2025	\$9.80
Beginning January 1, 2026	\$10.85
Beginning January 1, 2027	\$11.90
Beginning January 1, 2028	\$12.95
Beginning January 1, 2029	\$14.00

(ii) Sixty-four gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$11.61
Beginning January 1, 2024	\$16.00
Beginning January 1, 2025	\$17.92
Beginning January 1, 2026	\$19.84
Beginning January 1, 2027	\$21.76
Beginning January 1, 2028	\$23.68
Beginning January 1, 2029	\$25.60

(iii) Ninety-six gallon solid waste cart fee schedule:

Year	Fee
Prior to January 1, 2024	\$18.52
Beginning January 1, 2024	\$24.00
Beginning January 1, 2025	\$26.88
Beginning January 1, 2026	\$29.76
Beginning January 1, 2027	\$32.64
Beginning January 1, 2028	\$35.52
Beginning January 1, 2029	\$38.40

(2) The monthly bill will also include service fees for the disposal of additionally requested solid waste carts, yard waste, large items, appliances, and additional pickup requests (including pickups requested due to not having carts properly placed for pickup by 5:00 a.m.). Additional fees will not be charged if the sanitation division changes the collection day due to inclement weather or holidays. The following fees will apply:

- (A) Additional carts will cost the full amount of the solid waste cart fee set forth in the fee schedule approved by the board of public works.
- (B) Yard waste: \$1.00 per approved container, bag or bundle.
- (C) Large items: ~~\$25.00~~ \$10.00 per approved large item.

- (D) Appliances: **\$35.00** ~~\$10.00~~ per approved appliance.
- (E) Additional pickup requests: one hundred twenty-five (125) percent of regular weekly solid waste charges based on four and three-tenths (**4.30**) weeks on average per month, per year. **In the event a resident schedules an additional pick-up and fails to place the cart at the curbside prior to the collection time, said resident will still be charged the full rate for the additional pick up.**
- (3) The fees for solid waste collection and disposal services provided to single-family residential dwellings shall be billed directly to **the** customer of record with CBU. In the event that the single-family residential dwelling of four units or fewer is not a current customer of CBU, or receives billings through a master meter, the customer shall receive a monthly bill for solid waste disposal services only.
- (4) Bills shall be paid in accordance with the policies and procedures set forth by CBU and the board of public works.
- (5) Late fees of three percent of the unpaid balance will be assessed to any account holder that fails to pay the amount due within twenty days of billing. This is modeled from the late fee procedures used by CBU. Partial payments shall be allocated in accordance with the interdepartmental agreement between the City of Bloomington and CBU.
- (6) In the event a customer of the CBU requests to shut down the water meter to his/her residential premises, CBU shall also contemporaneously discontinue the billing of service fees for the collection performed at the residential premises in accordance with this chapter. In the event that service is discontinued, it is the responsibility of the account holder to notify the sanitation division for removal of the solid waste and recycling carts. If the account holder fails to do so, a replacement fee in accordance with the fee schedule approved by the board of public works will be applied to the account holder's final CBU bill.

Section 7 of Ordinance 23-14

6.04.100 Enforcement procedures.

- (a) If the director of public works, sanitation division director, director of the housing and neighborhood development department, the assistant director, any neighborhood compliance officer, or any other designee of the directors (collectively referred to as "staff") determines that there exists a violation of this chapter, that person shall issue a notice of violation (NOV) to the responsible party. **The NOV may be in the form of a citation from the neighborhood compliance officer or a notice of non-collection that is left on the cart by sanitation division staff.** For purposes of issuing an NOV, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: persons with any possessory interest in the property; property owner(s); and/or any persons who have caused the violation.

Liability for fines shall not attach to nonpossessory property owner(s) for a period of seven days following issuance of the NOV, provided that the violation is remedied, or that the nonpossessory property owner(s) presents to HAND, within seven days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.

- (b) The NOV shall be in writing and shall be served on one or more of the responsible parties in one or more of the following manners: delivery in person; by first class mail; and/or by placement in a conspicuous place on the property where a violation occurs. The notice shall state:
 - (1) The location of the violation;
 - (2) The nature of the violation;
 - (3) The period of correction (if any);
 - (4) The fine assessed for the violation;
 - (5) Additional remedies the city may seek for violation;
 - (6) That the fine is to be paid at the city controller's office;
 - (7) That the fine may be **appealed to the board of public works within seven days of the date of the NOV** ~~contested in the county circuit courts.~~
- (c) Schedule of Fines. The fine for any violation of Section 6.04.110 shall be **\$25.00** ~~\$15.00~~. The fine for all other violations of this chapter shall be \$50.00. Nonpossessory property owners shall not be subject to fines for the seven-day period after issuance of the NOV, provided that the provisions outlined in subsection (a) of this section are met. Each day that a violation continues shall constitute a separate violation.
- (d) **Any person issued a written NOV of this chapter shall pay the total amount of the penalty to the City of Bloomington within seven days of such notice, unless such notice is appealed in conformity with this chapter.**

~~If the responsible party fails to remedy the violation cited in the NOV, the city legal department may bring suit in a court of competent jurisdiction to collect the accumulated fines, any other costs associated with remedy of the violation as are allowed by law, and obtain any other legal remedy available at law.~~
- (e) **All appeals shall be filed to the board of public works within seven days of the day of the NOV.**
- (f) **All appeals from the written findings of the board of public works shall be made to courts of competent jurisdiction within sixty (60) days.**
- (g) **Upon failure to appeal an adverse finding or failure to comply with a written order or assessed penalty, the city legal department shall be empowered to take all appropriate action necessary to enforce the written findings of the enforcement officer or of the board of public works.**

Section 8 of Ordinance 23-14

6.04.110 Removal of solid waste and recycling carts and yard waste containers.

Carts, containers and other articles to be picked up shall not be placed upon the street or sidewalk so as to be visible from the street more than twenty-four hours prior to the time when such solid waste, recycling or yard waste is to be collected. Carts and containers shall be removed from the street or sidewalk on the same day as the collection is made **to ensure the public right-of-way is passable.**

Section 9 of Ordinance 23-14

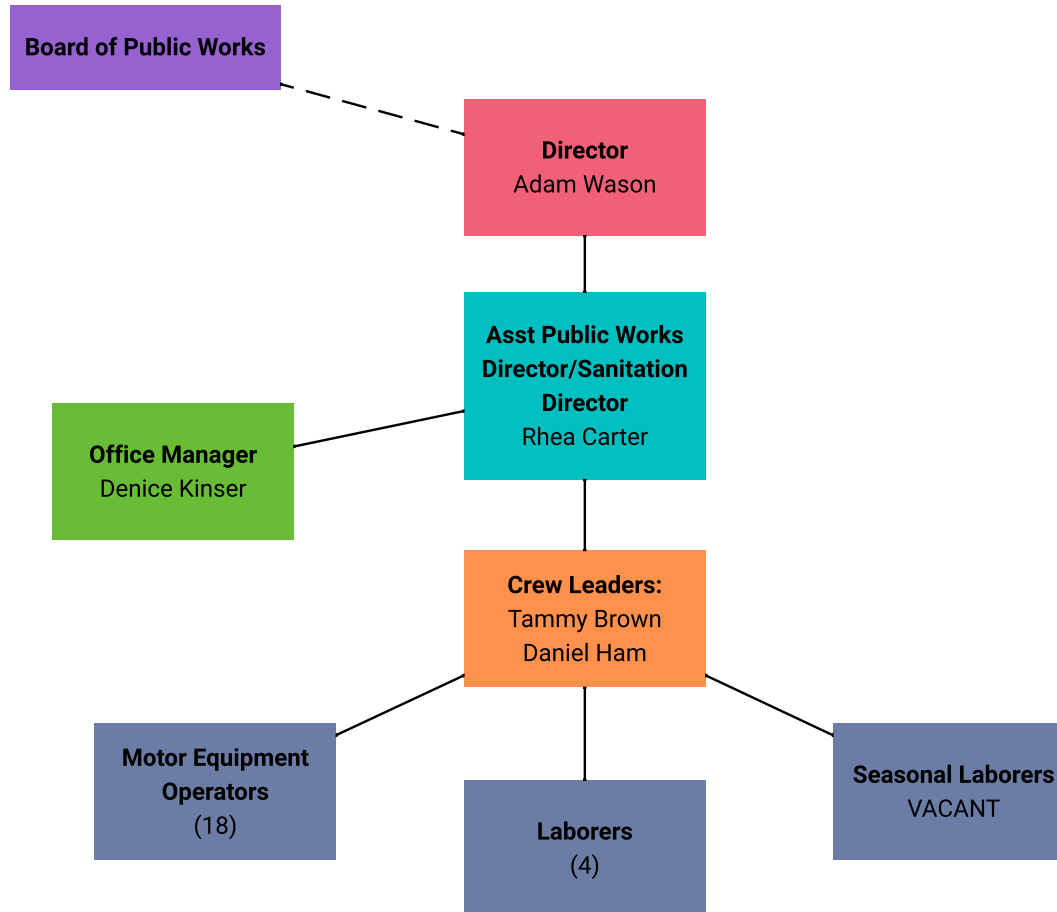
6.04.130 Capital recovery fund.

The revenue deposited into the non-reverting enterprise fund, which is intended for capital re-placement of vehicles, equipment and other capital related expenses, shall be transferred by the controller into a non-reverting capital replacement fund. This fund shall be established for the purpose of paying for the costs of capital equipment purchases necessary to replace capital **items of the sanitation division** on schedules outlined by industry standards.

Section 10 of Ordinance 23-14

6.05.020 Collection practices.

Collection shall be made only during the hours of **5:00** ~~five~~ a.m. and **9:00** ~~ten~~ p.m.



Memorandum

TO: Members of the City of Bloomington Common Council

FROM: Rhea Carter, Assistant Public Works Director/Sanitation Director
Adam Wason, Director of Public Works

Date: August 25, 2022

Why We Exist

Sanitation is a division of the Department of Public Works responsible for providing weekly collection and disposal of household solid waste. It also promotes community sustainability through weekly curbside recycling pick-up and seasonal biweekly yard waste from residences inside the corporate City limits.

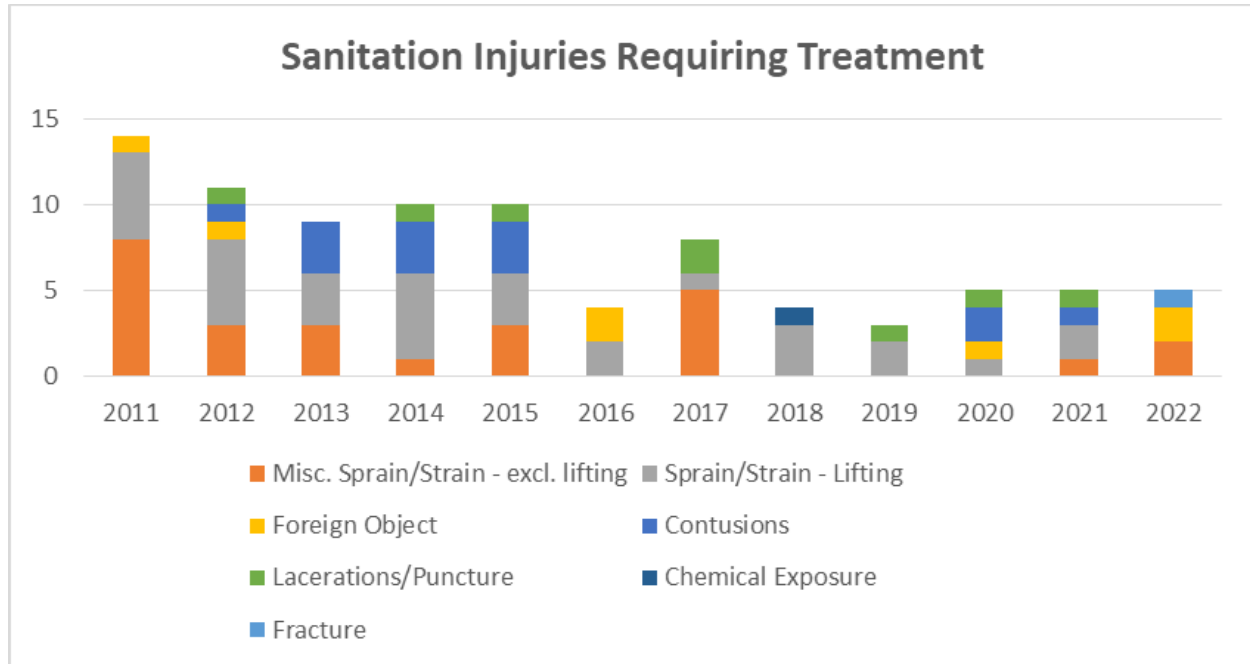
Sanitation also collects large items, such as furniture and appliances, from residences on a request basis. Additionally, Sanitation provides trash collection for City Hall, downtown containers, City parks, various City facilities and numerous special events in the community.

Background

The Sanitation Division has 24 full-time employees and 19 fleet vehicles. It serves an approximate population of 37,000 people in single-family homes, mobile homes and multi-family residential structures containing between 1 to 4 units, plus thousands more via containers that are located in City parks and throughout the downtown area.

Since the City modernized trash and recycling services in 2017, the Sanitation Division has experienced noticeable declines in employee injuries while on the job and related workers' compensation costs. Sanitation Division workers' compensation claims have dropped from over

\$125,000 in 2017 to approximately \$10,600 last year, and are at around \$10,100 so far in 2022. Additionally, the improved efficiencies of the modernized program continue to allow the Sanitation Division to keep an open FTE position unfilled for yet again in 2023, which helps to further reduce costs.



As an essential public health municipal function, Sanitation personnel have delivered critical trash, recycling and yard waste collection services throughout the entire COVID-19 pandemic. One major impact continued to be felt by Sanitation is the much higher than usual volume of both trash and recycling collection tonnages, as well as the associated landfill and materials collection costs, due to the large number of Bloomington residents still working from home either on a permanent or semi-regular basis.

2023 Budget Highlights

The Sanitation Division will continue to provide essential municipal services in 2023 through several new initiatives to increase efficiency, better utilize current resources and lower environmental impacts. Several areas to emphasize include the following initiatives:

- Begin a phased elimination of the City’s General Fund subsidy for sanitation services, which will come forward in a legislative package of rate changes to the council over the next few months
- Crews performing weekly preventative maintenance checks on all sanitation vehicles.
- Stressing the importance of “clean recycling” to the community.
- Providing targeted recycling information to the public via the ReCollect software system to prevent compromised recycling items from being sent to the landfill.

- Selling additional new yard waste containers using surplus containers as a means to further divert yard waste from entering the waste stream.
- Continuing educational outreach and information sharing efforts with community groups regarding City sanitation services.

Department of Public Works-Sanitation 2023 Budget Summary

Summary Budget Allocation	2019 Actual	2020 Actual	2021 Actual	2022 Budget	2023 Budget	Change (\$)	Change (%)
100 - Personnel Services	1,639,504	1,683,484	1,677,768	1,865,368	1,915,269	49,900	2.7%
200 - Supplies	134,227	105,667	138,642	172,049	284,072	112,023	65.1%
300 - Other Services	812,655	896,258	942,877	2,577,865	2,605,577	27,712	1.1%
400 - Capital Outlays	-	-	-	-	-	-	0.0%
Total	2,586,386	2,685,409	2,759,286	4,615,282	4,804,918	189,635	4.1%

2023 Activity Descriptions and Goals

Solid Waste Collection

Activity Description: Provide weekly collection and disposal of household trash. Collect large items and appliances from residences on a request basis.

Goals:

- Completely eliminate the City’s General Fund subsidy for sanitation services over the next 3 years.
- Utilize on-board vehicle software functionality in 2023 to document all noncompliance with sanitation collection requirements (overflowing carts, lids not being closed, trash not bagged, carts not placed at curb, etc.) and use this data to educate 100 residents to increase overall collection.
- Participate in at least 2 neighborhood large item and excess trash clean-up events sponsored through the Housing and Neighborhood Development Department by the end of Q3.
- Attend a minimum of 3 local homeowner and/or neighborhood association meetings in 2023.

City of Bloomington Solid Waste Collection Totals (tons)					
2017	2018	2019	2020	2021	YTD 2022
5,683.14	6,771	7,195	8,061	8,261	4,139

City of Bloomington Number of Appliances & Large Items Collected *** <i>(No Data Available for 2017)</i>					
Type	2018	2019	2020	2021	YTD 2022
Appliances	307	309	441	319	189
Large Items	2,020	3,786	4,584	3,254	1,555

Solid Waste Collection Budget Allocation	2022 Budget \$	2023 Budget \$	Staffing (FTE)	Population Served
100 - Personnel Services	782,506	777,599	10.15	37,000 single-family homes, mobile homes and multi-family housing (1-4 units).
200 - Supplies	68,820	113,629		
300 - Other Services	476,424	533,894		
400 - Capital Outlays	0	0		
Total	1,327,749	1,425,122		

Fund: General, Other

Recycling Collection

Activity Description: Provide weekly curbside collection of recyclable materials.

Goals:

- Maintain the City's current 35% recycling diversion rate through the end of 2023 to exceed the Environmental Protection Agency's (EPA) recorded national diversion rate (EPA rate is set at 32%).
- Partner with at least one Indiana University class to research and promote clean recycling practices to college students in 2023.

City of Bloomington Recycling Collection Totals (tons)					
2017	2018	2019	2020	2021	YTD 2022
2,939	3,415	3,155	3,882	3,630	1,279

Recycling Collection Budget Allocation	2022 Budget \$	2023 Budget \$	Staffing (FTE)	Population Served
100 - Personnel Services	719,273	746,955	9.75	37,000 single-family homes, mobile homes and multi-family housing (1-4 units).
200 - Supplies	68,820	113,629		
300 - Other Services	370,552	415,251		
400 - Capital Outlays	0	0		
Total	1,158,645	1,275,834		

Fund: General, Other

Yard Waste Collection

Activity Description: Provide biweekly curbside collection of yard waste. This collection keeps yard waste from entering the landfill and promotes sustainable and eco-friendly disposal practices in the community.

Goals:

- Complete yard waste collection service by December 31, 2023, with 800 tons or more of collected materials.
- Explore a partnership in 2023 with the Monroe County Solid Waste District to jointly purchase compost bins for sale to the community in order to reduce yard waste collection totals.
- Sell 100 additional yard waste carts to residents during 2023.

City of Bloomington Yard Waste Collection Totals (Truckload/Tonnage)					
2017	2018	2019	2020	2021	YTD 2022*
950	830	650	640	700	230

* Starting in 2022, yard waste collection totals changed from truckloads to tonnage in order to better reflect existing trash and recycling collection metrics.

Yard Waste Collection Budget Allocation	2022 Budget \$	2023 Budget \$	Staffing (FTE)	Population Served
100 - Personnel Services	158,082	168,544	2.20	37,000 single-family homes, mobile homes and multi-family housing (1-4 units).
200 - Supplies	25,807	42,611		
300 - Other Services	158,808	177,965		
400 - Capital Outlays	0	0		
Total	342,697	389,119		

Fund: General, Other

Municipal Collection

Activity Description: Remove trash from approximately 225 total containers from downtown sidewalks, City Hall, police and fire stations, the Utilities Service Center, the Public Safety Training Center, City buildings and downtown municipal-owned parking lots, and at City parks and trailheads.

Goals:

- Annually replace 50% of can liners in downtown trash containers.

Municipal Collection Budget Allocation	2022 Budget \$	2023 Budget \$	Staffing (FTE)	Population Served
100 - Personnel Services	205,507	222,171	2.90	85,000 people.
200 - Supplies	8,602	14,204		
300 - Other Services	52,936	59,322		
400 - Capital Outlays	0	0		
Total	267,045	295,696		

Fund: General, Other

Total Departmental Budget by Fund

Category	General Fund	Solid Waste	Total
1	0	1,915,269	1,915,269
2		284,072	284,072
3	1,419,146	1,186,431	2,605,577
4		0	0
Total	1,419,146	3,385,772	4,804,918

2023 Budget Request Highlights

The Sanitation Division's general fund budget request is \$4,804,918, which is an increase of \$189,635.

Category 1 – Personnel request is \$1,915,269, which is an increase of \$49,900.

Category 2 – Supplies request is \$284,072, which is an increase of \$112,023. This increase is due to higher fuel and oil costs.

Category 3 – Other Services & Charges request is \$2,605,577, which is an increase of \$27,712. This increase is the result of rising annual landfill collection and recycling processing fees and a slight increase to the South Central Community Action Program's qualified household assistance program in 2023.

Category 4 – Capital Outlays request is \$0, no change from 2022.

Conclusion

As a division of the Department of Public Works, Sanitation will continue to provide curbside collection of trash, large items/appliances, recycling, and yard waste to all single-family residences that are within the City limits, plus continue to provide trash removal from parks, downtown containers, City Hall, a number of City facilities, and numerous special events in the community.

CITY OF BLOOMINGTON

	Account Number	Account Description	2019 Actual Amount	2020 Actual Amount	2021 Actual Amount	2022 Adopted Budget	2023 Council	\$ +/-	% +/-
Fund: 730 - Solid Waste (S6401)									
<u>Expenditures</u>									
Department: 16 - Sanitation									
Personnel Services									
	51110	Salaries and Wages - Regular	990,019	1,021,566	1,011,933	1,141,499	1,182,452	40,953	3.59%
	51120	Salaries and Wages - Temporary	4,142	21,478	29,836	30,000	30,000	-	0.00%
	51130	Salaries and Wages- Overtime	63,808	51,819	49,205	70,011	70,011	-	0.00%
	51210	FICA	75,771	78,691	79,262	94,975	98,108	3,133	3.30%
	51220	PERF	148,914	153,081	150,682	172,034	177,848	5,814	3.38%
	51230	Health and Life Insurance	356,850	356,850	356,850	356,850	337,350	(19,500)	-5.46%
	51320	Other Personal Services -DC Match	-	-	-	-	19,500	19,500	N/A
Total: Personnel Services			1,639,504	1,683,484	1,677,768	1,865,368	1,915,269	49,900	2.68%
Supplies									
	52110	Office Supplies	272	-	158	400	400	-	0.00%
	52210	Institutional Supplies	203	-	-	540	540	-	0.00%
	52230	Garage and Motor Supplies	100	-	154	350	350	-	0.00%
	52240	Fuel and Oil	118,390	96,793	119,255	139,349	251,372	112,023	80.39%
	52310	Building Materials and Supplies	1,371	-	-	2,500	2,500	-	0.00%
	52420	Other Supplies	13,027	8,874	17,425	21,850	21,850	-	0.00%
	52430	Uniforms and Tools	863	-	1,650	7,060	7,060	-	0.00%
Total: Supplies			134,227	105,667	138,642	172,049	284,072	112,023	65.11%
Other Services and Charges									
	53130	Medical	355	323	470	1,000	1,000	-	0.00%
	53140	Exterminator Services	370	1,845	1,625	2,000	2,000	-	0.00%
	53150	Communications Contract	12,518	6,828	7,478	13,150	13,150	-	0.00%
	53160	Instruction	350	-	-	500	500	-	0.00%
	53210	Telephone	6,040	5,616	5,995	17,600	17,600	-	0.00%
	53220	Postage	607	3,771	-	3,600	4,100	500	13.89%
	53230	Travel	181	-	-	300	300	-	0.00%
	53240	Freight / Other	271	535	1,734	3,000	3,000	-	0.00%
	53310	Printing	12,576	11,580	2,178	17,000	17,000	-	0.00%
	53410	Liability / Casualty Premiums	24,674	38,045	43,294	51,456	51,456	-	0.00%
	53420	Worker's Comp & Risk	49,952	49,651	49,651	49,651	49,651	-	0.00%
	53510	Electrical Services	2,170	2,654	3,446	5,350	5,350	-	0.00%
	53530	Water and Sewer	1,796	2,058	1,988	1,500	2,000	500	33.33%
	53540	Natural Gas	1,848	2,510	2,878	2,500	3,000	500	20.00%
	53610	Building Repairs	6,919	1,738	10,822	7,000	97,500	90,500	1292.86%
	53620	Motor Repairs	260,170	299,196	350,687	359,640	375,324	15,684	4.36%
	53640	Hardware and Software Maintenance	10,000	-	359	5,000	5,000	-	0.00%
	53650	Other Repairs	8,391	-	-	10,500	10,500	-	0.00%
	53910	Dues and Subscriptions	150	-	-	200	200	-	0.00%
	53920	Laundry and Other Sanitation Services	2,097	1,931	1,549	4,950	4,950	-	0.00%
	53950	Landfill	401,933	460,780	455,815	480,972	500,000	19,028	3.96%
	53990	Other Services and Charges	9,286	7,198	2,908	21,850	22,850	1,000	4.58%
Total: Other Services and Charges			812,655	896,258	942,877	1,058,719	1,186,431	127,712	12.06%
Expenditures Grand Total:			\$ 2,586,386	\$ 2,685,409	\$ 2,759,286	\$ 3,096,136	\$ 3,385,772	\$ 289,635	9.35%

CITY OF BLOOMINGTON

	Account Number	Account Description	2019 Actual Amount	2020 Actual Amount	2021 Actual Amount	2022 Adopted Budget	2023 Council	\$ +/-	% +/-
Fund: 101 - General Fund (S0101)									
<u>Expenditures</u>									
Department: 16 - Sanitation									
Other Services and Charges									
	539010	Inter-Fund Transfers	985,625	1,009,620	978,492	1,519,146	1,419,146	(100,000)	-6.58%
Total: Other Services and Charges			985,625	1,009,620	978,492	1,519,146	1,419,146	(100,000)	-6.58%
Expenditures Grand Total:			\$ 985,625	\$ 1,009,620	\$ 978,492	\$ 1,519,146	\$ 1,419,146	\$ (100,000)	-6.58%