



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 19 January 2022

Regular Session

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
WEDNESDAY | 6:30 PM
19 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/81436753679?pwd=MUUxbWFIMm9QZTRFMXJVSUZ4YVhGdz09>

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES

- February 17, 2021 (Regular Session)
- March 17, 2021 (Regular Session)
- March 24, 2021 (Special Session)

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

This item was not considered by a Council committee.

- 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

This item was not considered by a Council committee.

- 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

This item was not considered by a Council committee.

Posted: January 14, 2022

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

This item was first introduced at the January 12, 2022 Regular Session and was postponed to the January 19, 2022 Regular Session for further consideration of both the resolution and related amendments.

VII. LEGISLATION FOR FIRST READINGS

- A. Ordinance 22-04 - To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending BMC 2.12 (Boards, Commissions and Councils) to Make Certain Commission Memberships Easier to Fill

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.

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 14, 2022



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

NOTICE

Wednesday, 19 January 2022

Regular Session

Starting at 6:30 pm

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<https://bloomington.zoom.us/j/81436753679?pwd=MUUxbWFIMm9QZTRFMXJVSUZ4YVhGdz09>

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.



City of Bloomington
Office of the Common Council

Minutes for Approval

17 February 2021 | 17 March 2021 | 24 March 2021

In Bloomington, Indiana on Wednesday, February 17 at 6:30pm, Council President Jim Sims presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically via Zoom.

COMMON COUNCIL
REGULAR SESSION
February 17, 2021

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

ROLL CALL [6:31pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:32pm]

Flaherty moved and it was seconded to approve the minutes of July 19, September 6, September 13, September 20, September 27, and December 06, 2006. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:35pm]
July 19, 2006 (Regular Session)
September 6, 2006 (Regular Session)
September 13, 2006 (Special Session)
September 20, 2006 (Regular Session)
September 27, 2006 (Special Session)
December 06, 2006 (Regular Session)

Sgambelluri thanked Erin Hatch, Bloomington's Urban Forester, for her work with constituents and with Cascades Park.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Sandberg expressed thanks for the Public Works Department, and Adam Wason, Director of Public Works, for their work in clearing the snow.

Smith thanked Joe VanDeventer, Director of Street Operations, Public Works Department, and Wason for their work in snow removal.

Volan thanked Officer Fosnaugh and the third shift officers with their assistance with a theft.

Rollo thanked city employees for their work during difficult weather, and specifically Public Works Department and Utilities for their work on a water main break.

Flaherty mentioned that his upcoming constituent meeting was scheduled for Monday, February 22, 2021 at 5:30pm via Zoom.

Sims also thanked city staff for their work with snow removal, and the notifications to the public regarding city buildings and services.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES [6:40pm]

Smith presented the Sidewalk Committee report, and thanked Beth Rosenbarger, Mallory Rickbeil, Roy Aten, and Neil Kopper for their work on providing information for sidewalk funding allocation. Smith provided a brief history of the Sidewalk Committee, its funding, and the 50+ projects that were on the list. He also described the process and criteria for determining which projects were funded.

- COUNCIL COMMITTEES [6:41pm]

Piedmont-Smith requested more details on the projects that were funded.

Smith presented each project that was funded in the prioritized order chosen by the Sidewalk Committee.

Sims said it was a difficult year for the Sidewalk Committee, and there were questions on the equity of projects that had been funded over the years and the criteria that determined the priorities. Sims noted his appreciation for Mark Stosberg's report on data based on the economic and racial equity issues of projects funded. Sims explained that the criteria in Stosberg's report would be implemented into future project funding.

Smith moved and it was seconded to approve the 2021 Sidewalk Committee Report. The motion to approve the report received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Sims announced that he would replace Volan on the Community Affairs Committee for the remainder of the year.

Tina Honeycutt spoke about those in the community that were unhoused. She commented on the need to provide more to the unhoused.

Renee Miller commented on the need to care for the unhoused and offered solutions for the council to consider.

Alex Goodlad discussed the public safety meeting, the fire department, and the police department

Sgambelluri moved and it was seconded to make the following appointments:

For the Commission on Hispanic and Latino Affairs: to reappoint Nico Sigler to seat C-3, Amy Oakley to seat C-2, and Pedro Ramirez to seat C-5.

For the Commission on the Status of Women: to reappoint Landry Culp to seat C-4.

For the Commission on Aging: to reappoint Kelsey Haislip to seat C-4, and Jack Kahn to seat C-3.

For the Arts Commission: to reappoint Quinton Stroud to seat C-1, and Babette Ballinger to seat C2.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Rollo moved and it was seconded to make the following appointments:

For the Commission on Sustainability: Kristina Anderson to seat C-1, Joseph Wynia to seat C-2, and Colin Murphy to seat C-4.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to make the following appointments:

Council questions:

Council comment:

Vote to approve the 2021 Sidewalk Committee Report [6:53pm]

- PUBLIC [6:54pm]

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:48pm]

For the Environmental Commission: Dedaimia Whitney to seat C-1, Scott Shackelford to seat C-2, Daniel Gonzalez to seat C-3, and to reappoint Don Eggert to seat C-5.

APPOINTMENTS TO BOARDS AND COMMISSIONS (*cont'd*)

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Rosenbarger moved and it was seconded to make the following appointments:

For the Housing Quality Appeals Board: to reappoint Susie Hamilton to seat C-1, and Diana Powell-Opata to seat C-3.

For the Redevelopment Commission: to reappoint Nick Kappas to seat C-1, and Deborah Myerson to seat C-2.

The motion received a roll call vote of Ayes: 8, Nays: 1 (Sims), Abstain: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:47pm]

Flaherty moved and it was seconded that Ordinance 21-02 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis, giving the Land Use Committee do-pass recommendation for Amendment 01 of Ayes: 3, Nays: 0, Abstain: 0, and for Ordinance 21-02 as amended of Ayes: 3, Nays: 0, Abstain: 0.

Ordinance 21-02 To Rezone a 10.097 Acre Property from Planned Unit Development (PUD) to MixedUse Corridor (MC) - Re: (Bill C. Brown Revocable Trust, Petitioner) [6:47pm]

Flaherty moved and it was seconded that Ordinance 21-02 be adopted.

Piedmont-Smith presented the Land Use Committee report and provided details on the Plan Commission recommendation with one condition regarding a tree easement, a conceptual site plan, whether the Environmental Commission had weighed in, and if there would be connectivity for the parcel to State Road 446 and East Third Street. She described a question regarding zoning impact on the radio station located on the property. Piedmont-Smith commented on an amendment brought by Volan which corrected the title of the ordinance.

Ryan Robling, Zoning Planner, Planning and Transportation Department, presented the legislation. Robling presented the location of the parcel, the property overview, uses of surrounding areas, the petitioners zoning map amendment request, the history of the site, and provided an overview of the petition.

Michael Carmin, Petitioner, explained that concerns about drainage, connectivity, tree preservation, and more would be addressed in the site plan that would go before the Plan Commission. He said that the concerns would be included in the actual site plan at a later date.

Rollo asked if the area was designated a gateway.

Robling stated that it was not.

Rollo stated that Ordinance 21-02 looked similar to a proposal from about one year ago, for a Planned Unit Development (PUD) student housing. Rollo asked if the Planning and Transportation Department was in favor of that type of use.

Jackie Scanlan, Development Services Manager, responded that staff had recommended approval of that project.

Council questions:

Flaherty commented on internal roads, and if asked if they would be private, what would trigger certain street standards from the Unified Development Ordinance (UDO). He asked staff if there was no subdividing of property, would there then be no UDO street requirements that would apply. Ordinance 21-02 (cont'd)

Scanlan explained that was correct since subdivision was the mechanism the UDO used to obtain new road right-of-way.

Flaherty asked if private roads had to meet certain standards.

Scanlan stated that private roads were built to meet city standards, too.

Flaherty commented on the conceptual design and its parking lots and private roads and asked what the distinction was for road or road type infrastructure.

Scanlan stated that her understanding was that the petitioner planned to do a subdivision, so there would have to be dedicated road right-of-way, built to city standards. Scanlan stated that she was not sure if any roads would be public roads but that staff would work with the Engineering Department and Public Works. Scanlan explained that if the petitioner did not subdivide, there could be a parking lot.

Carmin stated that the conceptual site plan was already considering connectivity and explained potential options. He stated that there were many considerations being analyzed including connections to Third Street by realigning Morningside Drive, and options for connecting to State Road 446. He stated that the site plan would address the west connection. He explained that whether it would be a public road or private road was still to be determined. Carmin further explained that there were plans to have a small subdivision in the parcel. Carmin commented on the prior project that was referenced by Rollo and said that it was a dedicated student housing developer, whereas the current developer was not and planned to have a building for multifamily use.

Smith asked about traffic considerations on Third Street and how the roads would be configured, and any mitigating factors for traffic.

Carmin responded that there were plans to realign the main entrance to Century Village properties and Morningside Drive to improve traffic. He explained that there would be two entrances on State Road 446, or possibly through the neighborhood to the south.

Smith commented that the extension of Morningside Drive would alleviate traffic issues.

Carmin stated that offset streets were less safe.

Scanlan clarified that the realignment was recommended in the prior project and it was carried over into Ordinance 21-02.

Volan moved Amendment 01 to Ordinance 21-02. Volan presented the amendment which changed the title of the ordinance to reflect the address of the parcels and would correct an address in Section 1.

Amendment 01 to Ordinance 21-02

There was no public comment on Amendment 01 to Ordinance 21-02.

Public comment:

Piedmont-Smith thanked staff for catching those errors.

Council comment:

The motion to adopt Amendment 01 to Ordinance 21-02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 21-02 [7:54pm]

There was no public comment on Ordinance 21-02 as amended.

Public comment:

Sandberg thanked the petitioner for the detail in the project and for pursuing multifamily use versus only student housing.

Council comment:

Ordinance 21-02 (cont'd)

Volan commented that there was an opportunity for making Third Street into a Boulevard and less of a highway. Volan stated that the prior project was actually about three years ago and while it was student housing, it would have funded a transit line. Volan commented that he hoped students were listening to the meeting and to how they were talked about, as though they were the "others." He said that he was disappointed in the change from PUD to a regular zone. Volan made other comments about transportation and recommended approval.

Rollo said he did not regret his vote on the previous project regarding student housing. He also said that the parcel was fairly large and that he wasn't in support of the rezone because the council should be involved, like what's done in a PUD. Rollo stated he would vote against Ordinance 21-02.

Flaherty noted that the mapping of the UDO districts was currently ongoing, and that the parcel was slated to be rezoned as mixed-use corridor. He explained that he understood why some councilmembers preferred the PUD process because it allowed for some negotiation with developers, but that he believed staff who said that PUDs were difficult to administer over time. Flaherty explained that the idea was to make better zoning code and rules and allow the public to follow those rules. Flaherty commented on student housing and explained that if a building with 1000 bedrooms was built for students, then there would be 1000 students not living in other buildings, which would open up housing for non-students. He stated he would support Ordinance 21-02.

Smith asked if council would have the ability to help determine the design of the parcel in the future and would not just be voting on the rezone.

Robling responded that was not correct, that it would not go before council again, if approved, and it would just be a site plan approval. He explained that if it were a PUD, it would go before council.

Rosenbarger stated that she was concerned with putting a multifamily use building in that parcel because it was far away from services like grocery stores. She also expressed concerns for there not being much green space, which should exist for multifamily uses and cited that there was not a playground nearby, for example. She asked if there was a place for people to play or sit outside.

Carmin stated that the site plan was only conceptual and that it showed a lot of greenspace. He also explained that the landscaping plan was not included, but that he did not anticipate a playground. Carmin also stated that it was not possible to build all housing near grocery stores.

Robling added that mixed use corridor districts had a 40% requirement for landscaped area.

Sims thanked staff and the petitioner for explaining the details. Sims said that it was not appropriate to claim that councilmembers considered students as "others" or as nonpersons. He explained the purpose in zoning and student housing.

Volan stated that the council would no longer have the ability to have a say in land use because PUDs were ceasing. He also made comments about students and student housing in Bloomington. Volan stated that many in core neighborhoods vociferously opposed

having plexes in their neighborhoods because of the risk of students moving in. He stated that those concerns de facto corralled students into certain areas of Bloomington. Volan stated that it wasn't always close to the IU campus despite that being ideal.

Ordinance 21-02 (cont'd)

Rollo said that he did not disagree with Volan, and stated that students had certain needs which one was to be close to campus, which the current petition was not. Rollo stated that the time and effort involved in the PUD negotiation was cumbersome for staff and for councilmembers. He also said that what was worse was a poor quality development in perpetuity.

Sandberg stated that Bloomington was a college town and students had always lived all over the city. She explained that council, staff, and others had a duty to provide a balance of housing, and said that when the balance tipped one way, council would hear from those community members. She commented on the recently approved housing close to campus. Sandberg said that anyone could live in the proposed housing, not just students. Sandberg also commented that it was up to the landowner and developers to determine what to build since the landowner had purchased the land and done market research.

Flaherty clarified that in his earlier comment regarding PUDs being difficult to manage was in regards to the changes over the years to zoning, and not the negotiation within the PUD approval process.

The motion to adopt Ordinance 21-02 as amended received a roll call vote of Ayes: 7, Nays: 2 (Rollo, Rosenbarger), Abstain: 0.

Vote to adopt Ordinance 21-02 as amended [8:24pm]

Flaherty moved and it was seconded that Ordinance 21-03 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation for the following:

- For Amendment 01 to Ordinance 21-03: Do Pass 3-1-0
- For Amendment 02 to Ordinance 21-03: Do Pass 1-2-0
- Recommendation on Ordinance 21-03 as Amended: Do Pass 2-1-0

Ordinance 21-03 – (formerly Ordinance 20-33) – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration And Personnel” – Re: Chapter 2.02 (Boards and Commissions – revised) and Chapter 2.04 (Common Council – revised)

Flaherty moved and it was seconded that Ordinance 21-03 be adopted.

Volan presented the legislation and provided details and clarification on the proposed changes to Title 2.

There were no council questions on Ordinance 21-03.

Council questions:

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Ordinance 21-03.

Amendment 01 to Ordinance 21-03

Amendment 01 Synopsis: This amendment is sponsored by Cm. Piedmont-Smith and Cm. Sgambelluri. It recognizes the importance of understanding the fiscal impact of legislation and provides flexibility in how that information is presented. The amendment is intended to ensure that council members are informed of the fiscal impact of each proposed ordinance or resolution without requiring the use of a single, inflexible form. Rather than doing away with fiscal impact statements, this amendment would simplify the process, requiring sponsors of legislation to provide a narrative that describes the expected fiscal impact.

Piedmont-Smith presented Amendment 01 which proposed a revision to Section 7 regarding fiscal impact statements and its format.

Ordinance 21-03 (cont'd)

Sgambelluri stated that Amendment 01 allowed for fiscal impact statements for the council, and provided flexibility for the format of the form, too.

Volan responded that he did not have a strong objection to Amendment 01. He commented on the purpose of fiscal impact statements.

There were no council questions on Amendment 01 to Ordinance 21-03.

Council questions:

There was no public comment on Amendment 01 to Ordinance 21-03.

Public comment:

The motion to adopt Amendment 01 to Ordinance 21-03 received a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 21-03 [8:46pm]

Sgambelluri moved and it was seconded to adopt Amendment 02 to Ordinance 21-03.

Amendment 02 to Ordinance 21-03

Amendment 02 Synopsis: This amendment is sponsored by Cm. Sgambelluri, Cm. Sandberg, and Cm. Rollo. It would eliminate a provision requiring a motion for referral of legislation to a standing committee to be considered before a motion for referral of legislation to the Committee of the Whole.

Sgambelluri presented Amendment 02 to Ordinance 21-03 which removed language regarding the referral of legislation to a standing committee before the Committee of the Whole (COW).

Sandberg also presented and stated that the purpose of Amendment 02 was to allow the council president the flexibility to refer legislation to COW or to standing committees.

Rollo echoed the presentations and stated that he trusted the council president with scheduling and referring legislation.

Volan stated his opposition to Amendment 02.

There were no council questions on Amendment 02 to Ordinance 21-03.

Council questions:

There was no public comment on Amendment 02 to Ordinance 21-03.

Public comment:

Sims stated that he did not see Amendment 02 as a means to deconstruct standing committees. He commented on the suspension of rules that had been done in the past, and stated that the situation was different in the current year. Sims also discussed Robert's Rules of Order and the COW, and the intention of scheduling and use of committees.

Council comment:

Volan stated that Ordinance 21-03 gave more flexibility to the Council President in terms of scheduling. Volan commented that he had hoped that the proposal was to be uncontroversial and that he had intended to fix the expiration of the suspension of rules. He said that Robert's Rules of Order were accepted worldwide for managing parliamentary procedure and to be used when city code was silent on council schedule.

The motion to adopt Amendment 02 to Ordinance 21-03 received a roll call vote of Ayes: 5, Nays: 4 (Volan, Rosenbarger, Flaherty, Piedmont-Smith).

Vote to adopt Amendment 02 to Ordinance 21-03 [9:18pm]

There were no council questions on Ordinance 21-03 as amended.

Council questions:

There was no public comment on Ordinance 21-03 as amended.

Public comment:

Piedmont-Smith commented that the fiscal impact statement was not ideal and that having a separate financial office that drafted fiscal impact statements without bias was ideal. Piedmont-Smith thanked Volan for bringing Ordinance 21-03 forward.

Council comment:

Flaherty also thanked Volan and staff for their work on Ordinance 21-03.

Sims echoed his appreciation of Volan bringing forward Ordinance 21-03.

Volan thanked council staff for their work on Ordinance 21-03.

The motion to adopt Ordinance 21-03 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-03 as amended [9:23pm]

LEGISLATION FOR FIRST READING [9:24pm]

Flaherty moved and it was seconded that Ordinance 21-06 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance -21-06 To Amend Title 2 ("Administration and Personnel") of the Bloomington Municipal Code Re: Adding Chapter 2.87 (Protections for People Experiencing Homelessness)

Volan moved and it was seconded that Ordinance 21-06 be referred to the Public Safety Committee on Wednesday, February 24, 2021 at 6:30pm.

Motion to refer Ordinance 21-06 to the Public Safety Committee

There was brief council discussion.

Council discussion:

The motion received a roll call vote of Ayes: 4 (Smith, Sandberg, Rollo, Sgambelluri, Sims), Nays: 5, Abstain: 0. FAILED.

Vote to refer Ordinance 21-06 to the Public Safety Committee [9:36pm]

Sgambelluri moved and it was seconded to refer Ordinance 21-06 to the Committee of the Whole on Wednesday, February 24, 2021 at 6:30pm.

Motion to refer Ordinance 21-06 to Committee of the Whole

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to refer Ordinance 21-06 to Committee of the Whole [9:39pm]

Nathan Mutchler commented on Ordinance 21-06.

ADDITIONAL PUBLIC COMMENT [9:41pm]

Lisa Funkhouser spoke about council process on Ordinance 21-06.

Nicole Johnson discussed Ordinance 21-06 and thanked the sponsors. She also spoke about the unhoused and their needs.

Lucas reviewed the upcoming items to be addressed in the Council Work Session. There was brief council discussion.

COUNCIL SCHEDULE [9:43pm]

Sgambelluri moved and it was seconded to reschedule the Council Work Session on February 19, 2021 to February 26, 2021 at the same time. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to reschedule Council Work Session [9:54pm]

Flaherty moved and it was seconded to adjourn. Sims adjourned the meeting.

ADJOURNMENT [9:57pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

FOR APPROVAL

In Bloomington, Indiana on Wednesday, March 17, 2021 at 6:30pm, Council President Jim Sims presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically Zoom.

COMMON COUNCIL
REGULAR SESSION
March 17, 2021

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

ROLL CALL [6:31pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:32pm]

Flaherty moved and it was seconded to approve the minutes of June 9, July 21, August 4, September 8, September 22, and December 15, 2004. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:31pm]

June 9, 2004 (Regular Session)
July 21, 2004 (Regular Session)
August 4, 2004 (Regular Session)
September 8, 2004 (Special Session)
September 22, 2004 (Regular Session)
December 15, 2004 (Regular Session)

Smith reported that, on March 4 and March 5, he visited Beacon, Inc., Wheeler Mission, and New Hope shelters and said that there was space for those who wanted shelter space. He also commented on the homeless insecurity working group and its ongoing efforts to address systemic issues relating to homelessness. Smith clarified misconceptions about Wheeler Mission, and stated that low income housing for the \$0-400 per month was critically needed. He made further comments about homeless camps, shelters, and Bloomington Police Department (BPD) outreach. He summarized that more funding was necessary for community organizations, a database was needed for tracking, and people with disabilities needed differing assistance.

REPORTS

- COUNCIL MEMBERS [6:34pm]

Rosenbarger commented that her constituent meeting was normally the fourth Tuesday, but that for the current month, it would be the fifth Tuesday, March 31, 2021 at 5:30pm.

Rollo thanked Smith for his report.

Sims thanked his colleagues, and especially Sgambelluri, for their efforts during his absence due to the passing of his eldest daughter, Camisha R. Sims. He also thanked the public and his family's friends for their support and well wishes. Sims stated that, through the Monroe County Community Foundation, his family established a scholarship fund for a nursing students in honor of Camisha R. Sims. He thanked the community for their generosity in supporting that effort to subsidize the education of future nurses. Sims thanked everyone on behalf of his wife, Doris Sims, and Jimmy Sims. He also commented on the need for civility and that when he became President of the Common Council, it was not a transfer of power but a transfer of leadership. He wanted the operational tone to consist of collaboration, compassion, collegiality, and respect.

Volan discussed the meeting of March 3 and said that, in the hearing of Ordinance 21-06, some members of the public made personal attacks on councilmembers. He stated that the council did not have an obligation to allow such attacks, and in fact, it was not required

to allow public comment. Volan was remiss in not calling out personal attacks in the past, and urged councilmembers to demand that the meeting chair take action against anyone who would impugn a person rather than criticize a person's statements or actions. He commented that civility was not limited to public comments. He stated that the councilmembers who voted against Ordinance 21-06 defeated legislation that attempted to address a humanitarian issue. Volan said that the councilmembers in opposition of Ordinance 21-06 favored the achievement of a political goal over the well-being of those in attendance of the meeting by allowing a record to be set, by over 20%, for the longest single Regular Session of nine hours. He said they rejected the motion to postpone consideration of the legislation to another day, and summarized other procedural options. Volan explained the possible reasoning for those in opposition to the legislation, and countered each claim. He said that if they believed the legislation had no redeeming value, they should have voted it down at introduction. He said that it was a procedural catastrophe though it was clear they did not intend to be uncivil. Volan said it was councilmembers' duty to understand procedure. Volan clarified that the claim that the opposition was racist, due to Sims not being in attendance, was incorrect. Volan commented on the hypocrisy of some councilmembers who claim that an item should be heard in Committee of the Whole (COW) and yet did not refer Ordinance 21-06 to committee to be heard by all nine councilmembers. He called for the opposition to put forth alternative legislation because they had a chance to do something more humane and rejected it. Volan reminded council of the right of any sponsor to bring forward legislation. He also commented on Rollo's inadvertent hot mic moment, and on the political pressure that the legislation put on councilmembers. Volan stated that there was misinformation that the legislation was ill-prepared and under-researched. He said that the three sponsors of the legislation never raised their voices, and that criticism of the opponents to the legislation was not an attack on their persons. He referenced General Robert and his famous rules, and said that the principle was always separate from the person. Volan stated that the opposition was resentful of the legislation and insisted on defeating it regardless of the hour. Volan concluded that the opponents acted within their privilege as councilmembers in the same way the sponsors had the right to bring the legislation for consideration. He said that he would actively defend his colleagues from personal insults, but that their actions and inactions that led to a 3:30am adjournment was disrespectful to everyone. Volan stated that they owed an apology to those in attendance for their blatant disregard during the previous meeting and they should work hard to ensure it did not happen again. He said that he believed his colleagues were people of good will, who wanted to do the right thing, and that he appreciated Smith's report.

Sandberg strongly objected to the characterization of the opponents of the legislation and requested an opportunity to rebut at the next Regular Session.

Sims stated that he observed, during the last calendar year, where former Common Council President Volan reserved the last comment for himself as president. Sims hoped that Volan recognized and appreciated that allowance by current President Sims.

Volan thanked Sims and said he appreciated the allowance.

- COUNCIL MEMBERS
(cont'd)

Phil Stafford, extended his condolences to Sims and his family. He presented the 2020 annual report from the Commission on Aging. Stafford summarized some events and projects of the commission, and stated that there were difficulties for the commission due to the Covid-19 pandemic. He listed goals of the commission for 2021.

- The MAYOR AND CITY OFFICES [6:58pm]

There were no council committee reports.

- COUNCIL COMMITTEES [7:07pm]

Renee Miller spoke about the previous meeting and stated that those in opposition of the legislation, set the tone for the public. She said that they used condescending language and baited members of the public and other councilmembers. Miller apologized for her response to being baited, and thanked Smith for visiting shelters.

- PUBLIC [7:08pm]

Nathan Mutchler extended kind words regarding the passing of Sims' daughter, Camisha. He thanked Flaherty, Piedmont-Smith, and Rosenbarger for bringing Ordinance 21-06 forward. He commented on his experiences with the community members in Seminary Park. Mutchler said that it should be honorable that people arrive to Bloomington because of its resources. He spoke about racist and anti-racist actions, and asked that people be more anti-racist.

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:18pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:21pm]

Flaherty moved and it was seconded that Ordinance 21-09 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis. There was no do-pass recommendation vote.

Ordinance 21-09 – To Amend Title 9 of the Bloomington Municipal Code Entitled “Water” (Rate Adjustment)

Flaherty moved and it was seconded that Ordinance 21-09 be adopted.

Motion to adopt Ordinance 21-09

Vic Kelson, Director of Utilities, presented the legislation. He described the 2021 Water Works Rate Review. He explained that while City of Bloomington Utilities (CBU) was comprised of Water Works, Sewer Works, and Stormwater Utility, the legislation pertained only to Water Works. Kelson further explained that the Water Works rate was first approved by the Utilities Service Board (USB), then the Common Council, and finally by the Indiana Utility Regulatory Commission (IURC). Kelson described various cost-saving measures, updates to infrastructure, the 2016 rate cycle, and the analysis of the customer category cost of service. Kelson clarified that residential customers had been subsidizing other categories of customers. He also described the proposed rate schedule, communications to stakeholders and public outreach, and plans to improve Water Works.

Sgambelluri asked for more information about the outreach to constituents.

Council questions:

Kelson said that there were fewer participants due to the pandemic, which were held via Zoom, but that most community members acknowledged the need for what CBU was doing, and appreciated how they were doing water main replacements. Kelson said that some of the larger customers had concerns about the cost analysis.

Sgambelluri commented on the water main breaks, and appreciated CBU's work to repair them. She asked about the changing of materials for pipes, and about the anticipated life span of the new materials.

Kelson explained that the new materials' life span were comparable to the older materials. He explained different materials for distribution lines, and service lines. Kelson stated that the Environmental Protection Agency (EPA) required the replacement of lead pipes, which fortunately were never used in Bloomington. He clarified that the line from the main, to an individual home, was the responsibility of the homeowner and that there were likely some lead pipes. He hoped that the federal government would devise a plan for replacing all lead pipes.

Volan asked how old the water mains were that recently burst.

Kelson said that some were very old, and some were from the 1970s. He explained potential causes of the bursting of water mains, and of the materials and the soil. He stated that there was a team at CBU that analyzed water main break data. Kelson said that with cold weather, and thus cold water, the pipes shrink which can cause bursting. He also stated that, on the morning there were three bursts, there had been incorrect feedback given by the system to pump operators at the Monroe plant, causing too many pumps being turned on than were needed.

Volan asked if C900 pipe was an alternative to standard cast iron pipes, and about the implementation of it at CBU.

Kelson stated that with that material, CBU wouldn't have to worry about corrosion, and it was also a lighter material for installation.

Volan asked specifically about C900 pipes.

Kelson said it was the classification of the pipe, and that C900 was a standard manufacturing type of pipe.

Rollo asked about growth, and the subsidizing of pricing, and about usage per day. He commented on the limit to the expansion of the Lake Monroe water treatment plant, and asked about the costs when approaching that limit. He asked about possible future repairs and additional expansion, and where the costs would fall regarding customers.

Kelson explained that the infrastructure was sized for peak-days or maximum demand. He said that on average, use was fifteen million gallons per day. He explained that someday in the future it might be possible to need to expand the capacity. Currently, the limit was thirty million gallons.

Rollo asked about annexation, and how it would affect the extensions and replacements.

Kelson responded that annexation was more of a sewer issue, because traditionally, sewer was extended to urbanized areas that were annexed. He said there were a number of sewer customers that were not in the city, and that CBU had encouraged voluntary annexation. Kelson described the mapped out areas for water service, so annexation wouldn't affect it. He said that additional development within the CBU's service area would have an impact.

Rollo asked if the city would assume any responsibility for the replacement of pipes.

Kelson said it would not because the pipes were already served by CBU.

Piedmont-Smith inquired about the fund for community members having difficulty paying their utility bill. She commented that there had been a period of time where there were no disconnections

Ordinance 21-09 (cont'd)

during the pandemic. She asked for more clarity on that fund, currently, as well as when the rates went up.

Kelson stated that CBU had a customer assistance program, funded by the Utilities Department, and was administered by the South Central Community Action Program (SCCAP). He stated that the fund paid for two months and then required a four month break. Kelson provided additional details including that the council had increased funding for that program. He explained how individuals could sign up for the program.

Piedmont-Smith asked if the moratorium had ceased.

Kelson confirmed that it had ceased the previous fall.

Piedmont-Smith asked if there was an increase in disconnections.

Kelson said it was comparable to previous years, and that there was an increase by residents who were behind more than two months. He said that CBU's goal was to work with customers in order to not disconnect their access to water.

Piedmont-Smith stated that when the disconnection notice went out, then they also received information about the program.

Kelson confirmed that was correct. He reiterated that as long as the customer was in touch with CBU, they would not have their water shut off.

Flaherty appreciated that CBU was attempting to move closer to cost of service by customer class, and that there was a report that attempted to identify cross subsidies between the classes. He asked if the study considered cross subsidies or subsidies within customer classes.

Kelson responded that it was not a part of standard methodology.

Mark Beauchamp, Utility Financial Solutions (UFS), stated that there were two components; one was a commodity charge and the other was usage. He explained that by sending the correct charge, it helped reduce the interclass subsidization.

Flaherty asked for a description for subsidizing within the residential class.

Beauchamp responded that, in a residential class, there was flat usage throughout the year, as well as those who had fluctuation of usage. He clarified that fluctuation of usage affected capacity.

Kelson said that there were two classes within the single family home residential class, pertaining to the size of the meter, which affected the infrastructure needed to push water service.

Flaherty commented that he had considered meter size, miles of pipe, or feet of pipe per capita, land use patterns, and development patterns.

Kelson said that, for multi-family homes, it was preferred to have a master meter.

Smith said that the impact on individuals would be about three dollars per month, and asked if that was for the first phase.

Kelson said it was for the overall increase.

Smith asked what the impact would be if no action was taken.

Kelson said that if the utility was not continuously funded, then projects that were planned would not be done. He provided examples of the impact of the pandemic on revenues for CBU. He said that if upkeep was not maintained, then replacements would not occur. He explained how capacity of a water plant was calculated and why it was important to maintain and repair, and improve the quality of the distribution system.

Smith asked if that meant that someone would turn on their tap and not have water.

Kelson responded that was more likely to be similar to what happened in 2012 where there was a week of peak days that maxed

out the plant. He said that Mayor Mark Kruzan asked the community for voluntary watering restrictions, and the community responded so there was not a shortage. He explained that minor rate increases was better than putting it off over the years and then having a large rate increase of 60%, for example.

Ordinance 21-09 (cont'd)

Sims said that C900 was for water service, but not sewer service, and asked if Schedule 40 was standard for sewer service and asked what the difference was.

Brad Schroeder, Assistant Director in the Engineering Department, explained that the main difference was that the water pipe was high pressure and had to be at 200 psi, and a sewer line did not need to have that pressure.

Sims stated that it helped keep the hammer effect better.

Schroeder confirmed that was correct and that sewer flowed by gravity.

Sims commented on smart meters and insulation, usage readings, and asked how the customer would know the rates. He asked if the customer would have to sign up for the customer portal.

Kelson responded that the customer could sign up for the portal and set usage limits for the system to notify them of abnormal usage. He explained how customers were notified in the past and said that systems nowadays show abnormal usage pattern in real time. He said that meter readers reach out to the customer in a shorter time period than in the past.

Volan asked Kelson to explain how the ability to read all meters in the city remotely in a matter of minutes created savings to the city.

Kelson explained that there were not meter readers driving around the city all day, resulting on less costs on fuel and use of city vehicles, and also allowed staff to accomplish other tasks, like painting fire hydrants. Kelson commented that painting fire hydrants prevented rust and was aesthetically good upkeep.

Volan asked about the water main replacement line in the budget, and asked that if it would be ramped up to \$3 million and then stay there.

Kelson confirmed that was correct, and that CBU would review the 100 year replacement schedule progress. If the schedule was complete then that line item would only grow with inflation.

Volan asked how much the average bill for a customer would increase.

Kelson stated that it would be \$3 for the average customer.

Volan asked what the percentage would be.

Kelson said that the sewer portion of the bill was about 1.5 times the size of the water portion.

Rollo asked if CBU aimed to make the city residential user rate and the commercial/industrial user rate more even, given that the residential user rate was higher.

Kelson confirmed that was correct, and that all the customer classes would be cost-of-service rate, except residential, which would be slightly higher, and irrigation, which would be well below. He said that the biggest users were the city parks, county parks, IU, and MCCSC. He explained that with notice, usage would be more elastic, and consumers would have time to plan accordingly. He provided other reasons for not making the full rate increase at one time.

Rollo said that local government accounts for approximately 22% of the electricity in the community, which translates to greenhouse gas emissions, and that Utilities was the biggest user out of necessity. He asked if CBU was reducing energy usage with stated

Ordinance 21-09 (cont'd)

goals, and if the waste treatment plant was progressing with utilizing waste in anaerobic digester.

Kelson responded that CBU had made lighting improvements and had installed solar. He said that the water plant didn't have an area for an array and it also had to pump water up a large hill. He explained renovations at the Dillman Plant to modernize and reduce energy usage, and other efficiency improvements. Kelson stated that CBU was working with the Economic and Sustainable Development Department (ESD) to identify an alternative that would be focused on food waste, and other compostable waste, for the long term.

Piedmont-Smith inquired about the monthly surcharge for fire protection service, in the different customer classes, and specifically why the cost to IU was decreased.

Kelson explained that the cost was primarily for fire hydrants and that most of IU's fire hydrants were maintained by IU. IU was charged only for the fire hydrants provided by CBU.

Piedmont-Smith asked further about the decrease.

Beauchamp explained that it was due to demand factors that were used on the calculation based on the size of the meters. He clarified that prior demand standards, from about twenty five years ago, were different than the ones currently used which shifted the factors.

Piedmont-Smith asked if the proposed cost of \$1007.31 for IU's master meter was closer to the cost of the utility.

Beauchamp confirmed that was correct.

Sandy Washburn spoke about storm sewer drain covers near her home that were covered by mud and debris. She stated she was against the rate increase.

Public comment:

Keith Thompson, IU's Assistant Vice President for Facility Operations and Energy Management Utilities, appreciated CBU's work and commented on the 40% rate increase. He also commented on infrastructure, and on IU's objection to the idea that it was not paying its fair share. He provided examples of IU's efforts of water improvements on its campuses. Thompson said IU planned to review the reports with the IURC.

Lucas read a comment that was shared via Zoom chat by Dave Askins of the B Square Beacon that asked about the water main break data set. He said that it appeared that the data set was no longer available on B Clear and that he hoped the data set would be resumed.

Rollo asked Kelson to address questions from the public comment, including Keith Thompson's objection to the rate structure.

Council comment:

Kelson stated that industry standard methodology was used and that the allocation factors had been published. He explained that CBU sold water to the meter and not to specific buildings, much like with residential properties. Kelson further explained that CBU had a good working relationship with IU and that going through the IURC in the future could prompt reviews. He also said that it was fine for customers to have a second opinion on how the allocations were done. He said that Bloomington had not done a cost of service analysis in a quarter of a century.

Rollo asked Kelson to respond to the tangential public comment regarding stormwater by Sandy Washburn.

Kelson responded that CBU established a green infrastructure crew that assisted with inlet cleanings. There were thousands of inlets in Bloomington. Kelson explained that the area Washburn

referenced was once a pond and was a low spot and therefore difficult to keep dry. He also said that Public Works conducted street cleaning, and that CBU could work with Public Works to improve efforts.

Ordinance 21-09 (cont'd)

Volan asked if it was bothersome that there wasn't more street sweeping.

Kelson said that he would love to have more street sweeping but required a high cost and a lot of equipment. He said that being at the bottom of a watershed clogged up storm water drains with more than just leaves.

Flaherty noted that he would support Ordinance 21-09 that evening without sending it to a committee. He appreciated CBU's efforts and improvements, as well as a more equitable rate structure. Flaherty also expressed appreciation for IU's concerns but that improvements beyond the meter should not be used as a credit or method to reduce rates.

Sgambelluri thanked Kelson and staff for the report. She expressed concern for water infrastructure and that the water main breaks confirmed the concerns. She appreciated the goal of a one hundred year replacement cycle and the cost of service pricing. She discussed feedback from constituents to the rate increase.

Rollo thanked Kelson for the presentation and the outreach CBU had done. He said that IU had been benefitting from the rate structure that had transferred costs to residents and that the new structure made sense. He also expressed appreciation for conservation, capital improvements, the implementation of cost of service rates, and the pace of the rate increases.

Volan echoed his colleagues and added that he hadn't thought about street sweeping more, and that the city might consider doing more including having residents move their cars.

Sims stated that he was the council liaison to the USB and that the planning that had evolved over the years was important. He also thanked Kelson and staff for the cost of service study, and said that part of this was playing catch up with the plan.

The motion to adopt Ordinance 21-09 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-09 [9:15pm]

Flaherty moved and it was seconded that Ordinance 21-10 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis. There was no committee recommendation.

Ordinance 21-10 – An Ordinance Authorizing the Acquisition, Construction and Installation by the City of Bloomington, Indiana, of Certain Extensions and Improvements to the City's Waterworks Utility, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Waterworks Utility and Other Related Matters [9:16pm]

Flaherty moved and it was seconded that Ordinance 21-10 be adopted.

Vic Kelson, Director of Utilities, presented the legislation and said that the bonds would support the capital investment plan in 2022 through 2024. He introduced Jennifer Wilson and Buzz Krohn.

Jennifer Wilson, Director of Crowe, LLP, explained that the bond ordinance supported the rate study and funded some of the planned projects. She said it set out the parameters of the bond sale in accordance with the rate case for presentation.

Buzz Krohn, Executive Partner of Krohn & Associates, reiterated that Ordinance 21-10 was part of the process, and that it authorized the enabling ordinance for the bond. He said after the rates were approved, there might be adjustments on the scope of the projects. He described the cost and parameters of the projects and said that the bond projections were solid.

Ordinance 21-10 (cont'd)

There were no questions from council on Ordinance 21-10.

Council questions:

There were no comments from the public on Ordinance 21-10.

Public comment:

Sims said that the information provided, as well as the presentation, were thorough and thanked Kelson, staff, and the consulting team.

Council comment:

The motion to adopt Ordinance 21-10 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Volan out of the room).

Vote to adopt Ordinance 21-10
[7:29pm]

Flaherty moved and it was seconded that Ordinance 21-08 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Volan out of the room). Bolden read the legislation by title and synopsis giving a Land Use Committee do-pass recommendation of Ayes: 0, Nays: 3, Abstain: 1.

Ordinance 21-08 – To Amend the City of Bloomington Zoning Maps by Rezoning 87 Acres from Planned Unit Development to Mixed-Use Corridor (MC) – Re: 3100 W. Fullerton Pike (Bill C Brown Revocable Trust, Petitioner) [9:26pm]

Flaherty moved and it was seconded that Ordinance 21-08 be adopted.

Sims asked council staff to confirm that there was no recommendation from the Plan Commission on Ordinance 21-08.

Lacy confirmed that was correct.

Piedmont-Smith reported the Land Use Committee's discussion on Ordinance 21-08. She explained the rezone request and that Planning and Transportation recommended an employment zone rather than mixed use corridor. She said that most of the committee members did not see a substantial reason to override the Comprehensive Plan's dictation for the area.

Eric Greulich, Senior Zoning Planner of the Planning and Transportation Department, explained the rezone request and the history of the zoning of the area. Greulich described the site, details for the site within the Comprehensive Plan, the site's accessibility from Interstate 69, and the employment center district designation and its impacts. He stated that the Plan Commission voted Ayes: 6, Nays: 2, Abstain: 1 to forward Ordinance 21-08 to the Common Council with no recommendation.

Michael Carmin, Attorney representing the petitioner, stated that Bill C. Brown had been a developer in Bloomington for many years and that he was responsible for several Planned Unit Developments (PUDs) and more. Carmin addressed concerns and said that mixed use corridor zoning didn't conflict with the Comprehensive Plan. He provided examples of uses within certain zoning districts and explained several reasons for supporting the rezone request.

Sgambelluri asked for Alex Crowley's opinion, Director of Economic and Sustainable Development (ESD) Department, was on Ordinance 21-08.

Council questions:

Crowley responded that from a general economic development perspective, the community needed to do all it could to diversify the employment base away from the dependence on tourism. He explained why Bloomington needed to grow the non-tourism base.

Crowley said that it came down to supporting the Planning and Transportation Department's decision because limited land opportunities needed to be examined closely to attempt to maximize a move towards the non-tourism employment base. He referenced Cook and Catalent as game changers to the community. He also explained how the change from State Road 37 to Interstate 69 (I69) had opened up flexibility to the south side of town and that it was an important addition to Bloomington. He emphasized the need to have unique interchanges on the interstate, diversification for Bloomington in the coming ten to twenty years, and a focus on the Comprehensive Plan. Crowley worried that development for its own sake was different than development that would fit with the Bloomington community.

Rollo asked Greulich if the area was not a part of the consolidation of Tax Increment Financing (TIF) districts.

Greulich responded that it was part of the consolidation of TIF districts.

Rollo wondered about future roads there, including the extension of Weimer Road to Fullerton Pike, and asked about applying TIF funds for that infrastructure, given competing interest for TIF monies.

Greulich stated that it was up to the council to address that.

Rollo asked what Planning Department staff thought given the proposal for redistricting.

Greulich said that neither one of the zones would require TIF funds.

Rollo specifically asked about the employment zone and connectivity to that area so that it wasn't an orphaned area.

Greulich responded that one would have to weigh the benefit for using public funds for private development. He explained the purpose of mixed use employment zone, and employment centers, and its impacts to the community.

Rollo inquired about the limited number of interchanges on I69 within Bloomington, and about balancing land use and competition such as already existing retail at other interchanges.

Greulich said that was a great example of what occurs when it's zoned in that manner, and why that hadn't occurred at the area within Ordinance 21-08.

Smith asked what factors would generate a company to bring an employment center to that area.

Greulich stated that TIF funding could help, or tax abatements, or some other tools. He explained the purpose for keeping the area as an employment zone. He further explained some adjustments to fill in gaps in some zones considering the long-term growth of Bloomington.

Smith asked if there were other parcels of land on I69 that could be used for manufacturing.

Greulich stated there was no other vacant parcels that were undeveloped.

Smith asked Carmin if a manufacturer wanted to develop the land, would that mean that the petitioner would sell the land.

Carmin stated that was correct.

Smith asked what the cost of the parcel would be.

Carmin said he could not say but that commercial retail land sold at a better price.

There was no comment from the public.

Public comment:

Sandberg explained the Plan Commission vote and said that a reason for concern was the input from the BEDC. She said that it was always difficult to recruit and attract major employers that would provide good jobs with good salaries. She agreed that it was not ideal to increase service industry jobs. She commented that there wasn't good projection with regard to recruiting major employers, and that the study conducted by the BEDC was inconclusive.

Ordinance 21-08 (cont'd)
Council comment:

Smith said that he was persuaded that the proposal was a good idea because there wasn't an indication that an industry would buy in that area. He said that there would be some jobs created at least.

Piedmont-Smith commented that the proposal went against the Comprehensive Plan, and that it questioned the paradigm of development on the edges of the urban area. She said that development on the area in the proposal was sprawl and would be car-dependent. She stated that she was not inclined to develop that area and that monies were better spent for developments that would not be automobile-dependent.

Rollo agreed with Piedmont-Smith and said he preferred to adhere to the Comprehensive Plan and that smaller retail in that area was not ideal. He said he would support Planning Department and ESD staff in maintaining the zone of mixed employment.

Carmin responded to council comments and said that Rollo had commented about not losing the PUD process because it allowed for negotiation. He said there was hope for discussion on the need for negotiation, but it did not happen. Carmin said that he had provided Planning Department with a list of excluded uses but that there was no response from that department's staff except to say there were conflicting desires for the zoning of the area. He said that a reasonable condition of approval could exclude development that council referenced as not desirable. He summarized the restrictions on the land use and concerns of the petitioner.

Volan asked Sandberg what her vote was on the Plan Commission.

Sandberg stated that she was in the majority.

Volan commented that he was ambivalent but that he questioned Piedmont-Smith's assertion of the area being sprawl. He said that council had the ability to prevent sprawl and commented on areas proposed to be annexed near the area in Ordinance 21-08. He said that he did not have enough information to make a decision about the petition and was not swayed by any argument.

Flaherty stated that he planned to oppose Ordinance 21-08 and said that the Comprehensive Plan was clear on the future land use of that area be reserved for the mixed employment zone. He explained that the city was allowed to zone to encourage the type of development and land use that was sought. He further explained that the city was not obligated to construct infrastructure with the speculation that it might attract the right type of development that would return an increment in tax revenue. Flaherty stated that the petitioner could take on that speculation and build connectivity, which was missing from that area. He commented that it was not the city's job to ensure that the area developed as quickly as possible, and that it could take another decade or two, which was the nature of the market.

The motion to adopt Ordinance 21-08 received a roll call vote of
Ayes: 1 (Smith), Nays: 7, Abstain: 1 (Volan). FAILED.

Vote to adopt Ordinance 21-08
[10:37pm]

LEGISLATION FOR FIRST
READING [10:38pm]

Flaherty moved and it was seconded that Ordinance 21-11 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 21-11 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration And Personnel” – Re: Updating and Harmonizing Portions of Title 2 of the Municipal Code

Flaherty stated that council could consider a motion to refer Ordinance 21-11 to a committee, and asked Council Attorney about the 10:30pm Rule.

Council discussion:

Sims said that he was not sure if legislation for first reading applied to that rule.

Lucas said that the rule required that council have a two-thirds majority vote in favor of taking action past 10:30pm.

Flaherty asked if any vote council takes, including first reading votes, and a vote to refer legislation to committee, required a two-thirds majority vote of council.

Sims said that two votes would be needed, one to extend the meeting and another on the ordinance.

Volan commented that city code stated that no legislation may be introduced for council action after 10:30pm without a two-thirds vote. He summarized that the introduction of legislation required a two-thirds vote, but not the referral of legislation.

Lucas and Flaherty agreed with Volan.

Sims opted to refer Ordinance 21-11 to the COW, and that the Land Use Committee meeting was moved to March 24. Sims proposed that the Land Use Committee meeting be at 5:30-7:00pm, and that the COW start afterwards.

Flaherty mentioned that per the recent Title 2 update, the President had the right to make a preliminary referral, though any councilmember could move to the contrary if they wished. He noted that it was no longer necessary to include start times, and that the President was authorized to set the meetings including the time.

There was brief council discussion.

Volan moved and it was seconded to not refer Ordinance 21-11 to any committee.

Motion to not refer Ordinance 21-11 to committee

Lucas clarified that council, by a majority vote, could choose to refer legislation to a committee, or not.

Volan explained that he had spoken with the Legal Department and that there was not a need to send the legislation to committee because it was innocuous.

Sgambelluri said that she had questions on the legislation and they would be best answered prior to second reading. She said she would be opposing the motion.

Lucas stated that Volan would need to redress his motion.

Ordinance 21-11 (cont'd)

Volan stated that the motion was to discharge the committee from considering Ordinance 21-11.

The motion received a roll call vote of Ayes: 2 (Rosenbarger, Volan), Nays: 7, Abstain: 0. FAILED.

Vote to not refer Ordinance 21-11 [10:52pm]

Sims referred Ordinance 21-11 to the COW.

Flaherty moved and it was seconded that Ordinance 21-12 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 21-12 –To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles And Traffic” - Re: Restricted Turns on Red at Signalized Intersections [10:53pm]

Sims referred Ordinance 21-12 to COW.

Piedmont-Smith moved and it was seconded to refer Ordinance 21-12 to the Transportation Committee.

Motion to refer Ordinance 21-12 to the Transportation Committee

Rosenbarger stated that the three cosponsors were on the Transportation Committee and that she preferred that the legislation be referred to the COW or for second reading.

Council questions:

Volan agreed with Rosenbarger and further stated that the legislation did not need to be referred to any committee including COW.

Piedmont-Smith withdrew her motion.

Sims asked if the referral to COW still stood.

Flaherty believed it would, but asked if a properly moved and seconded motion could be withdrawn.

Lucas stated that the council could handle it by unanimous consent if there were no objections.

Sims asked councilmembers if there were any objections to the withdrawal of the motion. There was no objection.

Flaherty moved and it was seconded that Ordinance 21-13 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 21-13 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" Re: Amending Chapters 12.32.080, Schedule M, “No Parking Zones,” to remove three no parking zones and add ten no parking zones; and to amend Chapter 15.32.100, Schedule O, “Loading Zones,” to add two loading zones [10:58pm]

Sims referred Ordinance 21-13 to the COW.

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT [10:58pm]

Lucas stated there was a council work session scheduled for Friday, March 19, 2021, but that there were no new items for the upcoming legislative cycle.

COUNCIL SCHEDULE [11:00pm]

Rollo moved and it was seconded to cancel the council work session on Friday, March 19, 2021. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to cancel Council Work Session [11:03pm]

Lucas reminded everyone that there was no council meeting on March 31, 2021, and provided details about the upcoming Jack Hopkins Social Services Fund (JHSSF) process.

Flaherty moved and it was seconded to adjourn. The motion was approved via a voice vote.

ADJOURNMENT [11:05pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

In Bloomington, Indiana on Wednesday, March 24, 2021 at 7:00pm, Council President Jim Sims presided over a Special Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically via Zoom.

COMMON COUNCIL
SPECIAL SESSION
March 24, 2021

Councilmembers present via Zoom: Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: Matt Flaherty

ROLL CALL [7:04pm]

Sims explained the purpose of the Special Session was to entertain a motion to move the Land Use Committee to March 31, 2021 at 6:30pm to consider Ordinance 21-07.

COUNCIL SCHEDULE [7:05pm]

Piedmont-Smith moved and it was seconded to have the Land Use Committee meet on Wednesday, March 31, 2021 at 6:30pm to discuss Ordinance 21-07. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to schedule Land Use Committee meeting [7:06pm]

Sims congratulated the Indiana University (IU) women's basketball team on their advancement to the round of sixteen. He also commented on the vigil the previous evening at IU, in remembrance of the shooting in Atlanta where eight people were killed. He stated that seven were of Asian American or Pacific Islander descent, and all but one being women. He talked about the statements made at the vigil, including himself. Sims shared the comments he made at the vigil and offered his heartfelt condolences to the victims of the senseless act of violence against them and their families. He prayed for healing, comfort, and strength for the Asian American Pacific Islander communities and joined the cause rejecting and denouncing white supremacy and those ideologies.

Volan asked if he knew if Flaherty would be attending the Committee of the Whole immediately following the Special Session since he would be chair.

Piedmont-Smith stated that Flaherty contacted her the previous day regarding replacing him as chair, since he would not be available to attend.

Volan noted that Piedmont-Smith was next in line to chair, alphabetically.

Volan moved and it was seconded to adjourn. Sims adjourned the meeting.

ADJOURNMENT [7:10pm]

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

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington



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
- 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.

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.”

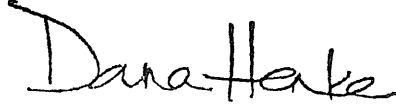
Section 2. Staff at the Economic and Sustainable Development Department are authorized to receive and give final approval to an application submitted by a Kirkwood merchant for additional seating and/or merchandising encroachments from March 1, 2022, through October 31, 2022, provided that the submitted 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.

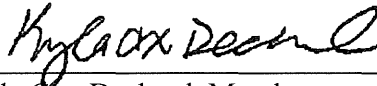
Section 4. These unique measures are temporary in nature, and shall be in place until October 31, 2022, unless said measures are extended by the City Council or this Board, as the case may be.

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

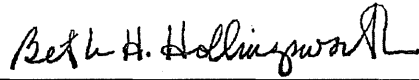
BOARD OF PUBLIC WORKS:



Dana Henke, President



Kyla Cox Deckard, Member



Beth H. Hollingsworth, Member



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 21-71: 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.

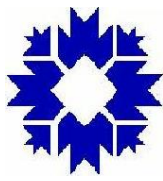
NICOLE BOLDEN, Clerk
City of Bloomington

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 Account’s 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 Account’s 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.



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
- Amendments 01, 02, and 03

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. As originally declared in Section 10 of [Ordinance 13-05](#), states that, in the absence of any active Standing Committee established to consider pending legislation, a Motion to Introduce legislation serves as a Motion to Refer it to the next regularly scheduled Committee of the Whole (subject to the Council deciding upon another manner of considering the legislation).



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

Contact

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

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

Cm. 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
- 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.

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.

***** 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

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

Resolution #: 22-02
Amendment #: Am 02
Submitted By: Cm. Rosenbarger
Date: 12 January 2022
Proposed Amendment:

1. Res 22-02, shall be amended by striking the 11th Whereas clause as in its entirety as follows:

~~WHEREAS, after the Transportation Committee has completed its review and report regarding 2022 sidewalk funding recommendations, the Transportation Committee should be abolished.~~

2. Res 22-02, shall be amended by striking the 13th Whereas clause in its entirety as follows:

~~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~~

3. Res 22-02 shall be amended by striking Section 2 in its entirety as follows:

~~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.~~

4. Res 22-02 shall be amended by striking Section 4 in its entirety as follows:

~~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.~~

Synopsis

This amendment is sponsored by Councilmember Rosenbarger and removes provisions that would abolish the Council's Transportation Committee and the provisions that re-establish the Council's Sidewalk Committee.

Regular Session Action: Pending

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

Resolution #: 22-02
Amendment #: Am 03
Submitted By: Cm. Sims & Cm. Smith
Date: 19 January 2022
Proposed Amendment: additions are shown in **bold**; deletions are shown in ~~strikethrough~~

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 the Climate Action & Resilience Committee from the list of committees to be dissolved and by re-lettering subsequent committees as follows:

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

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

Synopsis

This amendment is sponsored by Councilmember Sims and Councilmember Smith and removes the Climate Action & Resilience Committee from the list of committees to be dissolved.

Regular Session Action: Pending



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-04 - To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending BMC 2.12 (Boards, Commissions and Councils) to Make Certain Commission Memberships Easier to Fill

Synopsis

This ordinance is authored by Councilmember Volan and amends Title 2 of the Bloomington Municipal Code (Administration and Personnel) to adjust the membership requirements of various commissions. It changes one seat on the Parking Commission from Mayoral to Council appointment. It also reduces the number of members on the Citizens’ Redistricting Advisory Commission from nine to five and simplifies the membership selection process.

Relevant Materials

- Ordinance 22-04
- Memo from Councilmember Volan
- Proposed amendments to BMC Title 2 shown in context

Summary

Ordinance 22-04 would amend two sections of Bloomington Municipal Code (“BMC”) Title 2 (Administration and Personnel).

First, Section 1 of the ordinance would amend [BMC 2.12.110](#) to change how one appointment to the city’s Parking Commission is made. The Parking Commission is made up of nine members. Currently, the Mayor appoints five members to the Commission, while the Council appoints the remaining four members. This ordinance would change one mayoral appointment to an appointment made by the Council. The stated reason for this proposed change is to make it more likely that the relevant seat is filled. The change would apply to one of four seats that are to be filled by a resident living within city limits. The Parking Commission was established by [Ordinance 16-22](#) in 2016. Its membership requirements were later amended in 2019, by [Ordinance 19-14](#), in an effort to make seats on the commission easier to fill or keep filled.

Second, Sections 2 through 6 of the ordinance make changes to the membership and selection process for the Citizens’ Redistricting Advisory Commission. This Commission was established by [Ordinance 20-30](#) in December, 2020. Since the creation of the Commission, councilmembers and staff have solicited applicants for the Commission, but, to date, have received only 12 applications from qualified candidates.



City of Bloomington Indiana

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Ordinance 22-04 would reduce the total number of members on the Commission from nine to five and would make corresponding changes to the seat requirements so that two Democrats (one student, one non-student), two Republicans (one student, one non-student), and one Independent (whether a student or not) would serve on the Commission. This decrease would be reflected in the selection process, which would entail choosing ten applicants in five pools of two (one pool for each of the five seats) to choose from randomly.

Contact

Cm. Steve Volan, volans@bloomington.in.gov, (812) 349-3409

ORDINANCE 22-04

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ADMINISTRATION AND PERSONNEL” – Re: Amending BMC 2.12 (Boards, Commissions and
Councils) to Make Certain Commission Memberships Easier to Fill**

WHEREAS, memberships of certain city boards and commissions have been difficult to fill, which impacts the effectiveness and efficient operation of those boards and commissions;

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

SECTION 1. Section 2.12.110 of the Bloomington Municipal Code (“BMC”), entitled “Parking Commission”, subsection (c), paragraph (3) shall be amended by deleting the first “two” and replacing it with the word “one” and by deleting the second “two” and replacing it with the word “three” so that the paragraph shall read as follows:

- (3) Four members, one appointed by the mayor and three appointed by the council, shall be residents living within the city limits;

SECTION 2. BMC Section 2.12.130 entitled “Citizens’ Redistricting Advisory Commission”, subsection (a) shall be amended by deleting the word “nine-member” and replacing it with the word “five-member” in the first sentence.

SECTION 3. BMC Section 2.12.130, entitled “Citizens’ Redistricting Advisory Commission”, subsection (c) shall be amended by deleting the word “nine” and replacing it with the word “five” in the first sentence.

SECTION 4. BMC Section 2.12.130(c)(2) shall be deleted in its entirety and replaced with the following:

- (2) Political Affiliations. Commissioners shall be divided by political affiliation as follows:
 - A. One member shall be a duly enrolled full-time student at Indiana University Bloomington affiliated with the Democratic Party;
 - B. One member shall be a non-student affiliated with the Democratic Party;
 - C. One member shall be a duly enrolled full-time student at Indiana University Bloomington affiliated with the Republican Party;
 - D. One member shall be a non-student affiliated with the Republican Party; and
 - E. One member shall be independent of affiliation with either of the two major political parties in the state.

SECTION 5. BMC Section 2.12.130(c)(3) shall be deleted in its entirety and subsequent paragraphs shall be renumbered accordingly.

SECTION 6. BMC Section 2.12.130(d) shall be deleted in its entirety and replaced with the following:

- (d) Membership Selection Process. Commissioners shall be selected after an open application process:
 - (1) Applicants shall attest that they are eligible to serve per the conditions of 2.12.130(c).
 - (2) The process shall be conducted by a selection committee made up of the three at-large councilmembers. The selection committee shall review all applications and in a public meeting choose ten applicants in five pools of two, one pool for each seat noted in BMC 2.12.130(c)(2), whom they believe are the most qualified to carry out the Commission’s duties.
 - (3) The ranking at-large councilmember shall administer a coin flip to select a member from each pool of applicants. The remaining candidates shall be named as alternates, in the event one or more commissioners cannot fulfill their duty.
 - (4) If no eligible alternate is available, the seat shall be left empty.
 - (5) The commission shall select as its chair the member not affiliated with either of the two major political parties.

SECTION 7. If any section, sentence, or provision of this ordinance, or application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provision of this ordinance are declared to be severable.

SECTION 8. This ordinance shall be in effect after its passage by the Common Council, with approval of the Mayor, and after any required publication or other promulgation in accordance with the law.

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 ordinance is authored by Councilmember Volan and amends Title 2 of the Bloomington Municipal Code (Administration and Personnel) to adjust the membership requirements of various commissions. It changes one seat on the Parking Commission from Mayoral to Council appointment. It also reduces the number of members on the Citizens' Redistricting Advisory Commission from nine to five and simplifies the membership selection process.

To: Council

From: Steve Volan, Councilmember, District VI

Date: January 14, 2022

Re: Ordinance 22-04, making certain commissions easier to fill

This ordinance adjusts the membership criteria in two commissions to make them easier to fill.

Section 1: Parking Commission

One seat appointed by the Mayor (M-4), has been vacant since August 2019. This section makes it a Council appointment.

Sections 2-6: Redistricting Commission

The Redistricting Commission has proven difficult to fill. It currently requires 18 candidates minimum so that nine can be chosen. This number was based on the League of Women Voters' proposal for a statewide commission, but has proven too much for a city our size: only 12 candidates have applied since applications were opened in 2021. These sections reduce the size and complexity of filling the commission, as time is running out to have it fulfill its mission by the end of this year.

Sections 2-3: Redistricting Commission — Total Membership

These sections reflect a reduction in the membership of the commission from nine to five: two Democrats, two Republicans, and only one independent; one of each of the Democratic and Republican seats must be filled by a student at Indiana University Bloomington.

Section 4-6: Redistricting Commission — Membership Selection

This section simplifies the process for selecting commissioners. It requires only ten applicants in five pools of two.

These are simple changes to city code that will enable Council to fill these needed commission seats.

###

Amendments to Bloomington Municipal Code Title 2 proposed by Ordinance 22-04 in context
(additions are shown in **bold**, deletions are show in ~~strikeout~~)

Section 1 of Ordinance 22-04

2.12.110 Parking Commission.

(c) Qualifications of Voting Membership.

(1) One member appointed by the mayor and one member appointed by the common council shall be a merchant owning and operating a business located at an address within the city limits;

(2) One member appointed by the mayor shall be a board member or an employee of a non-profit organization which operates at property that is owned or leased by the non-profit organization within the city limits;

(3) Four members, ~~two~~ **one** appointed by the mayor and ~~two~~ **three** appointed by the council, shall be residents living within the city limits;

(4) One member appointed by the common council shall be from among its membership; and

(5) One member appointed by the mayor shall be from within the planning and transportation department, engineering department, or department of public works.

Section 2 of Ordinance 21-11

2.12.130 Citizens' Redistricting Advisory Commission.

(a) Establishment and Purpose. There is hereby established a ~~nine-member~~ **five-member** citizens' redistricting advisory commission, hereinafter "commission," whose purpose shall be to make recommendations to the common council regarding its decennial redistricting ordinance, which divides the city into the six council districts from which councilmembers shall be elected; and to make recommendations to the Monroe County Commissioners on dividing the city into precincts.

Section 3 of Ordinance 21-11

2.12.130 Citizens' Redistricting Advisory Commission.

(c) Membership Qualifications. The commission shall consist of ~~nine~~ **five** members, subject to the following qualifications and limitations.

Section 4 of Ordinance 21-11

2.12.130 Citizens' Redistricting Advisory Commission.

~~(c)(2) Political Affiliations. Commissioners shall be evenly divided by political affiliation:
(A) Three shall be affiliated with the Democratic Party; and
(B) Three shall be affiliated with the Republican Party; and
(C) Three shall be independent of affiliation with either of the two major political parties in the state.~~

(c)(2) Political Affiliations. Commissioners shall be divided by political affiliation as follows:
A. One member shall be a duly enrolled full-time student at Indiana University Bloomington affiliated with the Democratic Party;
B. One member shall be a non-student affiliated with the Democratic Party;
C. One member shall be a duly enrolled full-time student at Indiana University Bloomington affiliated with the Republican Party;
D. One member shall be a non-student affiliated with the Republican Party; and
E. One member shall be independent of affiliation with either of the two major political parties in the state.

Section 5 of Ordinance 21-11

2.12.130 Citizens' Redistricting Advisory Commission.

~~(c)(3) Student Status. One member from each delegation in subsection (c)(2) above shall also be a duly enrolled full-time student at Indiana University Bloomington, and shall otherwise meet all other qualifications in BMC 2.12.130(c) (hereinafter referred to as a "student member").~~

Section 6 of Ordinance 21-11

2.12.130 Citizens' Redistricting Advisory Commission.

~~(d) Membership Selection Process. Commissioners shall be selected after an open application process:~~

- ~~(1) Applicants shall attest that they are eligible to serve per the conditions of [Section 2.12.130\(c\)](#).~~
- ~~(2) The process shall be conducted by a selection committee made up of the three at-large councilmembers. The selection committee shall review all applications and in a public meeting choose eighteen applicants in three pools of six, one pool for each of the party affiliations noted in BMC [2.12.130\(c\)\(2\)](#), whom they believe are the most qualified to carry out the commission's duties. At least two applicants from each pool shall be eligible to be student members.~~
- ~~(3) The ranking at-large councilmember shall determine and administer a method of random selection, such as a lottery or coin flip, to select two non-student members from each pool of applicants. The ranking at-large councilmember shall use a coin flip to select between the two student applicants from each pool.~~

~~(4) The remaining nine candidates shall be named as alternates, in the event one or more commissioners cannot fulfill their duty. Upon a member's resignation or departure from the commission, the ranking at large councilmember shall (if necessary) determine the replacement member as in subsection (d)(3) above. If no eligible alternate is available, the seat shall be left empty.~~

~~(5) The commission shall select as its chair one of the members not affiliated with either of the two major political parties.~~

(d) Membership Selection Process. Commissioners shall be selected after an open application process:

(1) Applicants shall attest that they are eligible to serve per the conditions of 2.12.130(c).

(2) The process shall be conducted by a selection committee made up of the three at-large councilmembers. The selection committee shall review all applications and in a public meeting choose ten applicants in five pools of two, one pool for each seat noted in BMC 2.12.130(c)(2), whom they believe are the most qualified to carry out the Commission's duties.

(3) The ranking at-large councilmember shall administer a coin flip to select a member from each pool of applicants. The remaining candidates shall be named as alternates, in the event one or more commissioners cannot fulfill their duty.

(4) If no eligible alternate is available, the seat shall be left empty.

(5) The commission shall select as its chair the member not affiliated with either of the two major political parties.