

City of Bloomington Common Council

Legislative Packet - Addendum

Issued on Tuesday, 11 January 2022

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 and possible alternative committee referral actions by the Council. For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*

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
- 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.

Note: This resolution was revised after distribution in the Legislative Packet but before introduction at the Regular Session on January 12, 2022. The revision removed a reference to the Utilities and Sanitation Committee in the tenth Whereas clause as that Committee was abolished by Resolution 21-01.

***** Amendment Form *****

Resolution #: 22-02
Amendment #: Am 01
Submitted By: Cm. Flaherty
Date: 10 January 2022
Proposed Amendment:

1. Res 22-02 shall be amended by revising the tenth Whereas clause as follows:

WHEREAS, the following standing committees should be abolished: ~~Administration,~~
Community Affairs, Housing, Public Safety, ~~Climate Action & Resilience,~~
Sustainable Development, ~~Land Use~~; and

2. Res 22-02, Section 1 shall be revised by striking subsection (a) and re-lettering subsequent subsections as follows:

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

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

Synopsis

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

Regular Session Action: Pending

RESOLUTION 2021-71

Authorizing the Planning & Transportation Department to Utilize an Alternative Procedure for Sidewalk Seating and Merchandising Encroachments and to Approve Applications for Said Encroachments as Part of an Initiative to Assist the Local Business Community's Recovery Following the COVID-19 Pandemic

WHEREAS, the City of Bloomington, along with the rest of the country, remains in the midst of a public health emergency due to the COVID-19 pandemic; and

WHEREAS, on June 8, 2020, the Board of Public Works passed Resolution 2020-28 that allowed for the temporary closure of Kirkwood Avenue and authorized an alternative procedure for sidewalk seating and merchandise encroachments; and

WHEREAS, the Board extended the program and authorization in on June 9, 2021; and

WHEREAS, City staff have proposed extending the seating program along Kirkwood Avenue an additional year pursuant to a new authorizing ordinance; and

WHEREAS, pursuant to Chapter 12.06 of the Bloomington Municipal Code, the Board has authority to grant final approval of all sidewalk seating and merchandising encroachment applications; and

WHEREAS, the City Council is currently considering **Ordinance 22-02**, which proposes a temporary waiver of certain formalities related to seating and merchandising encroachments and other municipal regulations, and

WHEREAS, among the measures being taken by the City to address the economic fallout felt by Bloomington's local business community is a request that the continue the seating program necessitating the City to close portions of Kirkwood Avenue to vehicular traffic in order to expand seating capacity into the right-of-way so that local businesses may safely serve additional patrons; and

WHEREAS, a temporary relaxation of the City's seating and merchandising encroachment regulations would assist the local business community with its continued recovery;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS FOR THE CITY OF BLOOMINGTON, INDIANA,

Section 1. Beginning on March 1, 2021, for the limited purpose of those areas along Kirkwood Avenue where the City will be closing portions of the roadway to vehicular traffic, the City's Seating and Merchandising Encroachment Application and other rules related to seating and merchandising encroachments are modified as described in proposed City Council **Ordinance 22-02**, portions of which are copied below. The specific temporary measures related to sidewalk seating and merchandising encroachments are as follows:

1. The following portions of the City’s application for a seating and/or merchandising encroachment shall be temporarily suspended or modified:

Under Seating and Retail Requirements:

Suspend:

“(1) Proposed use, materials, colors and design”

“(2) Relationship of the outdoor seating to the adjacent existing building with identified uses and entrances;”

“(5) The existing and proposed circulation pattern for pedestrians and other ambulatory citizens with exact dimensions of the clear straight pathway;”

Add:

Require proof of approval from the Monroe County Department of Health and, where applicable, Indiana Alcohol and Tobacco Commission.

Under Additional Requirements:

Suspend:

“(2) Application / Renewal Fee: To process an initial application, or renewal, for an outdoor seating or merchandising encroachment permit at a specific location, the fee is \$100.00. Only payment by cash, check or money order made payable to the City of Bloomington will be accepted. No application will be processed until the fee is collected in full.”

“(3) No fee shall be charged for processing applications for encroachments that will be limited to four days or less in a calendar year.”

“(4) No refund shall be made where a permit is revoked or suspended for any reason. “

Add:

Each participating business must submit a certificate of insurance to the Planning and Transportation Department 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.

Under Permit Issuance and Conditions:

Add:

“(1) Each permit shall be effective for the period of approval granted by the Board of Public Works or staff, as the case may be.”

“(7) All signage must be in compliance with the Bloomington Municipal Code and/or any temporarily altered signage requirements.”

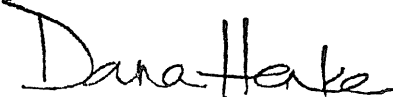
Section 2. Staff at the Economic and Sustainable Development Department are authorized to receive and give final approval to an application submitted by a Kirkwood merchant for additional seating and/or merchandising encroachments from March 1, 2022, through October 31, 2022, provided that the submitted application(s) meets all requirements as modified by this Resolution and by anticipated City Council Ordinance 22-02 and the attached Program Guidelines. No additional approval from this Board shall be required.

Section 3. This Resolution shall only have any force and effect provided that the City Council passes proposed Ordinance 22-02. It is anticipated that the City Council will consider Ordinance 22-02 for final approval on January 19, 2022. In the event that Ordinance 22-02 is approved with no significant substantive changes that would have an impact on this Resolution, this Resolution may be considered to be in full force and effect upon passage of Ordinance 22-02 by the City Council.

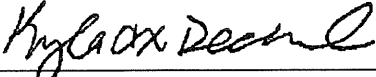
Section 4. These unique measures are temporary in nature, and shall be in place until October 31, 2022, unless said measures are extended by the City Council or this Board, as the case may be.

PASSED AND ADOPTED by the Board of Public Works of the City of Bloomington, Monroe County, Indiana, upon this 21st day of December, 2022.

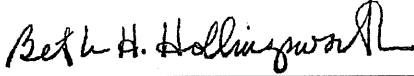
BOARD OF PUBLIC WORKS:



Dana Henke, President



Kyla Cox Deckard, Member



Beth H. Hollingsworth, Member