

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, October 18, 2017 at 6:32pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
October 18, 2017

Roll Call: Sturbaum, Chopra, Granger, Sandberg, Volan, Piedmont-Smith, Sims, Rollo  
Absent: Ruff

ROLL CALL  
[6:32pm]

Council President Susan Sandberg gave a summary of the agenda.

AGENDA SUMMATION  
[6:33pm]

There were no minutes for approval.

APPROVAL OF MINUTES

Councilmember Allison Chopra thanked the Delta Sigma Theta sorority for its presence and for bringing refreshments. She also thanked the fire department for fulfilling its promise to proactively create relations with local businesses.

REPORTS  
• COUNCIL MEMBERS  
[6:33pm]

Councilmember Dave Rollo apologized for not being able to make his report at the special session one week prior. He drew attention to a talk sponsored by the Bloomington Peace Action Coalition, entitled A New Generation of Nuclear Dangers. He spoke about the Cuban Missile Crisis and drew parallels to the current escalation of nuclear tension. He warned of a potential World War III scenario under the current presidential administration. He asked attendants to urge Congress to subsume the current nuclear first strike powers granted to the President. He said all levels of government should focus on the issue as it could affect everyone.

Councilmember Jim Sims welcomed Delta Sigma Theta members. He thanked Chopra for inviting him to the Park Ridge Neighborhood Association meeting.

Councilmember Isabel Piedmont-Smith acknowledged the Columbus Day holiday, celebrated in the past week, but renamed by Mayor Hamilton as the Fall Holiday. She hoped that next year the holiday would be called Indigenous Peoples Day. She thanked Chopra for initially bringing up the issue the previous year.

Councilmember Steve Volan discussed the new sanitation system in Bloomington. He urged residents to put trash bins inside during the week. He also asked that they remind neighbors to store trash bins out of sight.

There were no reports from the Mayor or City offices.

• The MAYOR AND CITY  
OFFICES

Mary Howard Hamilton, President of Delta Sigma Theta Alumnae Chapter, spoke to the Council. She thanked City Clerk Nicole Bolden for her assistance in organizing the chapter's visit to the Council. She encouraged the Council to continue their support of public health.

• PUBLIC [6:43pm]

Parker Griffin expressed his regret that he no longer felt safe in the Bloomington community after being assaulted on July 13, 2017. He urged the Council to take whatever action it could.

Dan McManmon spoke in support of making changes in the downtown area to make it safer for vulnerable populations.

Dan Sherman, Council Attorney, presented a Disclosure of a Conflict of Interest for Deborah Myerson, Council Advisory Member of the Affordable Living Committee.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Councilmember Dorothy Granger expressed concern over the phrasing in the disclosure form.

Volan suggested a change in language, but then questioned whether it was acceptable to change a document that had already been signed.

Sherman said that he would bring it to Ms. Myerson's attention, and said that if it created a problem the Council could deal with it at that time.

Sandberg noted that the disclosure was not required because Myerson was not appointed or paid, but was a volunteer.

Chopra also expressed concern about the phrasing in the form.

Volan asked if it was possible to table the issue.

Sherman said that the Council did not have to take action, but if it decided to do so the calendar required it for that evening.

Chopra said that she did not feel comfortable with the phrasing in the document or with changing a document that had already been signed.

Sherman said the Council was not required to accept the disclosure, and that the Council had met its burden by making the potential conflict known.

Sims said the intent was disclosure and that the wording was a minor issue.

Piedmont-Smith noted that since only South Central Indiana Housing Opportunities (SCHIO) answered the call for proposals some of the concerns expressed were moot, and so she felt comfortable accepting the disclosure.

Volan moved and it was seconded to accept the Disclosure of a Conflict of Interest for Deborah Myerson.

The motion received a roll call vote of Ayes: 6, Nays: 2 (Chopra, Granger), Abstain: 0.

Vote to accept Disclosure [7:01pm]

Volan moved and it was seconded that Resolution 17-39 be introduced and read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis.

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS

Volan moved and it was seconded that Resolution 17-39 be adopted.

Resolution 17-39 – To Approve the Interlocal Agreement Between Monroe County, the Town of Ellettsville and the City of Bloomington for Animal Shelter Operation for the Year 2018

Jeffrey Underwood, City Controller, presented the legislation to the Council. He said that it was an agreement that the city had for several years, that there was no substantial change to the agreement, and that the legislation contained updated numbers. He explained that operating costs were reallocated based on 2016 numbers.

Rollo asked if the amount of the payment was based on services rendered and the number of animals.

Council Questions:

Underwood said that was correct, and that the agreement was always based on the previous year's numbers.

Rollo asked if there was a trend in the numbers.

Underwood said that the numbers had been relatively flat for the last couple of years.

Piedmont-Smith asked for clarification as to what money would be owed if the city ended the agreement in December 2018.

Underwood said the agreement covered the current years operating budget using the previous years numbers. He said if the City decided to end the agreement, it would already have been paid for 2018.

Piedmont-Smith said she did not fully understand.

Underwood said that it was similar to property taxes.

Thomas Cameron, City Legal, explained that the numbers had been stable enough to allow the city to use the previous year's numbers without creating a large arrearage.

Sandberg called for public comment.

Public Comment:

Piedmont-Smith asked about license fees that were referenced in the agreement.

Council Questions:

Julia Eppley, Shelter Manager, said that dogs were no longer licensed, but the language was left on the books for leeway in case a license program was reinstituted.

Rollo asked if fees to take in animals from other counties were sufficient to cover that cost.

Eppley said the fees helped to offset the costs of vaccinations and medications, but did not cover the full cost of an animal's stay.

Rollo said it was good to take in animals from other counties, but also said it was worth looking into raising fees in the future.

The motion to adopt Resolution 17-39 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Resolution 17-39 [7:12pm]

Volan moved and it was seconded that Ordinance 17-39 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis.

Ordinance 17-39 - To Authorize and Approve an Agreement in Lieu of Annexation Between the City of Bloomington and Cook Group, Incorporated and Affiliates

Volan moved and it was seconded that Ordinance 17-39 be adopted.

Mick Renneisen, Deputy Mayor, presented the legislation to the Council, and said that Peter Yonkman, Cook President, and Underwood were on hand to answer any questions.

Sandberg called for public comment.

Public Comment:

Granger said that she was in support of the legislation.

Council Comment:

Volan said that he would submit his comments in the record from the Committee of the Whole meeting for inclusion. He said he found the legislation to be difficult and said that people should pay taxes. He said he would abstain from voting that evening.

Sherman reminded Volan that he would need the consent of the Council to include his written comments.

Rollo asked if the comments could be summarized or submitted to the Clerk, which Volan agreed to do.

Rollo moved and it was seconded to allow the record to be supplemented with a written statement from Volan. The motion received a roll call vote of Ayes: 7, Nays: 1 (Chopra), Abstain: 0.

Vote to supplement the record [7:20pm]

Rollo said he was grateful to Cook for its investment in the community. He appreciated the employment agreement, and that the City could look forward to additional revenue.

Council Comment:

Sturbaum said it was good to have Cook in the community and that the agreement was a sensible solution for the business.

Piedmont-Smith said that it was a good way to support Cook and its plans to stay in the community. She said she was glad to support the legislation.

Sandberg said that she was happy to support the legislation and that it was a good solution for concerns raised during the annexation process. She said it was a unique situation that the Council was happy to support.

The motion to adopt Ordinance 17-39 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Volan).

Vote on Ordinance 17-39 [7:25pm]

Volan moved and it was seconded that Resolution 17-38 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis.

Resolution 17-38 – Supporting Passage of a Food and Beverage Tax to Fund Expansion of the Monroe County Convention Center

Volan moved and it was seconded that Resolution 17-38 be adopted.

Renneisen presented the legislation to the Council. He said that, since the Council last met, the County Council had a work session where it asked for additional financial updates involving funding mechanisms that could be used to expand the convention center. He said the County Commissioners approved the request, which could be reviewed again by the County Council as soon as October 24, 2017. He said the purpose of the legislation was to encourage the County Council to enact the food and beverage tax as the funding method for the convention center. He said Jim Murphy of the Advisory Commission was also in the audience and both were available to answer any questions.

Sandberg clarified that all the City Council was doing was lending support to the County Council.

Council Questions:

Renneisen repeated that the City Council could not enact the food and beverage tax. He explained the legislation was a formal encouragement to the County Council to do so. He said that the city thought it was the right investment for the downtown area and that the expansion was needed.

Granger asked if the County Council asked for the support, and whether that was why the City Council was taking action that evening.

Renneisen said the county wanted to know where the city stood on the issue and that the legislation was the city's way of confirming its support.

Rollo asked Renneisen what the timeline was for paying for the potential bond issuance.

Renneisen said that if the county passed the tax, it could start collecting within 30 days of passage. It could then bond against the taxes after a year of collection. He anticipated the county using that year to work on the design of the expansion. He then thought it would be another 18-24 months after that before the construction was completed.

Rollo asked how long it would take to retire the debt.

Renneisen said that it was typically 20-year bonds.

Rollo asked if the innkeeper's tax fully paid for current maintenance.

Renneisen said that the costs were covered.

Rollo asked if the innkeeper's tax would still be needed with the addition of the food and beverage tax.

Renneisen said that it would likely have to be continued.

Piedmont-Smith asked why the committee felt that expansion was best done through local government and not through a private entity.

Renneisen said that most convention centers were owned by government. He said they were typically loss-leaders, and did not cover all of the costs associated with the building. He added that what was more than a convention center, but was also a civic center.

Piedmont-Smith asked if the tax would be applied to food and beverages in the convention center.

Renneisen said that it would apply to any prepared food.

Piedmont-Smith asked if a company would be taxed for hiring a catering service at an event hosted in the convention center.

Renneisen stated that the caterer would pay any tax, but could choose to pass on that cost to the consumer through fees.

Resolution 17-38 [cont'd]

Sandberg called for public comment.

Public Comment:

Cindy Kinnarney, President of Downtown Bloomington Inc., spoke in favor of the resolution.

Rollo expressed his support for the resolution. He noted communications he had received expressing public trepidation but felt that the reasons to support the resolution outweighed concerns. He enumerated the reasons behind his support: the facility would be for the public, the location would benefit the community, and the facilities' events would help the vitality and growth of the downtown area. He encouraged his fellow councilmembers to move forward with the resolution.

Council Comment:

Sturbaum stated that the project would create jobs that would boost the regional economy and help the entire county.

Granger supported the resolution and cited a recent Opioid Conference to demonstrate the need in the Bloomington Community for a larger public center. While she felt the tax was imperfect she could not see an alternative solution, and therefore reaffirmed her support.

Volan stated that he understood the tension in the situation. He understood why those living in the unincorporated parts of the county would feel resentful of a food and beverage tax being imposed on them and used to create a center in the incorporated parts of the county. He viewed the convention center as an opportunity to create a public and private partnership. He hoped that the facility would be able to accommodate smaller events than could currently be held in the Buskirk-Chumley Theatre or the IU Auditorium. He cautioned the Council against sun-setting the tax so that future tax revenue could be used to maintain the center so that it would remain relevant and useful to the community.

Sims supported the resolution and hoped that the project would increase the collegiality and trust between the City Council and its County counterparts.

Piedmont-Smith expressed reservations in terms of how the building was constructed. She proposed making a flexible space that could remain relevant in a quickly-changing economy. She wanted the space to be mixed-use, pedestrian friendly, and respectful of the B-line trail. She found it awkward to recommend a course of action to the county and felt there could have been other ways to assure them of what the city would do with the funds. She affirmed her belief that any tax could be a burden on lower-income residents. She was unsure of how she would vote on the resolution, although she saw the benefits of such a space.

Sandberg stated her firm belief in public gathering spaces. She felt that the hospitality service industry created good jobs. She summarized that the resolution was for the county to confirm that the city would lend its support to the project if the county-initiated the funding mechanisms for the endeavor. She said collegiality and partnerships were already at play.

Volan affirmed that the city must give the county some signal as to how to proceed. He viewed the discussion on taxes in general as a choice of how to share the burden if indeed the tax would have a positive impact on the community. He felt the space could be transformed if the convention industry collapsed, which he did not predict would happen. He affirmed the community would always have a need for public space. He hoped that when the building was finished meeting rooms would be included that could be reserved by the public at no cost.

Rollo stated the Council did not need to speculate about a need for the space as the Council already was aware of several groups, functions, and events that weren't able to come to Bloomington due to space limitations issues. He felt that the consumer might not even feel the 1% tax as there are so many restaurants in Bloomington. He felt that for low income residents, there would be no increase in the cost of groceries, only in prepared food. He said the increase in jobs could produce an increase in wages. He felt, overall, that the impact of the taxes for the center would either be neutral or favorable to the community.

The motion to adopt Resolution 17-38 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Piedmont-Smith).

Volan moved and it was seconded that Ordinance 17-35 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis.

Sherman reminded the Council of its upcoming schedule.

The meeting was adjourned at 8:06pm.

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVE:

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Susan Sandberg, PRESIDENT  
Bloomington Common Council

Resolution 17-38 [cont'd]

Vote on Resolution 17-38 [8:01pm]

LEGISLATION FOR FIRST READING

Ordinance 17-35 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amending Section 20.02.300 to allow Sexually Oriented Businesses as a Permitted Use in Commercial General (CG) Districts and Deleting and Replacing Section 20.05.078 “Sexually Oriented Businesses – General”

COUNCIL SCHEDULE [8:02 pm]

ADJOURNMENT

ATTEST:

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Nicole Bolden, CLERK  
City of Bloomington