In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 19, 2020 at 6:30pm, Council President Stephen Volan presided over a Regular Session of the Common Council.

Council members present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo (left at 10:07pm), Kate Rosenbarger, Susan Sandberg, Sue Scambelluri, Jim Sims (left at 10:39pm), Ron Smith, Stephen Volan

Council members absent: none

Council President Stephen Volan summarized the agenda.

There were no minutes for approval.

Sims declared that he had submitted a financial conflict of interest in regards to Resolution 20-04, which allocated federal funds including approximately $160,000 to the Housing and Neighborhood Department (HAND) for the administration of the fees. Sims stated that some of that money might be used to pay the salary of his wife, Doris Sims, who was the Director of HAND.

Rollo moved and it was seconded to accept the disclosure by Sims. The motion was approved by a voice vote.

Volan memorialized Paul Stern and specified the date and time of the memorial. Volan stated that it was traditional in Greek Orthodox culture to note the passing of someone at 40 days and at one year, and Volan memorialized his father’s passing one year ago.

Alex Crowley, Director of Economic and Sustainable Development, introduced Jen Pearl, President of the Bloomington Economic Development Corporation (BEDC), and summarized the updates. Pearl provided an update on the BEDC’s mission and activities. There was brief council discussion following the report.

Rollo asked about a way to recirculate dollars, or to capture wealth and keep it from leaking out of the community.

Pearl responded that that was being considered and needed to be discussed further and provided an example from Indianapolis.

Smith asked about how the best fit for Bloomington was determined.

Pearl responded that assets were examined, including the talent base and the work force pool and provided some examples.

Volan asked about traded versus local, in Pearl’s presentation.

Pearl explained that the source was Cluster Mapping 101. Volan asked if 64% of employment was local serving.

Pearl confirmed that was correct.

There was further discussion on patents, the economy, income and employment.

Flaherty asked about the focus on social impact and specifically looking at future impacts of climate change or environmental change, and about any current initiatives.

Pearl described requirements where the items mentioned could be included, and discussed some examples.
Craig Shonkwiler, City Transportation and Traffic Engineer, Department of Planning and Transportation, gave a report on the resurfacing project on 3rd Street, from College Mall Road to State Route 446. There was council discussion following the report.

Piedmont-Smith confirmed her interpretation of the report.

Sims clarified that there would be no lane changes from College Mall Road to Clarizz Boulevard, and asked why there had been a decrease in traffic.

Shonkwiler responded that he did not know.

Rollo asked about storm drain impact on bicycle lanes.

Shonkwiler responded that the bike lanes were off of the curb and that he would ask the department about bicycle-safe drains. Rollo asked about the center lane and asked if there would be trees or plants, or if it would be only hard space.

Shonkwiler explained that since the project was Indiana Department of Transportation’s (INDOT) project, he believed that to be outside the scope, but that a request could be made at a later date.

Rosenbarger asked about what a bicyclist would encounter at Clarizz Boulevard where there was a lane change.

Shonkwiler explained that there was a lane change and there was not a multiuse path that the bicyclist could use, and that there had been discussion about this.

Rosenbarger asked cars turning left, and about safety for pedestrians and bikes, and if there would be anything on cross streets and driveways to alert drivers that there could be pedestrians and bikes.

Shonkwiler stated that that had not been discussed with this project and that it would be up to the city to fund those efforts. Shonkwiler continued that it was monumental to see bicycle lanes put in on a state road.

Flaherty asked about protected bike lanes in relation to the Transportation Plan, and about the computer model and any safety metrics.

Shonkwiler explained that the protected bike lanes are outside the scope of the project. Shonkwiler also stated that the computer model was focused on volume but that there had been studies stating that there were fewer crashes with lane set up like this project.

Smith asked about why the simulation would not include safety metrics. Shonkwiler clarified that software was a volume metric software, and there were no inputs for safety. Shonkwiler explained that when going from two lanes to one lane, the highest speed slowed down, and there was more uniform speed.

Smith asked if a traffic light would be put in. Shonkwiler stated that the traffic signal was typically put in for entering an intersection rather than exiting, and traffic signals can also cause crashes.

Volan asked if the bike lanes would be painted like bike boxes that were a different color from the road. Shonkwiler stated that they would not.
There were no council committee reports.

Greg Alexander spoke about the project that was just discussed, the difficulty of buses pulling out of the bus station, and protected bike lanes.

Jeff Mease commented on the interest of having alcohol vending at six summer concerts at Switchyard Park, and his concern of having a conflict of people bringing in their own alcohol and vendors attempting to sell alcohol. Mease advocated for the city allowing people to bring in their own alcohol.

Rollo moved and it was seconded that Valeria DeCastro be appointed to the Bloomington Arts Commission. The motion was approved by voice vote.

Sandberg moved and it was seconded that Megan Parmenter be appointed to the Utilities Service Board. The motion was approved by voice vote.

Piedmont-Smith moved and it was seconded that Ethan Horvath and Samantha Ginther be appointed to the Bloomington Commission on Sustainability. The motion was approved by voice vote.

Flaherty moved and it was seconded that Tim Pritchett be appointed to the Bloomington Digital Underground Advisory Committee. The motion was approved by voice vote.

Flaherty moved and it was seconded that Shelby Jade Hoshaw and Meredith Dickerson be appointed to the Environmental Commission. The motion was approved by voice vote.

Sgambelluri moved and it was seconded that Jim Rosenbarger be appointed to the Bicycle and Pedestrian Commission. The motion was approved by voice vote.

Rosenbarger moved and it was seconded that Jennifer Donegan be reappointed to the Commission on Aging. The motion was approved by voice vote.

Rosenbarger moved and it was seconded that Sita Cohen and Chris Hazel be appointed to the Animal Control Commission. The motion was approved by voice vote.

Rosenbarger moved and it was seconded that Nicholas Carder be reappointed to the Housing Quality Appeals Board. The motion was approved by voice vote.
Piedmont-Smith moved and it was seconded that council staff change the President name to Stephen Volan from Steve Volan on each piece of legislation before council. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded that Resolution 20-04 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Piedmont-Smith moved and it was seconded that Resolution 20-04 be adopted.

Doris Sims, Director, Housing and Neighborhood Development (HAND) Department, presented the legislation, including the city’s Consolidated Planning Process. Eric Sader, Assistant Director, HAND, presented on the 2020 allocation under the Community Development Block Grant program.

Rollo asked about 14th Street sidewalk improvements, and if it was enough to complete the project. Stephen Lucas, Assistant Council Attorney, stated that the amount of funding recommended in the resolution should be more than enough, even with varying construction costs.

There was no public comment.

Piedmont-Smith stated that she appreciated the objective of integrating different housing types and income levels.

Sandberg said that as a member of the Citizen Advisory Committee (CAC) for Social Services, the funding was difficult to allocate because the funds were for salaries which was in high demand in the non-profit world.

Volan echoed his colleagues in thanking the CAC and HAND for the work in making the allocations happen.

The motion to adopt Resolution 20-04 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Sims).

Piedmont-Smith moved and it was seconded that Ordinance 20-03 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, giving the committee do-pass recommendation of Ayes: 5, Nays: 2, Abstain: 0. The committee do-pass recommendation for Amendment 01 was Ayes: 9, Nays: 0, Abstain: 0. The committee do-pass recommendation for Amendment 02 was Ayes: 5, Nays: 0, Abstain: 2. The committee do-pass recommendation for Amendment 03 was Ayes: 7, Nays: 0, Abstain: 0. Amendment 04 was withdrawn with a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded that Ordinance 20-03 be adopted.

Sims presented on the legislation and explained the extended legislative cycle to allow for additional public input on the ordinance.
Piedmont-Smith moved and it was seconded to suspend the rules in order to restructure deliberations on Ordinance 20-03 such that questions and comments be limited to no more than 2 minutes per speaker and that the total time spent on Ordinance 20-03 not exceed 90 minutes. Piedmont-Smith clarified that it was 2 minutes per amendment. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to structure debate [7:56pm]

Ordinance 20-03 (cont'd)

Sims moved and it was seconded to adopt Amendment 01 to Ordinance 20-03.

Amendment 01 to Ordinance 20-03

Amendment 01 Synopsis: This amendment is sponsored by Councilmember Sims and amends the maximum allowed towing and storage fees under 4.32.130 to better align with the fees allowed by other public agencies.

Piedmont-Smith asked if the amendment was brought so that the maximum fee aligns with the county and Indiana University. Sims confirmed that it was.

Council questions:

Public comment:

Martin Poutine thanked the council for its patience and for the consideration of the public.

Sims moved and it was seconded to adopt Amendment 01 to Ordinance 20-03. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 20-03 [8:00pm]

Amendment 02 to Ordinance 20-03

Sims moved and it was seconded to adopt Amendment 02 to Ordinance 20-03.

Amendment 02 Synopsis: This amendment is was sponsored by Councilmember Sims and allows the License Administrator to decline to issue or renew a license under certain circumstances (e.g., when an applicant has received past warnings, fines, license suspensions, or license revocations or has violated other certain laws).

There were no council questions.

Council questions:

There were no public comments.

Public comment:

Piedmont-Smith thanked council members for striking the words “...or has been issued an official warning.”

Council comment:

Volan stated that he passed on this amendment in the Committee of the Whole and that he would support it now.

The motion to adopt Amendment 02 to Ordinance 20-03 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 to Ordinance 20-03 [8:03pm]

Amendment 03 to Ordinance 20-03

Sims moved and it was seconded to adopt Amendment 03 to Ordinance 20-03.

Amendment 03 Synopsis: This amendment is sponsored by Councilmember Sims and changes a reference to the entity issuing licenses under the new chapter 4.32.

There were no council questions.

Council questions:

There were no public comments.

Public comment:
There were no council comments.

The motion to adopt Amendment 03 to Ordinance 20-03 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 20-03 (cont'd)

Amendment 04 to Ordinance 20-03 was not brought back for discussion.

Sgambelluri asked if the language included in the ordinance precludes charging fees for those individuals who put 20% down and develop a payment plan.

Lucas responded that it was not written to allow for interest charges or financing charges and that his reading of section A precludes those types of charges. Lucas stated that section B was written for consensual towing services.

Council questions:

Martin Poutine stated that he came to speak as a driver and asked council to ensure that towing rotation was open to all.

Public comment:

Cody Chandler stated that he appreciated the council allowing input from owners, and asked council for clarity on the 20% an individual must pay to retrieve their car, and if it could be closer to 50%.

Max Stryker spoke to the cost of recouping money from a payment plan from individuals, and ensuring they are paid for the work they do.

Piedmont-Smith asked about the comment pertaining to towing rotation being open to all.

Michael Rouker, City Attorney, stated that the city utilized four companies on the towing rotation, for city-initiated tows. Rouker stated that the rotation was not open to all the companies, and that no money was exchanged.

Council questions:

Piedmont-Smith asked about the transparency for the companies that were included.

Rouker stated that it was based on the quality of service and work done, much like what was done with other contracts.

Piedmont-Smith clarified that the four companies were not paid by the city, but are paid by the people who have been towed, and that the city had chosen to partner with four companies because those companies were efficient and responded in a timely manner.

Rollo asked Rouker to comment on the towing companies recouping the 80% payment from individuals on a payment plan or for non-payment.

Rouker responded that, like with other debts, it might not be feasible to hire a lawyer to collect an $80 debt.

Volan asked who the authority was that approved the contracts with the four towing companies, if it was the Police or the Board of Public Works.

Rouker stated that he did not know but would get back to Volan. Volan asked if the contracts were reviewed. Rouker stated that they were.

Piedmont-Smith stated that this ordinance would have been better handled with standing committees because the topic was so specific. Piedmont-Smith explained that the committee would have held hearings first, prior to writing the legislation.

Council comment:
Rollo stated that he learned a lot from the topic being before the Committee of the Whole, and that he supported the legislation, but would not be opposed to revisiting it in the future.

Flaherty stated that he would appreciate a report one year in because council was attempting to balance competing needs and the struggles of some who were not of means, and who made a mistake and couldn’t easily alone for their mistake. Flaherty stated that it was important to have a uniform system.

Sandberg stated that she appreciated the thoroughness of the process and the flexibility of the Committee of the Whole, and that not all issues would have a back and forth with the public. Sandberg explained that she hoped that there were not unintended consequences and that if there were, they could be addressed in the future. Sandberg thanked Sims for continuing the legislation from the previous administration.

Sims stated that he appreciated the input from the Committee of the Whole and that there had been robust debate from stakeholders including tow companies. Sims explained that if you were parked illegally and all the terms or conditions were met in the ordinance, that towing would be fine. Sims continued that it was important that everything was fair and equitable. Sims concluded that there were mechanisms for revisiting legislation. Sims discussed the costs involved in towing responsibilities on a given day in Bloomington.

Volan stated that the language of the ordinance referred to non-consensual towing and that the discussion was based on putting a cap on potential abuses of towing. Volan echoed Sims that ordinances that needed reviewing, could be reviewed. Volan concluded that council should know who approved the contracts of the city-initiated towing.

The motion to adopt Ordinance 20-03 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Ordinance 20-03 as amended [8:32pm]

LEGISLATION FOR FIRST READING AND RESOLUTIONS [8:32pm]

Resolution 20-01 To Establish Standing Committees and Abolish Other Certain Committees of the Common Council

Piedmont-Smith moved and it was seconded that Resolution 20-01 be read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis.

Resolution 20-01

Piedmont-Smith moved and it was seconded that Resolution 20-01 be adopted.

Volan presented on Resolution 20-01 and explained the difference between city commissions and boards and council committees.

Volan moved and it was seconded to amend Resolution 20-01 by substitution. Volan presented on the changes to the legislation by way of the amendment by substitution.

There were no council questions.

Volan moved and it was seconded to adopt Amendment 01 to the amendment by substitution. Volan presented on Amendment 01.
Flaherty asked Sgambelluri about the change regarding the Redevelopment Commission (RDC).
Sgambelluri responded that by statute the RDC was related to HAND.

There were no public comments.

There were no additional comments.

Volan moved and it was seconded to adopt Amendment 01 to the amendment by substitution to Resolution 20-01. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Rosenbarger moved and it was seconded to adopt Amendment 02 to the amendment by substitution to Resolution 20-02. The motion was approved by voice vote.

Amendment 02 Synopsis: This amendment was sponsored by Cm. Sgambelluri and Cm. Rosenbarger. It divides the Sustainability, Climate Action and Resilience Committee and its work between two new separate committees to be called the Climate Action and Resilience Committee and the Sustainable Growth and Development Committee.

Rosenbarger and Sgambelluri presented on Amendment 02.

Rollo asked if the sponsors of Amendment 02 would be willing to remove the word growth.
Sgambelluri stated that the rationale for including the word was intentional, and was based on Bloomington continuing to grow.
Rosenbarger stated that it could also be done at a later meeting.

Volan asked if the intent of including the word growth in the title was in an effort to reign in growth.
Sgambelluri stated that it was not to reign in growth.
Rosenbarger stated that it was in an effort to address climate change, including increasing local food production, bike lanes, and sidewalk connectivity.
Sgambelluri commented that it would be sustainability as a guiding principle.
Rollo implored council members to understand that sustainable growth was an oxymoronic term because climate change was a symptom of the problem. Rollo stated that the problem was the growth of the human impact on the Earth’s biosphere.

Flaherty asked if the sponsors of Amendment 02 would consider Economic and Sustainable Development Committee or Sustainable Development Committee.
Sgambelluri stated that it would be fine for the title to be the Sustainable Development Committee.

Piedmont-Smith asked Volan if the Jack Hopkins Social Services Fund (JHSSF) was still a separate standing committee, and clarified that there would be 8 standing committees, Land Use Committee, and JHSSF. Piedmont-Smith asked if the sponsors were concerned about some council members having more work load and power based on their committees.
Rosenbarger stated that the work load would be distributed more evenly.
Rollo moved and it was seconded to suspend the rules. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Resolution 20-01 (cont’d)
Vote to suspend the rules [9:07pm]

Rollo moved and it was seconded to remove the words “growth and” from the Sustainable Growth and Development Committee.

There were no council questions.

Council questions:

Mick Renneisen, Deputy Mayor, stated that the Farmer’s Market Advisory Council was supposed to have been removed from the groupings because it reports to the Parks Board.

There was no public comment.

Public comment:

There were no additional comments.

Council comment:

The motion to remove the words “Growth and” from the Sustainable Development Committee received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to amend Amendment 02 [9:10pm]

Volan moved and it was seconded to strike “Farmer’s Market Advisory Council” from section 3 of the amendment by substitution to Resolution 20-01.

There were no additional council comments.

Council comment:

There were no public comments.

Public comment:

The motion strike “Farmer’s Market Advisory Council” from section 3 of the amendment to the amendment by substitution to Resolution 20-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to amend [9:12pm]

Rollo asked about legislation that could fit into more than one committee’s purview and how council would work through that. Gambelluri responded that council members were able to attend any committee and were not precluded from being a part of that committee’s consideration of legislation.

There were no public comments.

Public comment:

Flaherty stated that for legislation that overlaps, the council would send it to the most appropriate committee or to Committee of the Whole. Flaherty also mentioned that the Sidewalk Committee was another standing committee. Flaherty spoke in support of the changes.

Council comment:

Piedmont-Smith commented that the Sidewalk Committee and Jack Hopkins Social Services Fund were seasonal and didn’t deal with legislation. Piedmont-Smith stated that there would be 8 new standing committees plus Land Use Committee.

Volan spoke in favor of the amendments to the amendment by substitution and expressed that this was the type of modification he had hoped for during the discussion of the change to standing committees.
Rollo moved and it was seconded to adopt Amendment 02, as amended, to the amendment by substitution to Resolution 20-01. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Vote to adopt Amendment 02 as amended [9:22pm]

Volan explained that he was happy to entertain any questions on the amendment by substitution to Resolution 20-01.

There were no council questions.

Mick Renneisen, Deputy Mayor, stated that he was representing city staff, and commented on Resolution 20-01.

Rollo asked Renneisen about a fiscal impact if staff would have a heavier workload.

Renneisen stated that it was possible because professional staff were compensated after either 40 or 45 hours with paid time off, and that this was something they could track for review.

Volan asked how that tracking would be compared to previous meetings.

Renneisen stated that he would not be able to make that comparison and that he was only providing staff's perspective.

Sandberg asked about a comment regarding council members speaking directly with staff and it being intimidating.

Renneisen stated that requests for information should be directed to department heads.

Rollo spoke about dead time in between meetings and his concern about quorum in committee meetings. Rollo explained additional concerns and stated that he did not support the legislation.

Piedmont-Smith commented on the concerns of the proposal and spoke about the public benefit of the proposal. Piedmont-Smith gave further examples of the benefits of the proposal.

Flaherty stated that he thought the pros of the proposal outweighed the cons. Flaherty commented that there wasn't a current measurement of success with council procedures, and provided examples of how to improve processes.

Sandberg expressed her concerns about the proposal and explained that she saw it as a disservice to council members, city staff, and the public. Sandberg further explained her disdain for the standing committees.

Rosenbarger spoke of her support for standing committees and about the benefits to the public and city staff. Rosenbarger also addressed the concerns of council members who opposed the proposal.

Volan commented on the resolution and the benefit of standing committees. Volan provided examples and reasons for changing the council structure.

Rollo responded to comments from council members and spoke to the benefit of timers instead of standing committees.

Sims spoke about staff concerns, issues that should have been addressed in the past, and the importance of attempting to improve the current system.
Volan discussed timing and addressed council members' concerns on the proposed resolution.

Flaherty stated that there were already committees and that if the resolution did not pass, he hoped to add one other committee to address climate change.

Smith commented that he had listened to his colleagues and that he was leaning against the proposal.

The motion to adopt the amendment by substitution to Resolution 20-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

The motion to adopt Resolution 20-01 as amended received a roll call vote of Ayes: 5 (Volan, Piedmont-Smith, Flaherty, Sgambelluri, Rosenbarger), Nays: 4, Abstain: 0.

There was no legislation for first reading.

There was no public comment.

Dan Sherman, Council Attorney, discussed the council schedule and the Land Use Committee, and reminded council of the State of the City.

Piedmont-Smith moved and it was seconded to cancel the work session scheduled for Friday, February 21, 2020. The motion was approved by a voice vote.

Volan named council members to standing committees per their preferences.
  Administration Committee: Rollo, Sgambelluri, Smith, Volan
  Community Affairs Committee: Rollo, Sandberg, Sims, Smith
  Housing Committee: Rosenbarger, Sandberg, Sims, Volan
  Public Safety Committee: Piedmont-Smith, Sandberg, Sgambelluri, Sims
  Climate Action and Resilience Committee: Flaherty, Piedmont-Smith, Rollo, Rosenbarger
  Transportation Committee: Piedmont-Smith, Rosenbarger, Smith, Volan
  Utilities Committee: Flaherty, Rollo, Rosenbarger, Sims

Volan left the naming of council members to the Sustainable Development Committee until the next regular session.

Volan named Sandberg as Chair of the Jack Hopkins Social Services Fund.

Piedmont-Smith moved and it was seconded to adjourn. The motion was approved by voice vote.
APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 21st day of October, 2020.

APPROVE:

[Signature]
Stephen Volan, PRESIDENT
Bloomington Common Council

ATTEST:

[Signature]
Nicole Borden, CLERK
City of Bloomington
Sofia M. Dowell, Chief Deputy Clerk