

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, October 11, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
October 11, 2023

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

ROLL CALL [6:30pm]

Councilmember Matt Flaherty gave a land and labor acknowledgement and Council Vice President Isabel Piedmont-Smith summarized the agenda.

AGENDA SUMMATION
[6:30pm]

Rollo moved and Piedmont-Smith seconded that Ordinance 23-25 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee Do-Pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

LEGISLATION FOR
SECOND READING AND
RESOLUTIONS [6:32pm]

Ordinance 23-25 – An Ordinance to Fix the Salaries of Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for all the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2024
[6:32pm]

Mayor John Hamilton spoke about the months-long process of drafting the legislation for consideration that evening. It was a balanced budget that continued focus on climate, inclusion, and an increased quality of life for all in the community. He discussed jobs, public safety, Recover Forward, and thanked council for their work.

Beth Cate, Corporation Counsel, presented the salary ordinances, which were required by state code as part of the city budgeting process. The ordinances affixed the compensation for elected officials, appointed officers and employees of the civil city, appointed officers and employees of City of Bloomington Utilities (CBU), and personnel covered by collected bargaining agreements. She provided details on the ordinances.

Piedmont-Smith asked what the increase was for American Federation of State, County and Municipal Employees (AFSCME).
Cate stated it was 5%.

Council questions:

Piedmont-Smith moved and Rollo seconded to adopt Amendment 01 to Ordinance 23-25. Piedmont-Smith presented Amendment 01.

Amendment 01 to
Ordinance 23-25

Amendment 01 Synopsis: This amendment was prepared at the request of the Human Resources Department to list the Senior Environmental Planner position under the correct division of the Planning and Transportation Department.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 23-25 received a roll call vote: Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt
Amendment 01 to
Ordinance 23-25
[6:41pm]

There were no council questions.

Council questions:

There was no public comment.

Ordinance 23-25 as amended (*cont'd*)

Flaherty said his wife, Beth Rosenbarger, was the Assistant Director in the Planning and Transportation department. He noted Bloomington Municipal Code 2.04.150 that required councilmembers to explain potential conflicts of interest or be excused from participating in matters that directly affected a financial interest of the member. He declared the potential conflict of interest because his wife's salary was part of the departmental budget, but due to the size and significance of the city budget, he felt he needed to participate to effectively represent constituents. He could participate fairly, objectively, and in the public's interest.

Council comments:

Piedmont-Smith highlighted the new full time staff in the proposal and said that city government was growing to keep up with services provided to residents. There were several new positions that would address concerns such as afterhours ambassador for downtown activities and three community emergency medical technicians. She also discussed the salary increase of the council attorney.

The motion to adopt Ordinance 23-25 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 23-25 as amended [6:47pm]

Rollo moved and Piedmont-Smith seconded that Ordinance 23-26 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee Do-Pass recommendation of Ayes: 8, Nays: 1, Abstain: 0.

Ordinance 23-26 – To Fix the Salaries of all Elected City Officials for the City of Bloomington for the Year 2024 [6:47pm]

Cate spoke in favor of the salary increase for Council Attorney Stephen Lucas. She presented Ordinance 23-26 and highlighted the percentage of salary increase for elected officials.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

Flaherty appreciated the increases, especially the clerk's salary though he believed the increase should be on par with department head salaries.

Council comments:

Piedmont-Smith concurred with Flaherty.

The motion to adopt Ordinance 23-26 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Volan).

Vote to adopt Ordinance 23-26 [6:51pm]

Rollo moved and Piedmont-Smith seconded that Ordinance 23-24 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee Do-Pass recommendation for Amendment 01 of Ayes: 9, Nays: 0, Abstain: 0. The Do-Pass recommendation for Ordinance 23-24 as amended was Ayes: 8, Nays: 0, Abstain: 1.

Ordinance 23-24 – An Ordinance Fixing the Salaries of Officers of the Police and Fire Department for the City of Bloomington, Indiana, for the Year 2024 [6:51pm]

Cate presented Ordinance 23-24 and briefly explained the changes, salaries based on collective bargaining, and pay increases.

Piedmont-Smith moved and Rollo seconded Amendment 01 to Ordinance 23-24. She briefly described the additional compensation in the form of retention pay.

Amendment 01 to Ordinance 23-24

Amendment 01 Synopsis: This amendment was prepared at the request of the Human Resources Department to provide certain employees of the Fire

Department with additional compensation in the form of retention pay and to facilitate paying additional pay.

Amendment 01 to Ordinance 23-24 (cont'd)

There were no council questions.

Council questions:

There were no public comments.

Public comment:

Piedmont-Smith was pleased with Amendment 01 and would hopefully assist with firefighter retention.

Council comments:

The motion to adopt Amendment 01 Ordinance 23-24 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 Ordinance 23-24 [6:47pm]

Volan moved and Piedmont-Smith seconded to adopt Amendment 02 to Ordinance 23-24. He explained the proposed increase to current sworn officer salary by cutting positions that could not be filled in the Bloomington Police Department (BPD).

Amendment 02 to Ordinance 23-24 as amended

Amendment 02 Synopsis: This amendment is sponsored by Cm. Volan. Under authority granted to the Council under Indiana Code § 36-8-3-3, it provides that the maximum number of sworn officers within the Bloomington Police Department shall be set at 95. This amendment is proposed with the sole intent that the administration will use the savings from ten unfillable positions to offer sworn employees an increase to the salaries of the remaining funded officers equivalent to the savings.

Hamilton stated that the administration opposed Amendment 02 because it was not appropriate to reduce the number of sworn officers. He noted that if the positions were to be filled, the city budget could not support funding at a higher base salary. He provided additional reasons in opposition to Amendment 02 such as the collective bargaining agreement.

Scott Oldham, Deputy Chief, BPD, stated that it was imperative to keep the ability to hire up to one hundred and five officers. He said that it was also important to raise the salary in order to be competitive with other agencies.

Rollo asked Hamilton if the amendment passed that evening, would the savings be used to increase salaries of current sworn officers.

Council questions:

Hamilton said that it would be up to the next administration.

Volan asked Oldham how many officers could realistically be hired in the next year.

Oldham said it was hard to predict, but there was a recruiting/hiring specialist in BPD so the goal was to be fully staffed. There was an increase in applicants for BPD.

There was additional discussion on the number of hires per year.

Sims noted that the recruitment specialist had been in their position for less than a year. He asked for clarification on the term "unfillable" positions.

Volan responded that historically, there had not been many new hires at one time for BPD. He said that the Indiana Law Enforcement Academy had a bottleneck and the city would not be able to recruit trained police officers at the current salary because there were better paying jobs. He questioned if it was better to pay overtime to current officers or to simply raise the salary.

Sims asked if Amendment 02 would permanently reduce the number of funded positions to ninety five.

Volan said yes, and discussed hiring challenges the city faced in the past. He said that passing Amendment 02 would help make BPD's salary more competitive.

Piedmont-Smith asked how many officers there were. She asked about the fiscal sustainability in the long term when more officers could be hired.

Volan said there were eighty four officers. He did not believe that it was possible to hire, for example, ten officers the following year and that had never happened before. The goal was to make the compensation competitive to help with recruiting. The next mayor could then hire two officers per year.

Flaherty said that BPD was currently understaffed and was paying sworn officers overtime. Reducing the funded positions, and raising salaries, did not immediately mean that overtime work would cease. He asked if the goal was to have the funding balance out.

Volan said it was possible to reallocate funding to raise salaries and reduce overtime pay in a balanced way.

Flaherty clarified that council did not have the authority to determine how to allocate funding; it was under the mayor's purview. He asked about the administration's options to do what Amendment 02 proposed to do.

Volan stated the difference between a permanent raise in salary versus a one-time bonus.

Sgambelluri asked for staff's input on Amendment 02.

Hamilton stated that the administration would oppose any reduction, regardless of the number. He gave details on the recruitment efforts like the housing allowance. It was not ideal to reduce the number of funded officers, and increase current salaries, without a long term way to pay for it all.

Oldham said that it was not ideal to reduce the number of officers because the number of calls was increasing as the city grew. BPD needed the ability to recruit to the full one hundred and five funded positions.

Piedmont-Smith asked if it was legally possible for the city to increase salaries given that there was an agreement done via collective bargaining.

Cate said it was possible that the contract would have to be renegotiated. She highlighted some concerns with long time sustainability.

Piedmont-Smith asked if the contract included that there would be one hundred and five officers funded.

Cate would look at the contract and confirm.

Rollo mentioned that a recent report called for one hundred and twenty officers.

Oldham confirmed that was correct.

Volan asked what the maximum number of officers employed at BPD was.

Oldham did not know.

Hamilton said there was ninety nine at one point in the last eight years.

There was additional discussion on the number of officers at BPD over the years.

Eric Spoonmore, Greater Bloomington Chamber of Commerce, spoke against Amendment 02.

Public comment:

Piedmont-Smith asked if Volan had contacted the Fraternal Order of Police (FOP) for their feedback.

Council comments:

Volan said yes, they reached out and preferred a salary increase and not a one-time bonus. The goal was to attract recruits with a higher, more competitive salary.

Piedmont-Smith asked if the FOP was in favor of Amendment 02.

Volan said they were if the salary was increased and was not a bonus. He read from an email from Jeff Rodgers noting the desire for a salary increase.

Cate added that the contract did not specify one hundred and five officers.

Rollo appreciated the discussion and he hoped that officer salaries would be prioritized. He was hesitant to lower the goal of having one hundred and five officers, especially since more would be needed as the city grew. He would not support Amendment 02.

Amendment 02 to Ordinance 23-24 as amended (*cont'd*)

Council comments:

Sandberg had been sounding the alarm about the short-staffing of BPD for years. Salaries needed to be competitive. She said Amendment 02 capped BPD and was not sustainable. Currently, overtime pay was not done by choice, it was needed. She thanked Volan for his good intentions but would not support the amendment.

Sims also appreciated Volan's efforts. He did not believe that the open officer positions were unfillable. Amendment 02 would not reduce the need for overtime. He wanted to give the recruitment efforts a chance to work. He discussed the compromise of one hundred and five officers, city growth, annexation, and more. He would not support Amendment 02.

Volan noted that the discussion did not have to end that evening and the next administration could address the idea. His proposal was not a criticism of the administration or BPD. Overtime work was exhausting officers and did not provide for competitive salary recruitment. He noted the lack of data on the number of officers per year. He spoke about alternatives to a formal raise. He urged council to pass the amendment.

Piedmont-Smith agreed that it was difficult to reach one hundred and five officers but she was encouraged by the recruitment specialist. She understood the reasoning behind Amendment 02 but there were concerns about sustainability. She believed additional vetting on a plan was ideal, perhaps the following year. She would vote against the amendment.

Rollo was not in favor of reducing the number of funded officers and would continue to advocate for salary increases.

Volan reiterated that at present, council could pass Amendment 02 which would increase salaries. He commented on the expressed concerns.

The motion to adopt Amendment 02 to Ordinance 23-24 as amended received a roll call vote of Ayes: 1 (Volan), Nays: 8, Abstain: 0. FAILED

Vote to adopt Amendment 02 to Ordinance 23-24 as amended [7:50pm]

There were no council questions.

Council questions:

Eric Spoonmore commented on public safety and in favor of staffing BPD.

Public comments:

There were no council comments.

Council comments:

The motion to adopt Ordinance 23-24 as amended received a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.

Vote to adopt Ordinance 23-24 as amended [7:54pm]

Rollo moved and Piedmont-Smith seconded that Appropriation Ordinance 23-06 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee Do-Pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Vic Kelson, Director of City of Bloomington Utilities (CBU), stated that there were no changes to the budget he presented on previously.

Piedmont-Smith asked what the amounts for water and waste water were.

Kelson said it was \$50 million in total.

Lucas shared from the slide deck; water was \$22.4 million and sewer was around \$28 million.

There were no public comments.

Sims asked about long term sustainability of the water source and anticipated growth of the city.

Kelson stated that Lake Monroe could produce over one hundred million gallons of drinking water per day. Capacity was thirty million gallons per day and the average was around sixteen million gallons. He commented on water quality and processing at the water plants, as well as algal growth.

Sims asked about keeping storm water drains clear especially since the leaf collection program had ceased.

Kelson said that if residents did not rake their leaves into the street, then there would not be much difference from before. Residents were not supposed to rake leaves into the street, even when the leaf collection program was running. He commented on staff monitoring the drains. CBU would be doing more street sweeping the following year.

Rollo asked what the spare capacity was at peak time.

Kelson stated that the peak had been decreasing over six to ten years. The city had not exceeded twenty million gallons per day.

Rollo asked what the longevity of Lake Monroe was.

Kelson said he was not specifically sure but it could be fifty to one hundred years. He gave some additional information on siltation. CBU was supporting the Lake Monroe Water Fund and the Friends of Lake Monroe who wanted to conduct additional studies.

The motion to adopt Appropriation Ordinance 23-06 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Rollo moved and Piedmont-Smith seconded that Appropriation Ordinance 23-07 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee Do-Pass recommendation of Ayes: 8, Nays: 0, Abstain: 0.

Rollo moved and Piedmont-Smith seconded that Appropriation Ordinance 23-07 be adopted.

John Connell, General Manager, Bloomington Public Transportation Corporation (BPTC) stated that there were no changes to the proposal from prior readings.

Piedmont-Smith asked for a reminder of the total budget.

Lucas displayed the slide deck and showed it was \$26.6 million.

There were no public comments.

Appropriation Ordinance 23-06 – An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2024 [7:55pm]

Council questions:

Public comment:

Council comments:

Vote to adopt Appropriation Ordinance 23-06 [8:07pm]

Appropriation Ordinance 23-07 – Appropriations and Tax Rates for Bloomington Transportation Corporation 2024 [8:07pm]

Council questions:

Public comment:

There were no council comments.

Council comments:

The motion to adopt Appropriation Ordinance 23-07 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 23-07 [8:10pm]

Rollo moved and Piedmont-Smith seconded that Appropriation Ordinance 23-05 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee Do-Pass recommendation of Ayes: 5, Nays: 1, Abstain: 3.

Appropriation Ordinance 23-05 – An Ordinance for the Appropriations and Tax Rates (Establishing 2024 Civil City Budget for the City of Bloomington) [8:11pm]

Rollo moved and Piedmont-Smith seconded that Appropriation Ordinance 23-07 be adopted.

Jeff Underwood, Controller, summarized the legislation which was the final phase of the budgeting process. He gave some key points on changes and the timeline.

There were no council questions.

Council questions:

Volan moved and Piedmont-Smith seconded to adopt Amendment 01 to Appropriation Ordinance 23-05. He presented the amendment.

Amendment 01 to Appropriation Ordinance 23-05

Amendment 01 Synopsis: This amendment is sponsored by Cm. Volan. The intent is to reduce Category 3 and Category 4 appropriations for various departments to eliminate \$9,975,000 in proposed appropriations of former Community Revitalization Enhancement District (CRED) funds; the amendment calls for the reduction of other lines and totals in the various budget forms necessary to implement these reductions. The amendment calls for the reduction of former CRED funds (except for the Downtown Activation and Maintenance project (\$2.1M) in the Parking Services Division of Public Works) because the administration’s proposal for the use of these funds is overly broad. Because the original intent of funds raised in the CRED was to “revitalize” and “enhance” the CRED districts themselves, the administration must identify where projects to be paid for with these funds are located, so that Council may determine whether they meet the intent of the CRED. Since these funds are static and already in the city’s possession, these funds do not need to be appropriated with the 2024 budget; the administration may bring a new appropriation ordinance at any time after it has given sufficient detail for Council to make an informed determination on the use of these funds.

Hamilton said the administration opposed Amendment 01 and referenced the list of projects that could use CRED and American Rescue Plan Act (ARPA) funds. He discussed the robust deliberations regarding CRED funds over many months.

Volan referenced the memo from the administration and asked what the funding would pay for.

Council questions:

Allen said it would go to a safety plan to reduce crashes and dangerous intersections. The funds would match grant funding. He gave additional details on the process of planning.

Volan asked what types of changes would be made to reduce crashes and dangerous intersections.

Hamilton explained that it was a wide range of options like structural changes, or lane changes. He said that it was likely that at least 20% of CRED funds would be used in the districts CRED funds came from.

Piedmont-Smith asked how much of each CRED fund, both the downtown and Thomson, would be used.

Underwood said it was tracked in a combined total and he would research the exact amounts from each district.

Volan said it was \$10 million from the downtown, and \$7 million from Thomson.

Piedmont-Smith said that \$3 million was reserved for the tech building.

Amendment 01 to
Appropriation Ordinance
23-05 (cont'd)

Council questions:

Volan asked for clarification on the \$2 million for street maintenance and bus and bike lanes.

Allen said it was prioritized by the condition of the street, and the analysis was conducted by Public Works.

There was additional discussion on the location of the listed projects and their proximity to the districts.

Volan asked about the \$2.7 million for traffic signal modernization.

Allen responded that the goal was that all the traffic signals in the city would be updated.

Hamilton reiterated that the plans were to make the improvements and maximize matching grants.

There was more discussion on funding.

Flaherty noted that the CRED districts no longer existed and the funds from the districts could be used for any legal purpose of the General Fund.

Allen confirmed that was correct.

Sandberg asked about the current status for the listed projects.

Allen explained various projects and their status, and said some were already started. He described the solar panel program and gave details.

Volan asked about the jobs and climate projects totaling \$475,000 in which a portion would be spent on developing the trades building and park.

Allen said that the exact amount was still to be determined.

Holly Warren, Interim Director, Economic and Sustainable Development (ESD) department, said that the funding could be used in the district but some might be outside of it.

There was additional discussion on the design of projects using CRED funds, as well as matching grant funds.

Volan asked what the funds for affordable housing were.

Allen said portions of the projects were in the districts. He reiterated that the investments into the city would still serve the districts and did not have to be in the districts.

Volan asked how council would know how the money was spent and if it followed the current description in the administration's memo.

Allen responded that the end product would demonstrate that, and there would be council involvement throughout the process. He referenced the Hopewell project as well as an upcoming presentation from the Housing and Neighborhood Development (HAND) department.

Hamilton added details of council's involvement in the budget process.

Volan commented on the administration's estimation of cost on projects and what the end result was. He referenced the proposals for the city's entryways, Griffy Lake improvements, and more. He said that council voted on a particular plan and then the end result was substantially different, both in cost and design.

Hamilton said that there were external factors like an increase in cost for materials, et cetera, that affected the final result. He described the process, including the design portion which could not be done without being funded. The official cost of projects was not exactly known until there was a design, a bidding process, and more. It was impossible to tell council the specific amounts prior to design and bidding.

There was continued discussion on the process.

There was no public comment.

Public comment:

Volan commented on the process and believed there was still not enough detail. CRED funds could have been spent in the districts while they existed. He spoke about proposed projects, entryways to the city, and expressed disappointment in the process.

Amendment 01 to Appropriation Ordinance 23-05 (cont'd)

Council comments:

Sandberg sympathized with Volan's concerns and the difficulty with the administration's planning including funding for design, and starting construction, but funding needed to be confirmed first. She urged that council and the administration make more effort to involve the public.

Volan reiterated that the administration had intentionally neglected spending the CRED funds. He referenced the monolith proposed at Miller Showers Park and said council needed to scrutinize the administration's proposals further.

Piedmont-Smith responded to Volan and said that she had voted for the proposed monolith because it was packaged with the plan to plant fourteen hundred public trees. She had spoken out against the gateway projects as a waste of funding, and did not appreciate Volan's framing of the vote as not having paid attention to the proposal. She did not agree with Amendment 01 and supported the administration's proposal.

Sims commented on council's actions.

Volan moved and Sims seconded to withdraw Amendment 01 to Appropriation Ordinance 23-05. The motion passed with no objections.

Motion to withdraw Amendment 01 [9:01pm]

There was no public comment.

Public comment:

Volan expressed his many concerns on processes and on using CRED funds outside of their districts.

Council comments:

The motion to adopt Appropriation Ordinance 23-05 received a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.

Vote to adopt Appropriation Ordinance 23-05 [9:04pm]

Hamilton and attending staff, wore a shirt honoring Jeff Underwood since he was retiring that year. Hamilton read a proclamation in honor of Underwood for his work as controller for fourteen years and highlighted some key points. October 11, 2023 was Jeff Underwood day in Bloomington.

Proclamation in honor of Jeff Underwood

Underwood said it had been a pleasure to work with the scores of wonderful staff, council, and administration over the years. He was looking forward to his retirement. He spoke about his time in Bloomington since birth.

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [9:04pm]

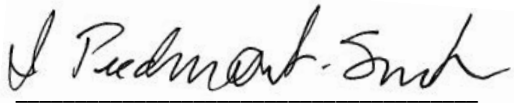
Sgambelluri adjourned the meeting without objection.

ADJOURNMENT [9:11pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 06 day of March, 2024.

APPROVE:

ATTEST:



Isabel Piedmont-Smith, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington