

In Bloomington, Indiana on Wednesday, January 12, 2022 at 6:30 pm, Council President Susan Sandberg presided over a Regular Session of the Common Council. This meeting was conducted electronically via Zoom.

COMMON COUNCIL
REGULAR SESSION
Wednesday, January 12, 2022

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 Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:32pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:32pm]

Sgambelluri expressed her appreciation to the Executive Director of Transportation, John Connolly, who participated in her constituent meeting.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Piedmont-Smith announced the Martin Luther King, Jr. (MLK) day of events to be held on that upcoming Monday.

Sims also acknowledged the upcoming MLK day of events and encouraged community members to attend.

Flaherty spoke about his constituent meeting that would be moved to the Tuesday following MLK day.

Rollo noted the joint constituent meeting that he had with Sandberg to be held on the upcoming Saturday.

Mayor John Hamilton gave a brief update on Covid-19 efforts and introduced the new Corporation Counsel for the City of Bloomington, Beth Cate.

- The MAYOR AND CITY OFFICES [6:45pm]

Cate thanked Hamilton and stated that she looked forward to working at the city with the legal team.

Smith reported that the Community Development Block Grant Committee (CDBG) had a total of twelve applicants that applied for the grant and the committee was proceeding with the scoring of the applicants to get the funds.

- COUNCIL COMMITTEES [6:49pm]

Jim Shelton spoke on behalf of the Court Appointed Special Advocates (CASA) to discuss the upcoming winter training for volunteers.

- PUBLIC [6:50pm]

Rollo moved and it was seconded to suspend the rules to conduct appointments to boards and commissions in the following manner:

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:52pm]

- A candidate for appointment to a board or commission may express their interest in the position without the need for a nomination or second by another member.
- All appointments to boards and commissions with only one nominee shall be determined by a single roll-call vote, followed by a separate vote for each office with two or more nominees.
- Members may ask questions and discuss the nominations of any seat before a final vote is taken.

Motion to Suspend the Rules [6:52pm]

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Rollo moved and it was seconded that the following appointments to council positions be made:

Vote to Suspend Rules [6:54pm]

Citizens Advisory Committee-Community Development Block Grants (CDBG)-Social Services - **Sandberg**
 CDBG-Physical Improvements - **Rosenbarger**
 Commission for Bloomington Downtown, Inc. - **Sgambelluri**
 Economic Development Commission (City) - **Flaherty**
 Economic Development Commission (County) - **Smith**
 Parking Commission - **Volan**
 Monroe County Food and Beverage Tax Advisory Commission - **Rollo**
 Public Safety Local Income Tax Committee - **Piedmont-Smith, Sgambelluri, Sims, Smith**
 Solid Waste Management District - **Piedmont-Smith**
 Board of the Urban Enterprise Association - **Rosenbarger**
 Environmental Resource Advisory Council - **Rollo**
 Utilities Services Board - **Sims**
 Bloomington Economic Development Corporation - **Sgambelluri**
 Bloomington Commission on Sustainability - **Flaherty**
 Metropolitan Planning Organization - **Volan**

Appointments to Boards and Commissions (cont'd)

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

Vote to accept appointments to Boards and Commissions [6:57pm]

Volan asked Smith if he thought the role of the Plan Commission would be limited to an advisor to the council.

Smith said his role as the representative to the Plan Commission would be to update councilmembers. He also understood that the commission made independent decisions that did not involve council.

Volan asked if Smith understood that the Plan Commission made independent decisions involving land use.

Smith stated he understood.

Smith was elected to the Plan Commission by a roll call vote of Smith: 5 (Rollo, Sgambelluri, Sims, Smith, Sandberg), Piedmont-Smith: 4 (Flaherty, Piedmont-Smith, Rosenberger, Volan), Abstain: 0.

Vote to appoint Councilor to Plan Commission [7:05pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:06pm]

Rollo moved and it was seconded that Resolution 22-03 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Resolution 22-03 To Approve the Interlocal Agreement Between Monroe County, the Town of Ellettsville and the City of Bloomington for Animal Shelter Operation for the Year 2022. [7:06pm]

Rollo moved and it was seconded that Resolution 22-03 be adopted.

Virgil Sauder, Director of Animal Care and Control, presented the legislation. Sauder said the city had an agreement with Monroe County and the town of Ellettsville to provide animal care services.

Sgambelluri asked if the adoption revenue remained with the city. Sauder stated that was correct.

Council questions:

Rollo asked about the animal intake fee for other counties.

Sauder stated the fee remained the same and in 2020 three hundred fifty animals were brought from other counties.

Rollo asked if anyone had ever been turned away from surrendering an animal because of the fee.

Sauder said it had happened but it was rare that someone left without paying the fee. If staff felt like an animal was in danger, they worked with the individual to surrender the animal.

Resolution 22-03 (cont'd)

Sims asked what the main source of the adoption income was.

Sauder stated the adoption income is direct adoption fees.

Sgambelluri asked if there was anything happening that should be of concern.

Sauder stated that animal-friendly housing was concerning and contributed to an increase in animal intakes at the shelter. The catch and release rate for 2021 was 94%.

Geoff McKim spoke in favor of this resolution.

Public comment:

Dave Askins asked for clarification of fees for residents, who lived outside city limits, who were surrendering an animal to the shelter.

Rollo asked for the fees to be clarified.

Council comment:

Sauder stated there was no fee for county residents to surrender animals but there was a \$25 fee per animal for those outside of the county.

The motion to adopt Resolution 22-03 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. (Clerk Nicole Bolden was present to take the roll call vote)

Vote to adopt Resolution 22-03 [7:21 pm]

Rollo moved and it was seconded that Resolution 22-02 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 committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Resolution 22-02 To Establish Four Standing Committees and Abolish Certain Other Standing Committees of the Common Council. [7:22 pm]

Rollo moved and it was seconded that Resolution 22-02 be adopted.

Sandberg passed the virtual gavel to Rollo.

Councilmembers Sandberg, Sgambelluri, and Sims presented the legislation.

Piedmont-Smith asked why the proposal eliminated standing committees, instead of referring items to the Committee of the Whole (COW), while keeping the standing committees for future use.

Council questions:

Sgambelluri stated that it was about reducing the confusion between Regular Session and COW meetings.

Sandberg said it pertained to the way council conducted business. The goal was for council to focus on policy and less on processes.

Sims said it was a different way of getting work done.

Volan asked why Sims thought using the term "ad-hoc committees" was an improper term for special committees.

Sims said the Bloomington Municipal Code (BMC) did not reference ad-hoc committees but mentioned special committees and he wanted to use the term referred to in the code.

Flaherty mentioned that Section 6 of the legislation altered Robert Rules of Order. An ordinance was required to modify Roberts Rules of Order and not resolution. He asked the sponsors for their thoughts.

Sandberg asked council attorney to weigh in.

Stephen Lucas, Council Attorney, stated that Section 6 of the Bloomington Municipal Code (BMC) mirrored language of another ordinance that the council operated on. A part of the ordinance meant the council did not have to consider a separate motion to refer legislation to the COW.

Flaherty said he was concerned that council was trying to combine multiple steps when it came to considering legislation without referring it to the COW. He asked for clarification.

Sgambelluri believed the language in Section 6 gave council flexibility to consider other options besides frequently using the COW.

Rosenbarger asked if the sponsors had reached out to other councilmembers, city administration, or departments about the legislation.

Sandberg stated that the sponsors had reached out to the city administration and staff who would provide feedback during public comment. She also stated prior to the meeting, there was an attempt to contact all councilmembers regarding the legislation.

Sgambelluri said the time spent on managing the standing committees, instead of on legislation, was concerning.

Sims said that the legislation was sent to all councilmembers.

Sandberg noted the legislation was presented at a Work Session.

Rosenbarger clarified that her question was in regards to drafting the legislation. She believed that not all councilmembers were contacted while legislation was in draft form.

Volan echoed Rosenbarger's statement and said he did not know legislation was being drafted. He questioned why not the Public Safety Committee and the Public Safety Local Income Tax (PSLIT) Committee were not merged.

Council comment:

Sgambelluri stated that the sponsors looked at the list of different committees but suggested that creating more of the committees would create more confusion, especially to members of the public.

Volan asked Sgambelluri if council should pause legislation until every member of the public fully understood it.

Sgambelluri said it was not realistic to pause all legislation until every member of the public understood it.

Piedmont-Smith stated that Volan's original question was not answered and asked why not combine the Public Safety Committee and PSLIT Committee.

Sims stated he did not see a value in combining the committees.

Sandberg stated that they could not combine the Public Safety Committee and PSLIT committee because it also belonged to other jurisdictions within Monroe County.

Sgambelluri said PSLIT was a committee of the Monroe County Tax Council and she was hesitant to combine it.

Piedmont-Smith asked for clarification on referring legislation to second reading versus referring it to the COW.

Lucas responded that once legislation was referred to the COW, another councilmember could make a motion to refer the legislation to second reading and cancel the referral to the COW.

Piedmont-Smith asked if council was considering several pieces of legislation and one required more deliberation at the COW meeting and others that could move on to a second reading.

Lucas responded that council could consider legislation at a Regular Session immediately followed by a COW meeting. If there was any indication that a councilmember might defer legislation to

COW or second reading, then staff would communicate the possibilities to the public.

Resolution 22-02 (cont'd)

Flaherty moved and it was seconded that Amendment 01 to Resolution 22-02 be adopted. Flaherty presented the Amendment 01.

Amendment 01 to Resolution 22-02

Amendment 01 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.

Sgambelluri asked if the same four councilmembers had the responsibility to fulfill the duties of the special committees.

Public comment:

Flaherty responded it would be reasonable to have the same councilmembers review items.

Natalia Galvan spoke in favor of Amendment 01.

Joseph Wynia commented in support of Amendment 01.

Deborah Myerson commented on retaining the standing committees and supported Amendment 01.

Cory Ray commented on behalf of the Sierra Club Hoosier Chapter in favor of Amendment 01.

Josie Pipkin commented in support of keeping the Climate Committee and supported Amendment 01.

Nejla Routsong commented as a community member in support of Amendment 01.

Mary Catherine Carmichael, Office of the Mayor, stated she reached out to department heads for their opinion on committees and would provide results at the next meeting.

Jacob Schwartz commented in favor of Amendment 01 because it would retain the committee regarding the environment and that he supported the legislation.

Volan asked the sponsors if there was no need for a standing committee on climate, should council always wait for the administration to present legislation.

Council questions:

Sandberg responded that there were different ways in which legislation should be presented.

Volan asked if the primary reason of a standing committee was to exclude five members from an issue.

Sandberg stated no and all nine councilmembers should be present at the same time.

Volan said he was concerned by requiring all nine councilmembers be present, due to the amount of time. He wondered if the sponsors had any empathy with his concern.

Flaherty responded that there were benefits and disadvantages to having all nine councilmembers present. He stated that Amendment 01 would help balance the consideration of legislation.

Flaherty asked if, for example, all nine councilmembers should work on a quarterly basis with Lauren Clements, Assistant Director for Sustainability, on the legislation concerning the Climate Action Plan.

Sandberg stated no but that she intended to speak with all members on that committee.

Flaherty asked if the sponsors of Resolution 22-02 considered climate an ongoing issue, and if so then why not keep the standing committee instead of forming a special committee.

Sandberg stated there was not a timeline for a special committee so it could last for as long as it needed to complete the work.

Rosenbarger asked why special committees were more desirable for the sponsors of Resolution 22-02.

Sgambelluri stated that climate change was an issue that could be approached in multiple ways that allowed all nine councilmembers to weigh in. A special committee would be one approach to the issue.

Sims reiterated it was a different way for council to operate and there was no ill-will with Resolution 22-02.

Rosenbarger asked why Bloomington residents were confused on how council used certain committees.

Sgambelluri responded that she did not believe residents were confused about committees and their processes. She said that other cities used committees in different ways.

Rollo asked if he was correct in saying Resolution 22-02 would allow climate related items to be referred to the COW in addition to making a special climate action committee for legislation and policies related to climate action.

Sgambelluri responded it was a possibility but also referred to Rosenbarger's question regarding confusion about the committees. She said it could be confusing if the committees were created all at once but she suggested the special committees would be used as a tool on an as-needed basis.

Sandberg commented the mechanism for creating special committees was for councilmembers to use as needed. Any council president could appoint special committees. Sandberg stated that she preferred to consult with councilmembers on their interest before doing so.

Flaherty asked Sandberg why she had not asked him for his thoughts on special committees since he was the chair of the Climate Action Resilience (CAR) Committee.

Sandberg commented she was working on the legislation with the other sponsors and staff and did not think it was appropriate to reach out until legislation was ready to be presented.

Volan asked about the language in the BMC referring to "shall" and if that meant once a special committee submitted a report to the council based on their findings that the committee "shall" end.

Sandberg responded that the work was always ongoing. She noted that the language "shall sunset" or "shall finish" allowed a committee to continue for as long as they needed to.

Volan asked why council had not created a standing committee on affordable housing.

Sandberg responded it was not under her purview to determine specific committees.

Sims stated he was not focused on the word "shall" but instead thought it was important to note when a committee had completed its duties.

Rollo asked if it was correct that Resolution 22-02 passed, legislation concerning climate action would no longer be sent to the

Resolution 22-02 (cont'd)

CAR Committee but instead would be sent to the COW for consideration.

Sandberg stated that was correct.

Rollo asked if Resolution 22-02 would have legislation heard at COW for all nine members instead of a committee meeting with four members.

Sandberg said yes.

Rollo asked Flaherty for clarification on his objection to Resolution 22-02.

Flaherty stated he interpreted special committees to be tasked with handling certain items to be reported on and completed. He named Jack Hopkins Social Service Funding (JHSSF) committee and the Sidewalk Committee as examples. Those committees did not consider legislation, and he suggested that they be special committees. Flaherty reiterated local code pertaining to special committees.

Rollo asked Flaherty if he thought it would be an advantage for all nine councilmembers to consider legislation in the COW instead of just four councilmembers.

Flaherty said all nine councilmembers did consider legislation and all committees had uses as he stated earlier.

Piedmont-Smith asked Flaherty if legislation could be referred to the COW if the CAR committee remained in place.

Flaherty stated yes.

Volan commented he agreed with Amendment 01 and wished the sponsors would reconsider Resolution 22-02.

Rollo asked Lucas if council should postpone the consideration of Resolution 22-02 since there were other items were on the agenda prior to the COW that evening.

Lucas noted that city code stated that council had to start the COW meeting no later than 9:45pm. Council could opt to postpone Resolution 22-02.

Sandberg agreed with the postponement of Resolution 22-02 to the January 19, 2022 Regular Session meeting. She asked for clarification on the process since there was a motion on the table for Amendment 01.

Lucas said council could make a motion to postpone the discussion or could conclude the discussion that evening. He recommended that council proceed with the rest of the items on the agenda in order to start COW meeting on time.

Rollo asked Flaherty if he was okay with postponing Resolution 22-02 or if he wanted to conclude with Amendment 01.

Flaherty commented he would like to finish the discussion regarding Amendment 01 but would defer to the chair.

Sgambelluri commented that there was other business to hear and she would support postponing.

Sims said he agreed with Flaherty and preferred concluding the discussion on Amendment 01 but deferred to the chair.

Rollo stated that council could conclude the consideration of Amendment 01 and could then entertain a motion to postpone Resolution 22-02.

Volan stated he would recommend a postponement due to councilmembers being able to speak twice on legislation and

wanted to respond to what sponsors said and they wouldn't have time for other items on the agenda.

Rollo commented on the lengthy debate regarding the Resolution 22-02 and asked for someone to make the motion to postpone.

Sandberg moved and it was seconded to postpone consideration of Resolution 22-02 and the related amendment to the council's next Regular Session on Wednesday, January 19, 2022 at 6:30 pm.

The motion to postpone Amendment 01 and Resolution 22-02 received a roll call vote of Ayes: 7, Nays: 2 (Flaherty, Volan), Abstain: 0.

Rollo moved and it was seconded that Ordinance 22-01 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.

Piedmont-Smith moved and it was seconded to move Ordinance 22-01 to second reading at the next Regular Session and skip the Committee of the Whole.

Rosenbarger asked Piedmont-Smith why she thought Ordinance 22-01 should go to second reading.

Piedmont-Smith stated it had been discussed several times and approved twice, and should go directly to second reading.

Volan said council meetings should be planned better in case legislation immediately goes to second reading and not COW meetings and urged colleagues to support the motion.

Sgambelluri asked Piedmont-Smith if the public would still have ample opportunity to weigh in on items being sent to a second reading in the next Regular Session.

Piedmont-Smith stated that was correct.

Flaherty stated if a majority of the councilmembers were not ready to vote during second reading, that legislation could go for a third reading.

Rosenbarger commented that she would rather hear a presentation on legislation at a Regular Session because minutes were not taken at COW meetings.

Volan stated there would not be a delay in hearing the legislation since the Regular Session was scheduled for the following Wednesday.

The motion to move Ordinance 22-01 to second reading at the next Regular Session and skip the Committee of the Whole received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Rollo moved and it was seconded that Ordinance 22-02 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.

Resolution 22-02 (cont'd)

Vote to postpone Resolution 22-02 as amended [9:20 pm]

LEGISLATION FOR FIRST READING [9:21 pm]

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

Vote to postpone Ordinance 22 [9:28pm]

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

Piedmont-Smith moved and it was seconded to move Ordinance 22-02 to second reading at the next Regular Session and skip the Committee of the Whole.

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. [9:29pm] Ordinance 22-02 (cont'd)

Sandberg asked Caroline Shaw, Director of Human Resources, for her opinion.

Shaw commented that some of the items in Ordinance 22-02 were time-sensitive, a delay could have a financial impact on employees.

Piedmont-Smith thought council could consider Ordinance 22-02 and take action at the second reading.

Volan stated while he understood the concern that Shaw presented, he supported the motion in hearing Ordinance 22-02 at the January 19, 2022 Regular Session meeting.

Rosenbarger commented she had read Ordinance 22-02 and was fine with it being moved directly to second reading.

The motion to move Ordinance 22-02 to second reading at the next Regular Session and skip the Committee of the Whole received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to move Ordinance 22-02 to a second reading [9:35pm]

Rollo moved and it was seconded that Ordinance 22-03 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.

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.

Piedmont-Smith moved and it was seconded to move Ordinance 22-03 to second reading at the next Regular Session and skip the Committee of the Whole.

The motion to move Ordinance 22-03 to second reading at the next Regular Session and skip the Committee of the Whole received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to postpone Ordinance 22-03 [9:37pm]

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT [9:38pm]

Rollo moved and it was seconded to cancel the Committee of the Whole scheduled for that evening. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

COUNCIL SCHEDULE [9:40 pm]

Sgambelluri moved and it was seconded to adjourn.

ADJOURNMENT [9:40 pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 21st day of June, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri
Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden
Nicole Bolden, CLERK
City of Bloomington

