



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 12 January 2022

Regular Session

followed by a

Committee of the Whole

Starting at 6:30 pm

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency. For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION FOLLOWED BY A
COMMITTEE OF THE WHOLE
WEDNESDAY | 6:30 PM
12 JANUARY 2022

*Per IC 5-14-1.5-3.7, this meeting will be conducted electronically.
The public may access the meeting at the following link:*

<https://bloomington.zoom.us/j/82673364880?pwd=VTdyT1NWbkpxWUUrTXVwR1ZPMTBCQT09>

- I. **ROLL CALL**
- II. **AGENDA SUMMATION**
- III. **APPROVAL OF MINUTES** *None*
- IV. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section.)*
 - A. **Councilmembers**
 - B. **The Mayor and City Offices**
 - C. **Council Committees**
 - D. **Public***
- V. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Resolution 22-03 - To Approve the Interlocal Agreement Between Monroe County, the Town of Ellettsville and the City of Bloomington for Animal Shelter Operation for the Year 2022
 - B. Resolution 22-02 - To Establish Four Standing Committees and Abolish Certain Other Standing Committees of the Common Council
(The President may, at this time, announce assignments of Councilmembers to Council committees.)
- VII. **LEGISLATION FOR FIRST READINGS**
 - A. Ordinance 22-01 - An Ordinance Establishing and Approving the Expanded Outdoor Dining Program in the Downtown Corridor
 - B. 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
 - C. 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
- 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. Citizens 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.*

Posted: January 7, 2022



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
COMMITTEE OF THE WHOLE
WEDNESDAY | 12 JANUARY 2022

Per IC 5-14-1.5-3.7, this meeting will be conducted electronically.

The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/82673364880?pwd=VTdyT1NWbkpxWUUrTXVwR1ZPMTBCQT09>

Chair: Dave Rollo

- A. Ordinance 22-01 - An Ordinance Establishing and Approving the Expanded Outdoor Dining Program in the Downtown Corridor

Asked to attend: Alex Crowley, Director of Economic and Sustainable Development
Jane Kupersmith, Assistant Director of Sustainability
Larry Allen, Assistant City Attorney

- B. 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

Asked to attend: Caroline Shaw, Director of Human Resources

- C. 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

Asked to attend: Caroline Shaw, Director of Human Resources

STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

Under Indiana Code 5-14-1.5-3.7, during a declared public health emergency, the Council and its committees may meet by electronic means. The public may simultaneously attend and observe this meeting at the link provided above. Please check [the Council Website at https://bloomington.in.gov/council](https://bloomington.in.gov/council) for the most up-to-date information on how the public can access Council meetings during the public health emergency.

Posted: January 7, 2022



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

NOTICE

Wednesday, 12 January 2022

Regular Session

followed by

Committee of the Whole

Starting at 6:30 pm

Per IC 5-14-1.5-3.7, this meeting will be conducted electronically.

The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/82673364880?pwd=VTdyT1NWbkpxWUUrTXVwR1ZPMTBCQT09>

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

Under Indiana Code 5-14-1.5-3.7, during a declared public health emergency, the Council and its committees may meet by electronic means. The public may simultaneously attend and observe this meeting at the link provided above. Please check <https://bloomington.in.gov/council> for the most up-to-date information on how the public can access Council meetings during the public health emergency.

WORKSHEET FOR JANUARY 12, 2022

APPOINTMENTS TO BOARDS AND COMMISSIONS (action by motions of Council)

(All appointments of Councilmembers are for voting members except where noted.)

Citizens Advisory Committee - Community Development Block Grants (CDBG)

(1-Year term that begins on March 1st)

>>>>

— Social Services

— Physical Improvements

| | |
|-------------|--|
| Smith | |
| Rosenbarger | |

Commission for Bloomington Downtown

(1-year term; ex-officio)

>>>>

| | |
|-------------|--|
| Sgambelluri | |
|-------------|--|

Economic Development Commission (City)

(4-year term | Current appointment ends in Jan. 2022)

>>>>

| | |
|-------------|--|
| Rosenbarger | |
|-------------|--|

Economic Development Commission (County)

(1-year term)

>>>>

| | |
|-------|--|
| Smith | |
|-------|--|

Parking Commission

(1-year term)

>>>>

| | |
|-------|--|
| Volan | |
|-------|--|

Food and Beverage Tax Advisory Commission (County) *(IC 6-9-41-16(a)(5))*

(1-year term)

>>>>

| | |
|-------|--|
| Smith | |
|-------|--|

Public Safety Local Income Tax Committee (County Local Income Tax Council)

(1-year term | 4 council members, assuming the MC LIT Council members meet in the same manner as 2021)

>>>>

| | |
|----------------|--|
| Piedmont-Smith | |
| Sims | |
| Sgambelluri | |
| Smith | |

Plan Commission

(Term of Council appointee is co-extensive with member's term of office on Council, unless the Council appoints another to serve as its representative – [IC 36-7-4-217].)

>>>>

| | |
|----------|--|
| Sandberg | |
|----------|--|

APPOINTMENTS TO BOARDS AND COMMISSIONS (action by motions of Council)

(All appointments of Councilmembers are for voting members except where noted.)

Solid Waste Management District

(Term of Council appointee is co-extensive with member's term of office on Council, but serves at the pleasure of the Council – [IC 13-21-3-8].)

>>>>

| 2021 | 2022 |
|----------------|------|
| Piedmont-Smith | |

Board of the Urban Enterprise Association

(4-year term; current appointment ends in Jan 2025; can only be removed for "just cause" [IC 5-28-15-13].)

>>>>

| | |
|-------------|--|
| Rosenbarger | |
|-------------|--|

Environmental Resources Advisory Council

>>>>

(2-year, non-voting, ex-officio term; current appointment ends in Jan 2023)

Flaherty

Utilities Service Board

>>>>

No designated term length, serves at the pleasure of the Council; (ex-officio; non-voting [BMC 2.24.030].)

Sims

Bloomington Economic Development Corp.

>>>>

Sims

Bloomington Commission on Sustainability

>>>>

(2-year term; current appointment ends in Jan 2023; "may be removed for cause" [BMC 2.08.020].)

Flaherty

Metropolitan Planning Organization

>>>>

Volan



MEMO FROM COUNCIL OFFICE ON:

Resolution 22-03 – To Approve the Interlocal Agreement Between Monroe County, the Town of Ellettsville and the City of Bloomington for Animal Shelter Operation for the Year 2022

Synopsis

This resolution authorizes execution, by the Mayor and Director of Animal Care and Control, of the Animal Shelter Interlocal Agreement for Fiscal Year 2022 between the City of Bloomington, Monroe County and Town of Ellettsville. The agreement provides that Monroe County shall pay the City of Bloomington the sum of \$342,912 for 2022 in return for the space the City provides to the County and services it renders on the County's behalf. The agreement further provides that the Town of Ellettsville shall provide the City of Bloomington the sum of \$18,612 for 2022 in return for the space the City provides the Town of Ellettsville and services it renders on the Town of Ellettsville's behalf.

Relevant Materials

- Resolution 22-03, with attached Animal Shelter Interlocal Agreement for Fiscal Year 2022
- Memo from Jackie Moore, Assistant City Attorney
- 2020 Breakdown of Incoming Animals by Jurisdiction and Source used to Calculate 2022 Animal Interlocal Amounts
- FY 2022 Projected Costs and Calculations
- Animal Shelter Interlocal Agreement Amounts and Correlating Date from 2015 to 2022

Summary

Resolution 22-03 authorizes the signing of an Animal Shelter Interlocal agreement between Monroe County, the Town of Ellettsville, and the City regarding the funding for animal shelter operations in fiscal year 2022. [Indiana Code 36-1-7-2](#) allows governmental entities to jointly exercise powers or for one entity to exercise a power on behalf of others by entering into a written agreement. This resolution would authorize such an agreement.

The agreement provides that the City will continue providing animal shelter services to both the County and Ellettsville. It further provides that the County will reimburse the City \$342,912 and Ellettsville will reimburse the City \$18,612 for past animal shelter operation expenditures (totaling \$361,524). The amount of payment is based upon a long-standing formula that takes into account the cost of shelter operations, offset by revenues, and the percentage of shelter operations attributable to animals coming from these jurisdictions during the previous full calendar year. Included in the materials is a sheet that shows the amount of payments from 2015-2022 as well as a sheet that provides more detail about the FY 2021 projected costs.

Contact

Virgil Sauder, Animal Shelter Director, sauderv@bloomington.in.gov, 812-349-3492

Jackie Moore, Assistant City Attorney, mooreja@bloomington.in.gov, 812-349-3426

RESOLUTION 22-03

**TO APPROVE THE INTERLOCAL AGREEMENT
BETWEEN MONROE COUNTY, THE TOWN OF ELLETTSVILLE
AND THE CITY OF BLOOMINGTON FOR
ANIMAL SHELTER OPERATION FOR THE YEAR 2022**

WHEREAS, the Common Council of the City of Bloomington desires to contract with Monroe County and the Town of Ellettsville, through the authority of I.C. § 36-1-7-2, to provide services and facilities to Monroe County and the Town of Ellettsville for animal care and control in consideration of payment therefore; and,

WHEREAS, an agreement has been reached between the City of Bloomington, Monroe County and the Town of Ellettsville to provide said services and facilities for 2022;

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

Section 1. The Common Council hereby approves the Animal Shelter Interlocal Agreement attached hereto and incorporated herein for Fiscal Year 2022 and authorizes the Mayor and the Director of the Animal Shelter to execute the Agreement as attested to by the Clerk of the City of Bloomington.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of January, 2022.

SUSAN SANDBERG, 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 _____, 20_____.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 20_____.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution authorizes execution, by the Mayor and Director of Animal Care and Control, of the Animal Shelter Interlocal Agreement for Fiscal Year 2022 between the City of Bloomington, Monroe County and Town of Ellettsville. The agreement provides that Monroe County shall pay the City of Bloomington the sum of \$342,912 for 2022 in return for the space the City provides to the County and services it renders on the County’s behalf. The agreement further provides that the Town of Ellettsville shall provide the City of Bloomington the sum of \$18,612 for 2022 in return for the space the City provides the Town of Ellettsville and services it renders on the Town of Ellettsville’s behalf.

ANIMAL SHELTER INTERLOCAL FOR FISCAL YEAR 2022

WHEREAS, the City of Bloomington Animal Care & Control Department operates the Animal Shelter for the care and control of animals; and,

WHEREAS, the City of Bloomington Animal Care & Control Department enforces licensing, animal care and animal control ordinances within the corporate boundaries of the municipality, including impoundment, adoptions and euthanization of animals of the Animal Shelter; and,

WHEREAS, the County Animal Management Officers exercise similar functions within the County, but utilize the Shelter premises and staff for impoundment, adoptions and euthanization of animals; and,

WHEREAS, the County Animal Management Officers exercise similar functions within the town limits of the Town of Ellettsville, but utilize the Shelter premises and staff for impoundment, adoptions and euthanization of animals; and,

WHEREAS, the Town of Ellettsville finds it in the best interest of its citizens to contract with Monroe County for the animal management services and the City of Bloomington, Indiana for Animal Shelter use; and,

WHEREAS, Monroe County finds it in the best interest of its citizens to contract with the City of Bloomington, Indiana for Animal Shelter use and to provide the Town of Ellettsville animal management services; and,

WHEREAS, the City of Bloomington, the Town of Ellettsville, and Monroe County are empowered pursuant to Indiana Code § 36-1-7 to contract together on the basis of mutual advantage to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local government;

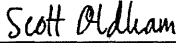
NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions herein agreed, the parties agree as follows:

1. The duration of the Agreement shall be for one (1) year, commencing January 1, 2022, and ending on December 31, 2022.
2. The City of Bloomington ("City") agrees to provide the Town of Ellettsville ("Town") and Monroe County ("County") the following:
 - a. The impoundment, general animal care, adoption and euthanization of animals for the Town and County.
 - b. Use of supplies and equipment in the City Animal Shelter by the County personnel;
 - c. Assistance to the Town and County in answering phone calls, dispatching service calls and explaining the County animal management laws to callers; and

- d. Acceptance and recording payments for County license fees, and remitting these funds to the County monthly.
- 3. The County shall administer and enforce County Animal Management Laws, including relevant kennel regulations, within the corporate limits of the Town of Ellettsville.
- 4. The County agrees to pay the City, the sum of \$342,912 in reimbursement of 2020 Animal Shelter Operations expenditures.
- 5. The Town agrees to pay the City, the sum of \$18,612 in reimbursement of 2020 Animal Shelter Operations expenditures.
- 6. The level of cooperation recited in this Agreement is intended to exist for the purpose of efficient and effective delivery of governmental services to the citizens of the City, Town, and County; however, the parties recognize that modifications may be required, either to the Agreement itself, or to the practices and procedures that bring the recitals contained within this document to fruition.
- 7. The City, the Town, and the County departments affected by the terms of this Agreement will continue to communicate and cooperate together to assure that the purposes of this Agreement are achieved on behalf of and to the benefit of the citizens of the respective political subdivisions.
- 8. Payments shall be made semi-annually to the Controller of the City of Bloomington, upon the timely submission by the City of a claim. Such claims should be submitted to the Monroe County Board of Commissioners, Room 322, Courthouse, Bloomington, Indiana 47404 and the Town Council of Ellettsville, P. O. Box 8, Ellettsville, Indiana, 47429.

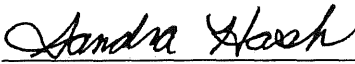
THE PARTIES, intending to be bound, have executed this ANIMAL SHELTER INTERLOCAL AGREEMENT FOR FISCAL YEAR 2022 on this 13th day of September, 2021.

TOWN OF ELLETTSVILLE, INDIANA

DocuSigned by:

 Scott Oldham, President
 Ellettsville Town Council

DATE: 09-20-2021

ATTEST:

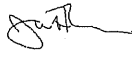

 SANDRA HASH, Clerk/Treasurer

DATE: 09-20-2021

CITY OF BLOOMINGTON

MONROE COUNTY COMMISSIONERS


JOHN HAMILTON, MAYOR



JULIE THOMAS, PRESIDENT

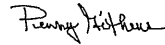
DATE: _____

DATE: 11/3/2021



LEE JONES, COMMISSIONER

DATE: 10/29/2021



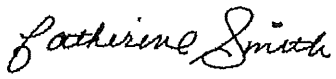
PENNY GITHENS, COMMISSIONER

DATE: 11/3/2021

ATTEST:

ATTEST:

NICOLE BOLDEN, CLERK



CATHERINE SMITH, COUNTY AUDITOR

DATE: _____

DATE: _____

MEMO

To: City of Bloomington Common Council
From: Jacquelyn F. Moore, Assistant City Attorney
Date: January 4, 2022
Re: 2022 Animal Interlocal Agreement

The City of Bloomington, Monroe County, and the Town of Ellettsville have agreed to renew the annual Animal Interlocal Agreement. This Agreement provides that the City of Bloomington will house, care for and euthanize animals from Monroe County and the Town of Ellettsville at the City's shelter, and provide related services such as adoptions, responding to inquiries from the public, and receiving and recording license fees. In exchange, Monroe County and the Town of Ellettsville agree to pay the City a percentage of the Animal Shelter Operations Program 2020 Expenditures for those services.

The amount to be paid to the City under the 2022 Animal Interlocal was calculated using the total for 2020 animal shelter expenditures, which was reduced by 2020 Actual Adoption Revenue. That sum was then multiplied by the percentage of animals taken in by the shelter from both Monroe County and the Town of Ellettsville. For 2022, Monroe County and the Town of Ellettsville will pay the City \$361,524.

Revenue generated by this Agreement will be deposited into the General Fund and used to fund the operations of the City.

**2020 BREAKDOWN OF INCOMING ANIMALS BY JURISDICTION AND SOURCE
USED TO CALCULATE 2022 ANIMAL INTERLOCAL AMOUNTS**

Animals included in City of Bloomington Total

| <u>Jurisdiction</u> | <u>ACO P/U</u> | <u>Surrender</u> | <u>Stray</u> | <u>Total</u> | |
|---------------------|----------------|------------------|--------------|--------------|--------|
| City | 513 | 395 | 365 | 1,273 | 43.82% |

Out of County

| <u>Jurisdiction</u> | <u>ACO P/U</u> | <u>Surrender</u> | <u>Stray</u> | <u>Total</u> | |
|---------------------|----------------|------------------|--------------|--------------|--------|
| Owen County | | 57 | 27 | 84 | |
| Greene County | | 48 | 19 | 67 | |
| Lawrence County | | 78 | 47 | 125 | |
| Brown County | | 4 | 0 | 4 | |
| Morgan County | | 18 | 5 | 23 | |
| Other Counties | | 34 | 13 | 47 | |
| Subtotal | 0 | 239 | 111 | 350 | 12.05% |

Animals included in Monroe County Total

| <u>Jurisdiction</u> | <u>AMO P/U</u> | <u>Surrender</u> | <u>Stray</u> | <u>Total</u> | |
|---------------------|----------------|------------------|--------------|--------------|--------|
| Monroe County | 274 | 412 | 530 | 1,216 | 41.86% |
| Ellettsville | 10 | 24 | 32 | 66 | 2.27% |
| Subtotal | 284 | 436 | 562 | 1,282 | 44.13% |

TOTAL INCOMING ANIMALS 797 1,070 1,038 2,905

ACO P/U - These are animals picked up in the field by city and county animal control officers.

Surrender - These are owned animals surrendered at the shelter.

Stray - These are stray animals brought to the shelter by citizens.

**CITY OF BLOOMINGTON/MONROE COUNTY
INTERLOCAL AGREEMENT FOR ANIMAL CONTROL
FY 2022 PROJECTED COSTS**

There are four components to the Animal Control Department budget:

- Animal Shelter Operations
- Animal Control Field Operations
- Education Program
- Volunteer Program

Monroe County pays the City of Bloomington a percentage of the **Animal Shelter Operations** program. The percentage is calculated as the percentage of animals Monroe County generated of the total number of animals handled the previous year.

ANIMAL SHELTER OPERATIONS PROGRAM ACTUAL 2020 EXPENDITURES = \$820,462
(2020 Actual Expenditure amount of \$923,084 is reduced by 2020 Actual Adoption Revenue amount of \$102,622.)

2020 NUMBER OF ANIMALS FROM MONROE COUNTY SOURCES

- | | |
|---|-----|
| • Picked up by AMO's | 284 |
| • Strays brought in by county residents | 562 |
| • Animals relinquished by Monroe County residents | 436 |

Total number of Monroe County Animals **1,282**

Total number of animals handled by Shelter in 2020 2,905

Cost per animal \$282

ANIMAL SHELTER OPERATIONS PROGRAM ACTUAL 2020 COST PER ANIMAL X NUMBER OF ANIMALS TAKEN FROM COUNTY SOURCES = 2022 INTERLOCAL AMOUNT

$$\$282 \times 1282 = \$361,524$$

2022 MONROE COUNTY ANIMAL INTERLOCAL AMOUNT **\$361,524**

City of Bloomington/ Monroe County Interlocal Agreement Amounts and Correlating Data from 2015 to 2022

The chart below gives a brief look at the interlocal agreement amounts since 2015. The agreement amount is tied to the intake of the previous year. Though overall expenses continue to rise slightly, the years with larger amounts correlate in the amount of the agreement equate to years with substantial building, grounds, or equipment repairs/replacement as well as decreased adoption revenue for those years.

| Agreement Year | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|-------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Interlocal Amount | \$335,051 | \$272,597 | \$282,298 | \$319,495 | \$355,474 | \$350,148 | \$379,327 | \$361,524 |

| Animal Intake Year | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|-------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Animal Intake | 3988 | 3794 | 3849 | 3711 | 3598 | 3629 | 3948 | 2905 |
| County percentage of intake | 46% | 49% | 44% | 43% | 49% | 45% | 46% | 44% |
| Sheltering Operation expenses | \$683,777 | \$619,539 | \$656,509 | \$709,989 | \$725,457 | \$795,792 | \$831,538 | \$923,084 |
| Adoption income | \$102,256 | \$106,851 | \$110,228 | \$100,994 | \$92,227 | \$97,931 | \$108,867 | \$102,622 |

All numbers in graph have been rounded for ease of comparison.



MEMO FROM COUNCIL OFFICE ON:

Resolution 22-02 – To Establish Four Standing Committees and Abolish Certain Other Standing Committees of the Common Council

Synopsis

This resolution is authored by Councilmember Sandberg, Councilmember Sgambelluri, and Councilmember Sims and establishes three Interviewing Standing Committees and the Sidewalk Standing Committee, and dissolves various other Council Standing Committees.

Relevant Materials

- [Resolution 22-02](#)
- Memo from Councilmembers Sandberg, Sgambelluri, and Sims

Summary

Pursuant to Bloomington Municipal Code [2.04.210](#), the Council may, by resolution, establish standing committees and define the duties and responsibilities of each committee to facilitate the transaction of business. The Council may also create or abolish standing committees by adoption of subsequent resolutions.

On February 19, 2020, the Council adopted [Resolution 20-01](#), which created several new standing committees of the Council and dissolved three Council Interview Committees. (Background materials for [Resolution 20-01](#) can be found in the January 8, 2020 Legislative Packet [here](#)).

On January 13, 2021, the Council adopted [Resolution 21-01](#), which redefined and dissolved various Council Standing Committees. (Background materials for [Resolution 21-01](#) can be found in the January 6, 2021 Legislative packet [here](#) and [here](#)).

In brief, [Resolution 22-02](#):

1. Dissolves eight (8) standing committees;
2. Creates four (4) standing committees;
3. Waives any local requirement that a quorum is required to conduct Council Work Sessions; and
4. Establishes that a Motion to Introduce legislation serves as a Motion to Refer it to the next regularly scheduled Committee of the Whole.

Contact

Susan Sandberg, sandbers@bloomington.in.gov, (812) 349-3409

Sue Sgambelluri, sue.sgambelluri@bloomington.in.gov, (812) 349-3409

Jim Sims, simsji@bloomington.in.gov, (812) 349-3409

RESOLUTION 22-02

TO ESTABLISH FOUR STANDING COMMITTEES AND ABOLISH CERTAIN OTHER STANDING COMMITTEES OF THE COMMON COUNCIL

- WHEREAS, the City of Bloomington Common Council (“Council”) has an interest in the efficient governance of the City; and
- WHEREAS, predictability and accessibility in the legislative process is desirable for all involved, including city departments, city residents, and the various petitioners that come before the Council; and
- WHEREAS, BMC 2.04.210 provides that the Council may create or abolish standing committees; and
- WHEREAS, in 2020, Resolution 20-01 established eight (8) new standing committees and abolished certain other committees of the Common Council with the goals of: creating greater predictability and accessibility in the legislative process; allowing Councilmembers to better manage their workload and time; allowing Councilmembers to specialize in the topics of greatest concern to them; responding to changing community priorities, and triaging issues before a matter is heard by the full Council; and
- WHEREAS, in 2021, Resolution 21-01 consolidated, redefined, and dissolved various standing committees; and
- WHEREAS, the Council currently has the following nine (9) standing committees: Administration, Community Affairs, Housing, Public Safety, Climate Action & Resilience, Sustainable Development, Transportation, Jack Hopkins Social Services Funding, Land Use; along with a four-member delegation of councilmembers who serve on the Monroe County Public Safety Local Income Tax Council; and
- WHEREAS, these standing committees are subsets of the Council with the responsibility of researching on behalf of, and making recommendations to, the full Council; and
- WHEREAS, these standing committees are also responsible for recommending the appointment of citizens to serve on 26 of the City’s boards and commissions; and
- WHEREAS, the Council wishes to abolish certain standing committees;
- WHEREAS, the following standing committees should be abolished: Administration, Community Affairs, Housing, Public Safety, Climate Action & Resilience, Sustainable Development, Land Use, and Utilities & Sanitation Committee; and
- WHEREAS, after the Transportation Committee has completed its review and report regarding 2022 sidewalk funding recommendations, the Transportation Committee should be abolished.
- WHEREAS, three (3), three-member committees to review and make recommendations to the full Council regarding the appointment of citizens to the City’s boards and commissions should be created; and
- WHEREAS, the Sidewalk Committee with the responsibility of making recommendations to the full Council on the use of Alternative Transportation Fund monies set aside for Council recommended sidewalk and traffic calming projects should be re-established as it previously existed since its formation in 1992; and
- WHEREAS, the committees not abolished or otherwise affected herein should continue unchanged; and

WHEREAS, for the past few years, the Council has held Work Sessions to discuss upcoming legislative matters and, while these meetings are conducted in conformance with the Open Door Law (IC 5-14-1.5 et seq.), in the event it continues to hold these Work Sessions, the Council wishes to waive any local requirement that Council Work Sessions be conducted only upon the presence of a quorum of its members; and

WHEREAS, in the absence of any active Standing Committees to consider pending legislation, the Council wishes to declare that a Motion to Introduce legislation at a regular or special meeting of the Council serves as a motion to refer it to the next regularly scheduled Committee of the Whole, unless the Council has established a standing committee for that purpose or decides upon another manner for considering the legislation;

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

SECTION 1. Dissolution of Certain Standing Committees. The following standing committees shall be dissolved:

- (a) Administration Committee;
- (b) Community Affairs Committee;
- (c) Housing Committee;
- (d) Public Safety Committee;
- (e) Climate Action, & Resilience Committee;
- (f) Sustainable Development Committee; and
- (g) Land Use

SECTION 2. Dissolution of the Transportation Committee. The Transportation Committee shall be dissolved upon completion of its review and report regarding 2022 sidewalk funding recommendations.

SECTION 3. Establishment of Interviewing Standing Committees. The Council hereby establishes the following three, three-member standing committees, whose purpose is to review and make recommendations to the full Council regarding the appointment of citizens to the City's boards and commissions. The three Interviewing Committees shall be named and shall divide responsibilities in the following manner:

- (a) Committee "A" shall be responsible for the following boards and commissions:
 - Animal Control Commission
 - Board of Zoning Appeals
 - Commission on Aging
 - Human Rights Commission
 - Commission on the Status of Black Males
 - Housing Quality Appeals Board
 - Public Transportation Corporation
 - Urban Enterprise Association
- (b) Committee "B" shall be responsible for the following boards and commissions:
 - Bicycle and Pedestrian Commission
 - Bloomington Digital Underground Advisory Committee
 - Commission on the Status of Women
 - Community Advisory on Public Safety (CAPS)
 - Environmental Commission
 - MLK Commission
 - Telecommunications Council
 - Traffic Commission
 - Utilities Services Board
- (c) Committee "C" shall be responsible for the following boards and commissions:

- Bloomington Community Arts Commission
- Commission on Hispanic and Latin Affairs
- Historic Preservation Commission
- Parking Commission
- Bloomington Commission on Sustainability
- Commission on the Status of Children and Youth
- Housing Trust Fund Board
- Tree Commission
- Redevelopment Commission

SECTION 4. Establishment of the Sidewalk Standing Committee. The Sidewalk Standing Committee shall be re-established as it previously existed since its formation in 1992 and shall consist of four Councilmembers whose purpose is to make recommendations to the full Council on the use of Alternative Transportation Fund monies specifically budgeted for Council recommended sidewalk and traffic-calming projects.

SECTION 5. Council Work Sessions. The Council hereby waives any local requirement that Council Work Session be conducted only upon the presence of a quorum of its members.

SECTION 6. Referral of Legislation. In the absence of any active Standing Committees established to consider pending legislation, the Council declares that the Motion to Introduce legislation made at a regular or special meeting of the Council serves as a motion to refer it to the next regularly scheduled Committee of the Whole, unless the Council has established a standing committee for that purpose or decides upon another manner of considering the legislation.

SECTION 7. Severability. If any section, sentence or provision of this resolution, or the application thereof to any person or circumstances 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 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 _____, 2022.

Susan Sandberg, 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 _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution is authored by Councilmember Sandberg, Councilmember Sgambelluri, and Councilmember Sims and establishes three Interviewing Standing Committees and the Sidewalk Standing Committee, and dissolves various other Council Standing Committees.

Memo

Authors: Councilmember Sandberg, Councilmember Sgambelluri, Councilmember Sims

Date: January 6, 2022

Re: Resolution 22-02

In bringing forward Resolution 22-02, the Sponsors recognize the critical importance of examining our legislative process and working toward improvements in how we craft legislation, engage the public, deliberate, manage our time, and communicate both internally and externally.

The standing committee structure that was initiated at the beginning of this term was introduced and passed in good faith, and the last 22 months have provided opportunities to use these standing committees and assess their impact on the work of the Council. It is our belief that as we begin this new year, we have an obligation to acknowledge several key limitations of standing committees and to refine our work processes accordingly.

Specifically, it is the Sponsors' belief that a return to using **Committee of the Whole** would allow us to accomplish the following:

- **Allow *all nine councilmembers* to participate in discussions on legislation *in real-time*, and thus provide a more equitable, inclusive opportunity for dialogue,**
- **Aid in reducing confusion that results – particularly among the public – when *multiple bodies* all have a potential role in addressing a topic or piece of legislation** (For example, any or all of the following six entities could be involved in matters related to public safety: Council Public Safety Committee, Board of Public Safety, CAPS Commission, Future of Policing Working Group, Dispatch Policy Board, PS-LIT)
- **Reduce the number of meetings in which staff or legislative sponsors would need to offer *duplicate* presentations,**
- **Streamline scheduling and simplify staffing demands,**

It is *also* the Sponsors' belief that **Special Committees** can and should be formed as needed to study pressing issues, undertake specific tasks, initiate legislation, or otherwise advance the work of Council on behalf of Bloomington residents.

The Sponsors acknowledge the differing and deeply-held views of standing committees as an organizational tool for Council. At the same time, it is our belief that all councilmembers share several core values including *equity*, *inclusiveness*, and *accessibility*. We believe the Committee of the Whole is the better tool for operating in a way that is consistent with these values.

Assignments to Standing Committees & Appointment of Chairs - 2022

Actions By President

Note: Should the Council act to create or abolish any standing committees, thereby affecting the list of committees below, the President shall adjust the assignments to affected committees accordingly.

| | 2021 | 2022 | | | | | | | | |
|---|---|--|-------------|-------------|-------|---|--|--|--|--|
| Jack Hopkins Social Services | C <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">Sandberg</td></tr> <tr><td style="padding: 2px;">Rosenbarger</td></tr> <tr><td style="padding: 2px;">Sgambelluri</td></tr> <tr><td style="padding: 2px;">Smith</td></tr> </table> | Sandberg | Rosenbarger | Sgambelluri | Smith | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table> | | | | |
| Sandberg | | | | | | | | | | |
| Rosenbarger | | | | | | | | | | |
| Sgambelluri | | | | | | | | | | |
| Smith | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| Sidewalk Committee <i>(2021 includes members from the Transportation Committee who oversaw the allocation of sidewalk funds for 2022)</i> | C <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">Smith</td></tr> <tr><td style="padding: 2px;">Rollo</td></tr> <tr><td style="padding: 2px;">Rosenbarger</td></tr> <tr><td style="padding: 2px;">Volan</td></tr> </table> | Smith | Rollo | Rosenbarger | Volan | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table> | | | | |
| Smith | | | | | | | | | | |
| Rollo | | | | | | | | | | |
| Rosenbarger | | | | | | | | | | |
| Volan | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| Interview Committee A | <div style="background-color: #cccccc; width: 100%; height: 60px;"></div> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table> | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| Interview Committee B | <div style="background-color: #cccccc; width: 100%; height: 60px;"></div> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table> | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| Interview Committee C | <div style="background-color: #cccccc; width: 100%; height: 60px;"></div> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table> | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

This table is an illustration of Section 1 & 2 of Resolution 22-02

2022 BOARDS AND COMMISSIONS INTERVIEW COMMITTEE - ASSIGNMENT GRID

| Committee → | A | B | C |
|--|--------------------------------|---|---|
| ↓ Boards and Commissions | | | |
| Animal Control | X | | |
| Bloomington Community Arts Commission | | | X |
| Bicycle & Pedestrian Commission | | X | |
| Bloomington Digital Underground | | X | |
| Board of Zoning Appeals | X | | |
| Citizens Redistricting Advisory Commission | AT-LARGE COUNCILMEMBERS | | |
| Commission on Aging | X | | |
| Commission on Hispanic and Latino Affairs | | | X |
| Commission on the Status of Black Males | X | | |
| Commission on the Status of Women | | X | |
| Commission on Sustainability | | | X |
| Commission on the Status of Children and Youth | | | X |
| Community Advisory on Public Safety (CAPS) | | X | |
| Economic Development Commission | COUNCIL | | |
| Environmental Commission | | X | |
| Historic Preservation Commission | | | X |
| Housing Quality Appeals Board | X | | |
| Housing Trust Fund Board | | | X |
| Human Rights Commission | X | | |
| MLK Commission | | X | |
| Parking Commission | | | X |
| Public Transportation Corporation | X | | |
| Redevelopment Commission | | | X |
| Telecommunications Council | | X | |
| Traffic Commission | | X | |
| Tree Commission | | | X |
| Urban Enterprise Association | X | | |
| Utilities Service Board | | X | |

This table is an illustration of Section 3 of [Resolution 22-02](#)

Assignments to Standing Committees & Appointment of Chairs - 2022

Actions By President

Note: This table represents Council Standing Committees as they presently exist. Should the Council act to create or abolish any standing committees, thereby affecting the list of committees below, the President shall adjust the assignments to affected committees accordingly.

| | 2021 | 2022 | | | | | | | | | | | | | | | | |
|--|---|----------|-----------------------|--|----------------|--|-------------|--|----------------|--|--|--|--|--|--|--|--|--|
| Administration | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%; text-align: center;">C</td><td>Volan</td></tr> <tr><td></td><td>Flaherty</td></tr> <tr><td></td><td>Sgambelluri</td></tr> <tr><td></td><td>Sims</td></tr> </table> | C | Volan | | Flaherty | | Sgambelluri | | Sims | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table> | | | | | | | | |
| C | Volan | | | | | | | | | | | | | | | | | |
| | Flaherty | | | | | | | | | | | | | | | | | |
| | Sgambelluri | | | | | | | | | | | | | | | | | |
| | Sims | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Climate Action & Resilience | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%; text-align: center;">C</td><td>Flaherty</td></tr> <tr><td></td><td>Piedmont-Smith</td></tr> <tr><td></td><td>Rollo</td></tr> <tr><td></td><td>Smith</td></tr> </table> | C | Flaherty | | Piedmont-Smith | | Rollo | | Smith | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table> | | | | | | | | |
| C | Flaherty | | | | | | | | | | | | | | | | | |
| | Piedmont-Smith | | | | | | | | | | | | | | | | | |
| | Rollo | | | | | | | | | | | | | | | | | |
| | Smith | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Community Affairs | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%; text-align: center;">C</td><td>Rollo</td></tr> <tr><td></td><td>Volan</td></tr> <tr><td></td><td>Sandberg</td></tr> <tr><td></td><td>Sgambelluri</td></tr> </table> | C | Rollo | | Volan | | Sandberg | | Sgambelluri | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table> | | | | | | | | |
| C | Rollo | | | | | | | | | | | | | | | | | |
| | Volan | | | | | | | | | | | | | | | | | |
| | Sandberg | | | | | | | | | | | | | | | | | |
| | Sgambelluri | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Housing | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%; text-align: center;">C</td><td>Rosenbarger</td></tr> <tr><td></td><td>Flaherty</td></tr> <tr><td></td><td>Sims</td></tr> <tr><td></td><td>Piedmont-Smith</td></tr> </table> | C | Rosenbarger | | Flaherty | | Sims | | Piedmont-Smith | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table> | | | | | | | | |
| C | Rosenbarger | | | | | | | | | | | | | | | | | |
| | Flaherty | | | | | | | | | | | | | | | | | |
| | Sims | | | | | | | | | | | | | | | | | |
| | Piedmont-Smith | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Jack Hopkins Social Services | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%; text-align: center;">C</td><td>Sandberg</td></tr> <tr><td></td><td>Rosenbarger</td></tr> <tr><td></td><td>Sgambelluri</td></tr> <tr><td></td><td>Smith</td></tr> </table> | C | Sandberg | | Rosenbarger | | Sgambelluri | | Smith | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table> | | | | | | | | |
| C | Sandberg | | | | | | | | | | | | | | | | | |
| | Rosenbarger | | | | | | | | | | | | | | | | | |
| | Sgambelluri | | | | | | | | | | | | | | | | | |
| | Smith | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Land Use | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%; text-align: center;">C</td><td>Piedmont-Smith</td></tr> <tr><td></td><td>Flaherty</td></tr> <tr><td></td><td>Rosenbarger</td></tr> <tr><td></td><td>Volan</td></tr> </table> | C | Piedmont-Smith | | Flaherty | | Rosenbarger | | Volan | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table> | | | | | | | | |
| C | Piedmont-Smith | | | | | | | | | | | | | | | | | |
| | Flaherty | | | | | | | | | | | | | | | | | |
| | Rosenbarger | | | | | | | | | | | | | | | | | |
| | Volan | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Public Safety | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%; text-align: center;">C</td><td>Sims</td></tr> <tr><td></td><td>Piedmont-Smith</td></tr> <tr><td></td><td>Volan</td></tr> <tr><td></td><td>Flaherty</td></tr> </table> | C | Sims | | Piedmont-Smith | | Volan | | Flaherty | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table> | | | | | | | | |
| C | Sims | | | | | | | | | | | | | | | | | |
| | Piedmont-Smith | | | | | | | | | | | | | | | | | |
| | Volan | | | | | | | | | | | | | | | | | |
| | Flaherty | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Sustainable Development | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%; text-align: center;">C</td><td>Sgambelluri</td></tr> <tr><td></td><td>Smith</td></tr> <tr><td></td><td>Sandberg</td></tr> <tr><td></td><td>Rollo</td></tr> </table> | C | Sgambelluri | | Smith | | Sandberg | | Rollo | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table> | | | | | | | | |
| C | Sgambelluri | | | | | | | | | | | | | | | | | |
| | Smith | | | | | | | | | | | | | | | | | |
| | Sandberg | | | | | | | | | | | | | | | | | |
| | Rollo | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Transportation | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%; text-align: center;">C</td><td>Smith</td></tr> <tr><td></td><td>Rollo</td></tr> <tr><td></td><td>Rosenbarger</td></tr> <tr><td></td><td>Volan</td></tr> </table> | C | Smith | | Rollo | | Rosenbarger | | Volan | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table> | | | | | | | | |
| C | Smith | | | | | | | | | | | | | | | | | |
| | Rollo | | | | | | | | | | | | | | | | | |
| | Rosenbarger | | | | | | | | | | | | | | | | | |
| | Volan | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-01 – An Ordinance Establishing and Approving the Expanded Outdoor Dining Program in the Downtown Corridor

Synopsis

Ordinance 22-01 establishes the Expanded Outdoor Dining in the Downtown Corridor Program for the continued use of parklets and Kirkwood Avenue for additional seating space and suspends certain portion of the Bloomington Municipal Code in order to facilitate the Program. The Program is authorized to continue through October 31, 2022, and may be extended by an authorizing resolution by the Common Council.

Relevant Materials

- Ordinance 22-01
- Exhibit A: Program Guidelines
- Exhibit B: Board of Public Works Resolution 21-71 - forthcoming
- Staff Memo

Summary

Ordinance 22-01 seeks to establish and approve the expanded Outdoor Dining Program (Program), specifically the use of parking spaces by restaurants and the temporary conversion of certain blocks of Kirkwood Avenue into pedestrian-only spaces. In June 2020, the Council approved Ordinance 20-11, which suspended portions of the municipal code in order to support the operation of businesses in downtown Bloomington and assist in economic recovery from the COVID-19 public health emergency (Background materials for Ordinance 20-11 can be found in the June 10, 2020 legislative packet [here](#)). The Council extended the provisions of Ordinance 20-11 with Resolution 20-15, Resolution 20-19, and Resolution 21-18.

City staff recommends that the Program be implemented during the 2022 season in accordance with the Program Guidelines, which are attached to Ordinance 22-01 as Exhibit A. This recommendation is based on a number of factors including the continuation of the public health emergency and the COVID-19 pandemic, as well as their impact on Bloomington's local economy. Additionally, the provisions of the outdoor dining program continue to be useful to downtown for the health and safety of downtown patrons and the well-being of the downtown businesses. The Board of Public Works passed a resolution in support of this ordinance on December 21, 2021. A copy of the resolution is attached to Ordinance 22-01 as Exhibit B.

In brief this Ordinance:

1. Approves the Program set forth in Exhibit A: Program Guidelines;



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

2. Sets March 1, 2022 – October 31, 2022 as the timeframe for operation of the Program with the possibility for additional one-year terms through an authorizing resolution;
3. Authorizes City Staff to coordinate the closure of portions of Kirkwood Avenue from Walnut Street to Indiana Avenue as necessary to implement the Program;
4. Adopts the Program guidelines and modifications to seating and encroachment permit policies as passed by the Board of Public Works in Resolution 21-71, which is attached to Ordinance 22-01 as Exhibit B;
5. Approves the permitting fee and the fee schedule for the operation of the Program;
6. Temporarily suspends the portions of the Bloomington Municipal Code for the sole purpose of extending the Program; and
7. Authorizes the suspension of the Program by City Staff in the event of emergency, lack of participation, or any other reason that may render the Program impractical.

Contact

Jane Kupersmith, jane.kupersmith@bloomington.in.gov, (812)349-3419

Larry Allen, allenl@bloomington.in.gov, (812) 349-3426

ORDINANCE 22-01

AN ORDINANCE ESTABLISHING AND APPROVING THE EXPANDED OUTDOOR DINING PROGRAM IN THE DOWNTOWN CORRIDOR

WHEREAS, on June 17, 2020, the Common Council passed Ordinance 20-11, which suspended portions of the Bloomington Municipal Code during the public health emergency caused by the COVID-19 virus; and

WHEREAS, Ordinance 20-11 relaxed certain City regulations, including sign and seating encroachment regulations, which made it possible to assist local restaurants by extending the outdoor seating area into parklets; and

WHEREAS, the City also temporarily closed portions of Kirkwood Avenue to make it available for enhanced social distancing and outdoor seating; and

WHEREAS, due to the success of the program and the continued necessity of additional space for social distancing in response to the COVID-19 pandemic, the Common Council extended the terms of Ordinance 20-11 by resolutions through October 31, 2021; and

WHEREAS, the public health emergency and the COVID-19 pandemic, as well as their impact on Bloomington's local economy, continue; and

WHEREAS, the measures taken in such a program continue to be useful to our downtown for the health and safety of downtown patrons as well as the wellbeing of our vibrant downtown business community; and

WHEREAS, the City desires to continue the Expanded Outdoor Dining Program ("Program") in the downtown corridor through 2022 as detailed by the program guidelines that are attached to this Ordinance as Exhibit A; and

WHEREAS, to continue the Program, it is necessary for the Common Council to suspend certain elements of the Municipal Code and allow for the temporary closure of Kirkwood Avenue, similar to what was done in Ordinance 20-11; and

WHEREAS, the Board of Public Works on December 21, 2021, approved Resolution 21-71 authorizing alternative seating and encroachment policies and expressing its support for the Program; and

WHEREAS, the Common Council therefore wishes to extend the Program through proactive measures to assist the Bloomington business community's recovery;

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

SECTION 1. The Common Council hereby approves the Program as set forth by the Program Guidelines in Exhibit A.

SECTION 2. The Program shall operate from March 1, 2022, until October 31, 2022, unless earlier terminated under SECTION 7 of this Ordinance. The Common Council reserves the right to further extend the term of this Ordinance for additional one-year terms through an authorizing resolution.

SECTION 3. The Common Council authorizes City Staff, pursuant to Board of Public Works Resolution 21-71 and in coordination with the Fire, Engineering, and Planning and Transportation departments to close portions of Kirkwood Avenue from Walnut Street to Indiana Avenue as necessary to implement the Program.

SECTION 4. The Common Council hereby adopts the program guidelines and the modifications to the seating and encroachment permit policies as passed by the

Board of Public Works in Resolution 21-71, attached to this Ordinance as Exhibit B.

SECTION 5. The Common Council approves fees for the operation of the Program in the amount of \$50 permitting fee per participating business in the Program, and the following fee schedule:

| Program | Fee | Condition |
|------------------|-------------------|---|
| Parklet | \$1,250 per space | Cost may be split between businesses sharing parklet space(s) |
| Kirkwood Seating | \$500 | Business with seating capacity under 20 seats |
| | \$1,250 | Business with seating capacity between 20 and 100 seats |
| | \$3,500 | Business with seating capacity over 100 seats |

In the event that the Common Council extends the Program under SECTION 2 of this Ordinance, it shall explicitly set new fees in the authorizing Resolution.

SECTION 6. Through December 31, 2022, the City of Bloomington Common Council hereby temporarily suspends the following sections of the Bloomington Municipal Code for the sole purpose of extending the Program:

| Standard | B.M.C. Section | Temporary Waiver and Guidelines |
|----------------------------|----------------|---|
| Standards for Encroachment | 12.06 | The businesses participating in the Program and their seating areas shall be subject to the Program Guidelines in <u>Exhibit A</u> and B.M.C. 12.06 as modified by the Board of Public Works Resolution 21-71. Existing encroachments shall continue to be subject to the full rules, requirements, and conditions of B.M.C. 12.06. |
| Use of Right-of-Way | 12.08 | Program participants shall not be required to obtain an additional permit for the use of right-of-way under B.M.C. 12.08, provided that the right of way is not blocked or used for anything other than those uses explicitly authorized by the Program. All other uses, closures, or access to right-of-way as indicated in B.M.C. 12.08, even in areas being used for the Program or by Program participants, shall continue to be subject to the full rules, requirements, and conditions of B.M.C. 12.08. |
| Intoxicating beverages | 14.36.090 | Designated parklets and areas along Kirkwood participating in the Program shall be excepted from the prohibition of consuming alcoholic beverages in |

| | | |
|-----------------------|----------------------|--|
| | | or on any public street or right of way as long as the beverage is procured at a participating business that is operating in accordance with a license from the Indiana Alcohol and Tobacco Commission. It shall be unlawful for any participating business to continue to serve alcohol within the Kirkwood street closure, excepting permanent encroachments under B.M.C. 12.06, past 11:00 p.m. |
| Loading Zones | 15.32.100 | For the duration of the Kirkwood closure, the loading zones from 100 E. Kirkwood through the 500 block of E. Kirkwood, as indicated in Schedule O of B.M.C. 15.32.100, shall be suspended. |
| Parking Meter Charges | 15.40.010 Schedule U | Meter fees for onstreet parking spaces that are to be used as parklets and from 100 E Kirkwood through the 500 block of E Kirkwood Avenue shall be suspended. |
| Signs | 20.04.100 | For the avoidance of doubt, any signs that may be required under the Program, shall be considered public signs under B.M.C. 20.04.100(c)(2)(A). |

SECTION 7. In cases of emergency, lack of participation, or any other reason that may render the Program impractical, the Common Council authorizes City Staff to permanently or temporarily suspend the Program, in part or in whole. If City Staff suspends operation of the Program or any part of the Program, except in cases of emergency, it shall provide notice to participating businesses no later than 14 days prior to suspension and report back to the Common Council the reasons for the suspension within 45 days of the action taken. In cases of emergency, any part or participating area of the Program may be immediately terminated. City staff shall notify businesses and City Council of the emergency termination within 72-hours of the action.

SECTION 8. If any section, sentence, or provision of this ordinance, 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 ordinance which can be given effect without the invalid section, sentence, provision or application, and to this end the provisions of this ordinance are declared to be severable.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, 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 _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 22-01 establishes the Expanded Outdoor Dining in the Downtown Corridor Program for the continued use of parklets and Kirkwood Avenue for additional seating space and suspends certain portion of the Bloomington Municipal Code in order to facilitate the Program. The Program is authorized to continue through October 31, 2022, and may be extended by an authorizing resolution by the Common Council.

Exhibit A: Program Guidelines

Costs to Participating Businesses:

- All:
 - All extended outdoor dining covered under this program will be subject to the \$50 permitting fee to the Engineering Department.
 - All fees are due in full by Mar. 1, 2022.
 - Businesses are responsible for any direct costs associated with utilizing a parklet or outdoor dining on Kirkwood, such as furniture or heaters.
 - Each participating business must submit a certificate of insurance to the Planning and Transportation and Economic and Sustainable Development Departments establishing proof of a comprehensive general liability policy naming the City of Bloomington as additional insured to the extent of at least \$500,000 bodily injury and \$100,000 property damage, which shall be in effect during the term of this authorization.
- Parklets:
 - Cost to businesses will be \$1,250 per parking space for the 2022 season, payable to Parking Services. A two-space parklet will cost \$2,500, plus the permitting fee(s).
 - Businesses which share a parklet may split the cost between them.
- Kirkwood conversion outdoor dining permit:
 - For businesses with a capacity of under 20, the cost will be \$500 for utilization of the extended outdoor space on Kirkwood during the 2022 season.
 - For businesses with a capacity between 20 and 100, the cost will be \$1,250 for utilization of the extended outdoor space on Kirkwood during the 2022 season.
 - For businesses with a capacity 100 and above, the cost will be \$3,500 for utilization of the extended outdoor space on Kirkwood during the 2022 season.

Parklet Logistics:

- Eligibility:
 - Eligibility is limited to any food service establishment adjacent to metered parking in downtown Bloomington.
 - All participating businesses must agree to cease alcohol sales in parklets by midnight.
 - Eligible businesses must complete the application and payment process as outlined in this memo.
- Application process:
 - Application form will go live on the City's webpage on Jan. 20, 2022.
 - Applications are due by Feb. 11, 2022. Businesses may submit applications in advance of the deadline.
 - Fees are payable by check or card to Parking Services by Mar. 1, 2022.
- Implementation:
 - The Parking Services division in the Department of Public Works will install and remove the orange jersey barriers at the beginning and end of the 2022 season.
 - City staff will fill the jersey barriers with water on the day they are installed. Participating businesses will be required to top off the barriers with water as needed, and the barriers must remain sufficiently full for safety reasons.
 - If the weather in mid-Mar. 2022 is not conducive to outdoor dining, City staff may exercise discretion on the exact dates that the parklets are installed
 - If a parklet is removed, either by request of the business or by determination of City staff, it may not be reimplemented in the same calendar year. Any fees paid by the business will not be refunded
- Requirements for participating businesses:
 - Participating businesses are required to provide their own furniture, decorations, etc.

- Participating businesses must meet all local, state, and national legal requirements for their extended outdoor seating, including those from the Indiana Alcohol Tobacco Commission (ATC), state and county health department, and all Americans with Disabilities Act (ADA), safety and insurance requirements.
- Participating businesses must comply with Indiana Fire Code regulations relating to the use of heaters and tents, specifically Chapter 31, Section 3107.4.
 - Tents are allowed to be used on a temporary basis, with a maximum cumulative number of 30 days of operation in a calendar year
 - Heaters are allowed to operate but must be 10 feet from any combustible material, including tents, buildings, seating, awnings, etc.

Kirkwood Conversion Logistics:

- Eligibility
 - Eligibility is limited to any business or organization located in the participating blocks of Kirkwood Ave. This program is focused on, but not limited to, food service establishments.
 - All participating businesses must agree to cease alcohol sales in parklets and on Kirkwood by midnight.
- Application process:
 - Application form will go live on the City’s webpage on Jan. 20, 2022.
 - Applications are due by Feb.11, 2022. Businesses may submit applications in advance of the deadline.
 - Fees are payable by check or card to Parking Services by Mar. 1, 2022.
- Implementation logistics:
 - City staff will temporarily reconvert the participating 2.5 blocks of Kirkwood Ave. during the 2022 season. No permanent physical changes will be made to the streetscape.
 - All cross streets will remain open.
 - A fire lane will be left in the middle of the street as necessary, as determined by the Bloomington Fire Department.
 - Where the street is closed with a contiguous barrier (i.e. orange jersey barriers as opposed to bollards), there will be a bike lane so that bikes and scooters may retain a path despite Kirkwood being a dismount zone.
 - City staff have analyzed the quantity and location of ADA parking spaces in the downtown area and are in the process of determining where additional ADA spaces can be added, taking into consideration which blocks of Kirkwood will be closed to vehicular traffic in 2022. These additional ADA spaces will be implemented in the spring of 2022, with exact dates determined by weather.
 - Areas not occupied by businesses or the fire lane will have greater arts programming, such as live music, mural and plein air painting, performances, or festivals. The nature and timing of this programming will be determined by City staff, in conjunction with community stakeholders.
- Requirements for participating businesses:
 - Participating businesses are required to provide their own furniture, decorations, etc.
 - Participating businesses must meet all local, state, and national legal requirements for their extended outdoor seating, including those from the ATC, state and county health department, and all ADA, safety, and insurance requirements.
 - All businesses utilizing the extended outdoor space on Kirkwood will be required to have a temporary ADA-compliant ramp from the sidewalk into the section of the street they are utilizing.
 - Participating businesses must comply with Indiana Fire Code regulations relating to the use of heaters and tents, specifically Chapter 31, Section 3107.4.
 - Tents are allowed to be used on a temporary basis, with a maximum cumulative number of 30 days of operation in a calendar year
 - Heaters are allowed to operate but must be 10 feet from any combustible material, including tents, buildings, seating, awnings, etc.



TO: Jim Sims, Council President
Common Council Members
Stephen Lucas, Counsel, Common Council

CC: John Hamilton, Mayor
Don Griffin, Deputy Mayor
Larry Allen, Assistant City Attorney, Legal Department
Mary Catherine Carmichael, Director of Community Engagement
RayeAnn Cox, Parking Enforcement Supervisor, Public Works
Alex Crowley, Director, Economic & Sustainable Development
Kaisa Goodman, Office of the Mayor
Jeff Underwood, Controller
Michelle Wahl, Parking Services Director, Public Works
Adam Wason, Director, Public Works
Andrew Cibor, Director, Engineering

FROM: Jane Kupersmith, Asst. Dir. for Small Business, Economic & Sustainable Development

DATE: December 15, 2021

RE: Ordinance 22-01 Re: Expanded Outdoor Dining in the Downtown Corridor in 2022

Executive Summary

In response to the COVID-19 pandemic, the City of Bloomington Common Council approved Ordinance 20-11, which suspended portions of the municipal code in order to support the operation of businesses in downtown Bloomington. The Common Council extended this ordinance and approved the expansion of outdoor seating through the end of 2021. City Staff recommends passing this Ordinance to continue the enhanced outdoor dining policies, specifically the use of parking spaces by restaurants and the temporary conversion of certain blocks of Kirkwood Avenue into pedestrian-only spaces. The proposal below outlines how the City can continue to support these programs in 2022.

Introduction

Ordinance 22-01 addresses modifications to outdoor dining in the downtown corridor through the continued implementation of parklets in the downtown corridor as well as the conversion of certain blocks of Kirkwood Avenue to a temporary pedestrian and business space:

In June 2020, Ordinance 20-11 suspended portions of the municipal code relating to seating encroachment and signage regulations; Resolutions 20-15, 20-19, and 21-18 extended this ordinance. In conjunction with temporary orders from the Department of Public Works, this legislation accommodated the parklet and Kirkwood conversion programs.

With feedback from businesses utilizing the expanded outdoor dining, patrons of the corresponding businesses, as well as other stakeholders, it is City staff's recommendation that the expanded outdoor dining program be reimplemented during the 2022 season, with some modifications. On Dec. 21, 2021, the Board of Public Works passed a resolution in support of this ordinance. This will allow businesses to continue recouping revenue that has been lost during the pandemic, as well as provide patrons with safer dining options.

Ordinance 22-01 authorizes the City to implement the parklet and Kirkwood conversion programs from Mar. 16–Nov. 1, 2022 in accordance with the Program Guidelines, attached to the Ordinance as Exhibit A. Similar to Ordinance 20-11, Ordinance 22-01 temporarily suspends portions of the Municipal Code necessary to implement the programs and may be extended for up to one additional year by Resolution of the Common Council. This ordinance would allow the continuation of the temporary outdoor dining program for purposes of continued economic and public health recovery from the COVID-19 pandemic. The 2022 outdoor dining program would require participating businesses to pay fees of \$500–\$3,500 depending on the specific program and size of business as outlined in Exhibit A: Program Guidelines.

Objectives

The key objectives of the outdoor dining program are:

- To provide support for businesses in the form of expanded outdoor options, specifically but not exclusively for restaurants wishing to expand outdoor dining
- To increase options for outdoor dining and events from a patron's perspective, especially since this is a safer option during the ongoing COVID-19 pandemic
- To promote outdoor experiences downtown, which many residents and visitors have enjoyed during COVID-19
- To provide consistency and predictability for businesses and patrons, in terms of options and availability of both parking and outdoor dining

Secondary goals of this modified program are:

- To reduce City of Bloomington staff time expended installing bollards and orange jersey barriers
- To reduce the overhead cost to the City associated with the outdoor dining programs, including but not limited to labor, water, and barrier rental
- To offset the loss of parking revenue
- To minimize the loss of parking spaces in the downtown corridor
- To increase the physical accessibility of outdoor dining

Background

History:

The parklet and Kirkwood conversion programs were first implemented in Bloomington in the summer of 2020, and the second iteration of the programs launched in March 2021. These programs were launched in order to facilitate business in a time where health requirements, staffing, and consumer behavior were difficult to predict.

Adjustments have been made over that time:

- Some parklets were left in place in the winter of 2020–21 at the request of the participating businesses. While businesses used them to a certain degree, they were greatly underutilized due to cold temperatures. Based on feedback from patrons, participating businesses, and nearby retail establishments, City staff determined that parklets are overall not beneficial in the colder months and cause additional strain on holiday shopping.
- One parklet that was implemented in March 2021 was removed mid-season at the discretion of City staff and in communication with the business due to underutilization.
- In 2020, participating blocks of Kirkwood Ave. were closed on the weekends (Thursday afternoon through Monday morning). This was challenging to implement from a City staff perspective and did not offer sufficient predictability for businesses or residents. In 2021, the participating blocks of Kirkwood Ave. were closed continuously from mid-March through the end of October.
- Alcohol sales in the extended outdoor seating were required to end at 11 p.m. Businesses could still serve food in the parklets and extended Kirkwood seating after 11 p.m., and there was no impact on serving alcohol indoors or at regularly permitted outdoor seating.
- City staff in Engineering and Public Works Departments are in the process of completing an assessment of accessible parking in the downtown corridor, including making determinations about where additional accessible parking spaces may be added. The goals of this assessment are to ensure compliance with the ADA, meet best practices surrounding accessible parking spaces, and specifically to increase the accessibility of the converted blocks of Kirkwood Ave.

Stakeholders:

A significant amount of stakeholder input has been gathered over the duration of the parklet and Kirkwood conversion programs, with a concerted effort in the last few months as staff considered this recommendation for 2022.

The continuation of these outdoor dining modifications was requested by external stakeholders who expressed their desire for the programs to continue. City staff and external stakeholders have been in active communication throughout the implementation of the outdoor dining programs, with staff augmenting targeted and intentional outreach over the past few months, including:

- Meetings with leaders from Indiana University, Downtown Bloomington Inc. (DBI), the Greater Bloomington Chamber of Commerce, and Visit Bloomington
- Regular attendance and presentations on these topics to various DBI meetings:
 - DBI Board of Directors
 - DBI Brick and Mortar group
 - DBI Networking group
 - DBI Property Owners group
 - Kirkwood Community Association (KCA)
- Regular email communication to businesses participating in the parklet program and businesses on Kirkwood Ave. from Indiana Ave. to Walnut St.
- A mailing to all business and property owners on Kirkwood Ave. from Indiana Ave. to Walnut St.
- Door-to-door canvassing of businesses on Kirkwood Ave. from Indiana Ave. to Walnut St.

Internal stakeholders who were consulted and/or assisted in the drafting of this memo include:

- Bloomington Fire Department
- Bloomington Police Department
- Bloomington Transit
- Community and Family Resources Department
- Department of Economic and Sustainable Development, including the Assistant Directors for the Arts and for Small Business Development
- Department of Public Works, including Parking Services
- Engineering Department
- Legal Department
- Office of the Mayor
- Planning Department

Overview

Ordinance 22-01 asks the Council to allow for the reimplementation of the parklet and temporary Kirkwood conversion programs from Mar. 16, 2022–Nov. 1, 2022. Based on stakeholder input, the blocks of Kirkwood included in the Kirkwood conversion program for 2022 will be the same as in 2021. These blocks are:

- Full block between Indiana Ave. and Dunn St.
- Full block between Dunn St. and Grant St.
- West half of the block from Washington St. to Walnut St. (alley will remain open)

See “Exhibit A: Program Guidelines” for logistical details of the outdoor dining programs.

Timeline:

- Informational presentation to the Parking Commission: Dec. 2, 2021
- Board of Public Works passed resolution 21-17: Dec. 21, 2021
- First reading to Council: Jan. 12, 2022

- Council committee discussion: Jan. 19, 2022
- Council vote on this ordinance: Jan. 19, 2022
- Applications available to businesses: Jan. 20, 2022
- Deadline for submitting applications: Feb. 11, 2022
- Final staff determination of number and location of parklets: Mar. 3, 2022
- Implementation of outdoor dining program for 2022: Mar. 16–19, 2022 (*weather permitting*)
- End of outdoor dining program for 2022: Nov. 1, 2022

Exhibit A: Program Guidelines

Costs to Participating Businesses:

- All:
 - All extended outdoor dining will be subject to the \$50 permitting fee to the Engineering Department.
 - All fees are due in full by Mar. 1, 2022.
 - Businesses are responsible for any direct costs associated with utilizing a parklet or outdoor dining on Kirkwood, such as furniture or heaters.
- Parklets:
 - Cost to businesses will be \$1,250 per parking space for the 2022 season, payable to Parking Services. A two-space parklet will cost \$2,500, plus the permitting fee(s).
 - Businesses which share a parklet may split the cost between them.
- Kirkwood conversion outdoor dining permit:
 - For businesses with a capacity of under 20, the cost will be \$500 for utilization of the extended outdoor space on Kirkwood during the 2022 season.
 - For businesses with a capacity between 20 and 100, the cost will be \$1,250 for utilization of the extended outdoor space on Kirkwood during the 2022 season.
 - For businesses with a capacity 100 and above, the cost will be \$3,500 for utilization of the extended outdoor space on Kirkwood during the 2022 season.

Parklet Logistics:

- Eligibility:
 - Eligibility is limited to any food service establishment adjacent to metered parking in downtown Bloomington.
 - All participating businesses must agree to cease alcohol sales in parklets by midnight.
 - Eligible businesses must complete the application and payment process as outlined in this memo.
- Application process:
 - Application form will go live on the City’s webpage on Jan. 20, 2022.

- Applications are due by Feb. 11, 2022. Businesses may submit applications in advance of the deadline.
- Fees are payable by check or card to Parking Services by Mar. 1, 2022.
- Implementation:
 - The Parking Services division in the Department of Public Works will install and remove the orange jersey barriers at the beginning and end of the 2022 season.
 - City staff will fill the jersey barriers with water on the day they are installed. Participating businesses will be required to top off the barriers with water as needed, and the barriers must remain sufficiently full for safety reasons.
 - If the weather in mid-Mar. 2022 is not conducive to outdoor dining, City staff may exercise discretion on the exact dates that the parklets are installed
 - If a parklet is removed, either by request of the business or by determination of City staff, it may not be reimplemented in the same calendar year. Any fees paid by the business will not be refunded
- Requirements for participating businesses:
 - Participating businesses are required to provide their own furniture, decorations, etc.
 - Participating businesses must meet all requirements for their extended outdoor seating, including from the Indiana Alcohol Tobacco Commission (ATC), Health Department, safety, and insurance requirements.
 - Participating businesses must comply with Indiana Fire Code regulations relating to the use of heaters and tents, specifically Chapter 31, Section 3107.4.
 - Tents are allowed to be used on a temporary basis, with a maximum cumulative number of 30 days of operation in a calendar year
 - Heaters are allowed to operate but must be 10 feet from any combustible material, including tents, buildings, seating, awnings, etc.

Kirkwood Conversion Logistics:

- Eligibility
 - Eligibility is limited to any business or organization located in the participating blocks of Kirkwood Ave. This program is focused on, but not limited to, food service establishments.
 - All participating businesses must agree to cease alcohol sales in parklets and on Kirkwood by midnight.
- Application process:
 - Application form will go live on the City's webpage on Jan. 20, 2022.
 - Applications are due by Feb.11, 2022. Businesses may submit applications in advance of the deadline.
 - Fees are payable by check or card to Parking Services by Mar. 1, 2022.
- Implementation logistics:

- City staff will temporarily reconvert the participating 2.5 blocks of Kirkwood Ave. during the 2022 season. No permanent physical changes will be made to the streetscape.
- All cross streets will remain open.
- A fire lane will be left in the middle of the street as necessary, as determined by the Bloomington Fire Department.
- Where the street is closed with a contiguous barrier (i.e. orange jersey barriers as opposed to bollards), there will be a bike lane so that bikes and scooters may retain a path despite Kirkwood being a dismount zone.
- City staff have analyzed the quantity and location of ADA parking spaces in the downtown area and are in the process of determining where additional ADA spaces can be added, taking into consideration which blocks of Kirkwood will be closed to vehicular traffic in 2022. These additional ADA spaces will be implemented in the spring of 2022, with exact dates determined by weather.
- Areas not occupied by businesses or the fire lane will have greater arts programming, such as live music, mural and plein air painting, performances, or festivals. The nature and timing of this programming will be determined by City staff, in conjunction with community stakeholders.
- Requirements for participating businesses:
 - Participating businesses are required to provide their own furniture, decorations, etc.
 - Participating businesses must meet all requirements for their extended outdoor seating, including ATC, Health Department, safety, and insurance requirements.
 - All businesses utilizing the extended outdoor space on Kirkwood will be required to have a temporary ADA-compliant ramp from the sidewalk into the section of the street they are utilizing.
 - Participating businesses must comply with Indiana Fire Code regulations relating to the use of heaters and tents, specifically Chapter 31, Section 3107.4.
 - Tents are allowed to be used on a temporary basis, with a maximum cumulative number of 30 days of operation in a calendar year
 - Heaters are allowed to operate but must be 10 feet from any combustible material, including tents, buildings, seating, awnings, etc.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-02 – An Ordinance to Amend Ordinance 21-37, which Fixed the Salaries of 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

Synopsis

This Ordinance modifies [Ordinance 21-37](#), which fixed the salaries of appointed officers, non-union, and A.F.S.C.M.E. employees for calendar year 2022, in order to bring the language in [Ordinance 21-37](#) into line with guidance from the State Board of Accounts with regard to COVID-19 premium pay and to add a position to the Department of Economic and Sustainable Development.

Relevant Materials

- [Ordinance 22-02](#)
- Staff Memo from Caroline Shaw, Human Resources Director

Summary

[Ordinance 22-02](#) proposes to amend [Ordinance 21-37](#) which set pay grades and salary ranges for Appointed Officers, Non-Union, and AFSCME Employees.

Section 1 adds a full-time Sustainability Program Coordinator (Grade 6) to the Economic and Sustainable Development Department. The fiscal impact is \$74,298.

Section 2 modifies the language for COVID Recognition Pay in [Section 2 P](#) of [Ordinance 21-37](#) to comply with the Indiana State Board of Accounts' recent issuance of guidelines regarding the use of American Rescue Plan Act funds. It is worth noting that the COVID-19 premium pay of \$500 for full-time employees and \$300 for part-time employees will not change from the amount adopted by the Common Council on October 27, 2021.

Contact

Caroline Shaw, Human Resources Director, shawcaro@bloomington.in.gov, 812-349-3404

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

WHEREAS, on October 28, 2021, the Common Council passed Ordinance 21-37 which fixed salaries of appointed officers, non-union, and A.F.S.C.M.E. employees for all City departments for 2022; and

WHEREAS, the Indiana State Board of Accounts has subsequently issued guidance to employers interpreting the issuance of COVID premium payments under the American Rescue Plan Act; and

WHEREAS, active regular full-time and part-time employees who performed in-person work between January 1, 2021 and December 31, 2021 are essential workers and performed essential work in response to the COVID-19 public health emergency; and

WHEREAS, the Mayor desires to add a position in the Economic and Sustainable Development Department which will also require amendment to the salary ordinance;

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

SECTION 1. The Ordinance Fixing Salaries shall be amended so that the following position is added in the following Department:

| <u>Department/Job Title</u> | <u>Grade</u> |
|---|--------------|
| <u>Department of Economic and Sustainable Development</u> Sustainability Program Coordinator | 6 |

SECTION 2. Section 2 P of Ordinance 21-37 shall be amended by deleting the section in its entirety and replacing it with the following language:

SECTION 2 P. COVID Recognition Pay

Active regular full-time employees who performed at least fifty (50) hours of in-person work for the City between January 1, 2021 and December 31, 2021 shall be paid a one-time premium of five-hundred dollars (\$500) during January. Said premium shall be calculated as fifty (50) hours paid at ten dollars (\$10.00) per hour.

Active regular part-time employees who performed at least thirty (30) hours of in-person work for the City between January 1, 2021 and December 31, 2021 shall be paid a one-time premium of three-hundred dollars (\$300) during January. Said premium shall be calculated as thirty (30) hours paid at ten dollars (\$10.00) per hour.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications 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 4. This ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, 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 _____, 2022.

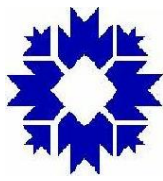
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me this ____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance modifies Ordinance 21-37, which fixed the salaries of appointed officers, non-union, and A.F.S.C.M.E. employees for calendar year 2022, in order to bring the language in Ordinance 21-37 into line with guidance from the State Board of Accounts with regard to COVID-19 premium pay and to add a position to the Department of Economic and Sustainable Development.



City of Bloomington
Human Resources Department

MEMORANDUM

To: City Council members

From: Caroline Shaw, Human Resources Director

CC: Mayor John Hamilton, Deputy Don Griffin, Controller Jeff Underwood, and Council Administrator Stephen Lucas

Date: January 7, 2022

Re: 2022 Salary Ordinance 22-02 amending Ordinance 21-37 which set 2022 pay grades and salary ranges for Appointed Officers, Non-Union, and AFSCME Employees

Attached for your review and approval is Ordinance 22-02 amending Ordinance 21-37 which set 2022 pay grades and salary ranges for Appointed Officers, Non-Union, and AFSCME Employees.

The **Economic and Sustainable Development Department** will add a full-time Sustainability Program Coordinator (Grade 6) who will provide additional support to the Assistant Director of Sustainability in the implementation of major sustainability programs and projects to advance the Climate and Sustainability Action Plans. The fiscal impact is \$74,298.

Additionally, the one-time regular part-time and full-time employee Covid -19 premium pay language has been modified in order to comply with recently published guidelines from the State Board of Accounts regarding the use of American Rescue Plan Act funds for the issuance of these payments.

Thank you for your thoughtful consideration of Ordinance 22-02. I would be happy to answer any questions you have about these changes from the previous Salary Ordinance. My direct line is 349-3578.



MEMO FROM COUNCIL OFFICE ON:

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

Synopsis

This Ordinance modifies [Ordinance 21-36](#), which fixed the salaries of officers of the police and fire departments for calendar year 2022, in order to bring the language in [Ordinance 21-36](#) into line with guidance from the State Board of Accounts with regard to COVID-19 premium pay and retention payments.

Relevant Materials

- [Ordinance 22-03](#)
- Staff Memo from Caroline Shaw, Human Resources Director

Summary

[Ordinance 22-03](#) proposes to amend [Ordinance 21-36](#) which fixed the salaries of officers of the police and fire departments for the City of Bloomington for 2022.

Section I modifies the language for COVID Recognition Pay in [Section II F](#) of [Ordinance 21-36](#) to comply with the Indiana State Board of Accounts' recent issuance of guidelines regarding the use of American Rescue Plan Act funds. It is worth noting that the COVID-19 premium pay of \$500 for full-time employees and \$300 for part-time employees will not change from the amount adopted by the Common Council on October 27, 2021.

Section I also modifies the language for Retention Pay in [Section II G](#) of [Ordinance 21-36](#) to comply with the Indiana State Board of Accounts' recent issuance of guidelines regarding the use of American Rescue Plan Act funds. It is worth noting that the Retention Pay of \$1,000 per quarter for Officers First Class, Senior Police Officers and Supervisory Sergeants will not change from the amount adopted by the Common Council on October 27, 2021.

Contact

Caroline Shaw, Human Resources Director, shawcaro@bloomington.in.gov, 812-349-3404

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**

WHEREAS, on October 28, 2021, the Common Council passed Ordinance 21-36 which fixed salaries of officers in the Police and Fire Departments; and

WHEREAS, the Indiana State Board of Accounts has subsequently issued guidance to employers interpreting the issuance of COVID premium payments under the American Rescue Plan ACT; and

WHEREAS, active regular full-time and part-time employees who performed in-person work between January 1, 2021 and December 31, 2021 are essential workers and performed essential work in response to the COVID-19 public health emergency;

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

SECTION 1. Sections II F and II G of Ordinance 21-36 shall be amended by deleting the sections in their entirety and replacing them with the following language:

SECTION II F. COVID Recognition Pay

Active regular full-time employees who performed at least fifty (50) hours of in-person work for the City between January 1, 2021 and December 31, 2021 shall be paid a one-time premium of five-hundred dollars (\$500) during January. Said premium shall be calculated as fifty (50) hours paid at ten dollars (\$10.00) per hour.

Active regular part-time employees who performed at least thirty (30) hours of in-person work for the City between January 1, 2021 and December 31, 2021 shall be paid a one-time premium of three-hundred dollars (\$300) during January. Said premium shall be calculated as thirty (30) hours paid at ten dollars (\$10.00) per hour.

SECTION II G. Retention Pay

Active Officers First Class, Senior Police Officers, Supervisory Sergeants, and Probationary Officers who perform at least four-hundred (400) hours in-person work for the City during the COVID-19 public health emergency are deemed to have performed essential work as essential workers and shall receive an additional premium payment of one-thousand dollars (\$1,000) once per quarter. In order to be eligible for premium pay, officers must be active qualifying officers during the pay period during which the premium pay is issued. Said premium shall be calculated as four-hundred (400) hours paid at ten dollars (\$10.00) per hour.

SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications 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 3. This ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, 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 _____, 2022.

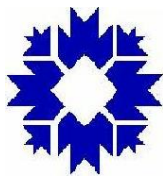
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me this ____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance modifies Ordinance 21-36, which fixed the salaries of officers of the police and fire departments for calendar year 2022, in order to bring the language in Ordinance 21-36 into line with guidance from the State Board of Accounts with regard to COVID-19 premium pay and retention payments.



City of Bloomington
Human Resources Department

MEMORANDUM

To: City Council members

From: Caroline Shaw, Human Resources Director

CC: Mayor John Hamilton, Deputy Don Griffin, Controller Jeff Underwood, and Council Administrator Stephen Lucas

Date: January 7, 2022

Re: 2022 Salary Ordinance 22-03 amending Ordinance 21-37 which fixed the salaries of officers of the police and fire departments for the City of Bloomington for 2022.

Attached for your review and approval is 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.

Both the one-time Covid-19 premium pay and quarterly police retention pay language has been modified in order to comply with recently published guidelines from the State Board of Accounts regarding the use of American Rescue Plan Act funds for the issuance of these payments.

In addition to active Officers First Class, Senior Police Officers, and Supervisory Sergeants, Probationary officers are also eligible for retention payments.

Thank you for your thoughtful consideration of Ordinance 22-03. I would be happy to answer any questions you have about these changes from the previous Salary Ordinance. My direct line is 349-3578.