

In Bloomington, Indiana on Wednesday, January 19, 2022 at 6:30 pm, Council President Susan Sandberg 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
January 19, 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]

Rollo moved and it was seconded to approve the minutes of February 17, 2021, March 17, 2021, and March 24, 2021. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

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

Sims discussed the Martin Luther King, Jr. Birthday celebration.

REPORTS

Piedmont-Smith commented on the lack of progress since the Civil Rights movement of the 1960s and encouraged people to keep up the good fight.

- COUNCIL MEMBERS [6:36pm]

Rollo reported on discussions from his constituent meeting regarding Planned Unit Developments (PUD). He also discussed the potential conflict between the United States and Russia.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES [6:43pm]

Smith reported that the Community Development Block Grant (CDBG) review was in process.

- COUNCIL COMMITTEES [6:43pm]

There were no public comments.

- PUBLIC COMMENT

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [6:45pm]

Rollo moved and it was seconded that Ordinance 22-01 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. City Clerk Nicole Bolden read the legislation by title and synopsis.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:45pm]

Ordinance 22-01 An Ordinance Establishing and Approving the Expanded Outdoor Dining Program in the Downtown Corridor [6:45pm]

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

Jane Kupersmith, Assistant Director of Small Business Development, Economic and Sustainable Development (ESD) department, along with Larry Allen, Assistant City Attorney, and Adam Wason, Director of Public Works, presented the legislation. Kupersmith gave a brief history of the outdoor dining program, how it evolved, and staff recommendations for 2022.

There was council discussion of the ordinance related to parking, accessibility, business opinions, program costs, and revenue.

Council discussion:

Michael Carmin spoke in opposition to the legislation.

Public comment:

Talisha Coppock, on behalf of Downtown Bloomington, Inc., spoke in favor of the ordinance.

Galen Cassady thanked those responsible for the program and spoke in favor of the legislation.

Sam Dove commented via Zoom chat that dining rooms needed to open.

Bob Costello spoke on behalf of the Kirkwood Community Association about how some of the businesses and restaurants would not have survived during the COVID-19 pandemic if it were not for the Kirkwood closure and urged the council to support this ordinance.

There was additional council discussion related to how many businesses used the program, other ways to increase participation, how to benefit businesses, safety issues, and what would happen after the health emergency ended.

Council comments:

The motion to adopt Ordinance 22-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-01 [8:30pm]

Rollo moved and it was seconded that Ordinance 22-02 be introduced and 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 22-02 - 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 [8:31pm]

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

Caroline Shaw, Director of Human Resources, presented the legislation, which amended Ordinance 21-37 and set pay grades and salary ranges for appointed officers, non-union, and AFSCME employees. It also added a full-time Sustainability Program Coordinator for ESD.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

Piedmont-Smith was happy that the Program Manager position for sustainable activities in the city was created in order to comply with the commitments of the sustainability and climate action plan.

Council comments:

The motion to adopt Ordinance 22-02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-02 [8:36pm]

Rollo moved and it was seconded that Ordinance 22-03 be introduced and 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 [8:37pm]

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

Shaw presented the legislation which amended Ordinance 21-36 which fixed the salaries of officers of the police and fire departments for the year 2022. It also modified the language for COVID and Retention Pay.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 22-03 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-03 [8:40pm]

Rollo moved and it was seconded that Resolution 22-02 be introduced and 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. Clerk's Note: Resolution 22-02 was postponed on January 12, 2022.

Resolution 22-02 To Establish Four Standing Committees and Abolish Certain Other Standing Committees of the Common Council [8:41pm]

Sandberg passed the virtual gavel to Rollo.

Piedmont-Smith asked to have the sponsor review the amendment.

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.

Amendment 01 to Resolution 22-02

Volan asked the sponsors to comment on Amendment 01.

Council questions:

Sandberg stated Amendment 03, which would be presented later in the meeting, would address the concerns of climate action which she supported. She commented that the Committee of the Whole (COW) was an efficient way for all councilmembers to conduct business.

Sims commented that Sandberg's response to the amendment was sufficient and had no other comment.

Volan asked if the sponsors thought there would be no additional issues that would arise requiring the Administration Committee.

Sandberg stated that once an issue was brought forward, a rules committee could be created.

Sgambelluri commented that creating ad-hoc, special committees that addressed matters as needed would be helpful. They could be disbanded once the committee would no longer be necessary.

Volan asked Sgambelluri if Resolution 22-02 would eliminate the questions pertaining to committees.

Sgambelluri said it was not her place to say, but that based on what she has seen, questions on committees would continue.

Flaherty responded that issues would always arise and council would not have the bandwidth to respond to everything. It would be too much to create ad-hoc committees every time. The purpose of the standing committee was to be readily available to handle issues as they come about.

Volan asked Sandberg for her opinion on the Land Use Committee.

Sandberg thought the Land Use Committee had been useful but was redundant. For her, it conflicted with her appointment to the Plan Commission. She believed that the Land Use Committee should be eliminated. She also stated that the COW was a better way to streamline some of these issues.

Sgambelluri commented that it was an advantage to have someone outside the Land Use Committee on the Plan Commission so they could provide different perspectives.

Volan responded that he did not see Sgambelluri's point since she sought to eliminate the Land Use Committee.

Amendment 01 to Resolution 22-02 (cont'd)

Flaherty supported Amendment 01. The Land Use Committee was used because the COW did not have the capacity to handle plan developments. He said that legislation would not always be referred to a committee just because the committee existed. A majority vote on the council would determine if the legislation would be heard at a COW meeting or for second reading. He could support Resolution 22-02 with Amendment 01 and Amendment 02 and could compromise on the COW.

Piedmont-Smith agreed with Flaherty and supported Amendment 01. She said that prior to the Administration Committee, the Rules Committee had a full agenda. That included onboarding new councilmembers which did not occur. She stated that due to the current climate emergency, the Climate Action Committee had goals and it was not a good idea to disband it at the time.

Rosenbarger supported Amendment 01 and did not believe that standing committees should be eliminated. Keeping some of the committees was a good compromise.

Volan commented that the Climate Action Committee was an example of why standing committees should exist specifically since it dealt with ongoing issues.

Rollo partially agreed with Volan regarding the Climate Action Committee. He said he supported having some standing committees but also thinks that COW was a better fit for the council. He did not support the amendment.

Volan stated the councilmembers who opposed standing committees had not tried to ensure they worked well because they did not see their value.

Rollo said he did not see the downside of having all councilmembers deliberate on concerns from the public on legislation.

Smith stated that after he attended both the Land Use Committee and Plan Commission meetings, he thought they were repetitive. He said that all councilmembers should come together under one accord and work together.

Flaherty said that Amendment 01 or Amendment 02 would allow for the council to work together.

Volan commented on council's process for comments.

Piedmont-Smith commented she did not understand Smith's remarks about the redundancy of the Plan Commission and Land Use Committee. She also commented on the difference of nine councilmembers debating an issue as opposed to four committee members. She did not agree with Smith's comments about the ideological divide because they all had different perspectives.

Volan noted that committees never had the authority to kill legislation and that he did not understand the opposition of the committees.

The motion to adopt Amendment 01 to Resolution 22-02 as amended received a roll call vote of Ayes: 4 (Piedmont-Smith, Flaherty, Rosenbarger, Volan) Nays: 5, Abstain: 0. FAILED

Vote to adopt Amendment 01 to Resolution 22-02 [9:18pm]

Rosenbarger moved and it was seconded that Amendment 02 to Resolution 22-02 be adopted.

Amendment 02 to Resolution 22-02 [9:19pm]

Amendment 02 Synopsis: This amendment is sponsored by Councilmember Rosenbarger and it removes provisions that would abolish the Council's Transportation Committee and the provisions that re-establish the Council's Sidewalk Committee.

Sgambelluri said that the discussion had included that it would be okay to leave standing committees in code and not using them, and asked for clarification on that reasoning.

Council questions:

Volan said that city code had many items that were used once in a great while or had not been used in years. He challenged Sgambelluri to research items in code that did not necessarily need to be included.

Rosenbarger said it was important to have options for council actions because not everything needed to go through the COW. She believed that committees needed to be more flexible.

Sgambelluri commented that throughout the discussion of Resolution 22-02, it was mentioned that standing committees facilitated being more proactive. She stated that she disagreed with that approach.

Rosenbarger reiterated that standing committees allowed for more options for council actions.

Volan asked the sponsors of Resolution 22-02 for their opinion on making the Transportation Committee long-standing if Amendment 02 failed.

Sims said the majority of the council could allow special committees to continue in perpetuity without giving a special report or a recommendation. He also referenced Bloomington Municipal Code (BMC) 2.04.240 to provide context.

Sandberg said that Amendment 03 considered special committees. It was acceptable for council to create these committees.

Rosenbarger asked Sandberg if the work of the Sidewalk and Transportation Committees continued, why not keep the committee's name of the Transportation Committee as per Amendment 02.

Sandberg stated the sponsors of Amendment 02 had the option to communicate their desired changes regarding committee functions to the council and staff. She noted that it would not hinder any ongoing momentum or work.

Volan asked why the Transportation Committee should be abolished but the Sidewalk Committee and the Jack Hopkins Social Service Fund (JHSSF) Committee continue as standing committees.

Sgambelluri said that the JHSSF and the Sidewalk Committee both had specific recurring tasks, as well as a financial responsibility.

Volan responded that the Sidewalk Committee and JHSSF committee were not responsible for funding and that the committee recommended funding for groups and organizations.

Flaherty stated that none of the sponsors of the Resolution 22-02 had approached him regarding Amendment 01. He asked Rosenbarger if she was approached about a compromise.

Rosenbarger responded that she had not been contacted.

Natalia Galvan commented that the Transportation Committee was important for equity among Bloomington residents and she supported Amendment 02.

Amendment 02 to Resolution 22-02 (cont'd)

Deborah Myerson supported the Transportation Committee. It was important to have this committee continue for ongoing issues in Bloomington.

Public comment:

Sarah Mosier supported Amendment 02 and wanted the council to retain it.

Jan Sorby commented that Amendment 02 was not democratic, did not have enough constituent work, and that she opposed it.

Piedmont-Smith stated that all nine councilmembers were working with constituents, especially when it came to research on special topics. She supported the amendment.

Council comments:

Smith commented, as chair of the Transportation Committee, that he found it not to be very functional nor essential in a neutral way.

Volan commented that as chair, Smith was at fault that the committee did not function properly. He said that canceling the Transportation Committee would not make a difference in how the council conducted business. He stated that there had not been much of a compromise from the sponsors of Resolution 22-02.

Rosenbarger reiterated Piedmont-Smith's point of obtaining feedback when reaching out to constituents and talking to other groups when considering legislation. She hoped that Amendment 02 would pass.

Rollo stated he thought the COW was best for council processes because it included all councilmembers. The Sidewalk Committee was responsible for funds and the special Transportation Committee looked at plans regarding transportation. He believed COW was an inclusionary committee that was scheduled at the same time every week and provided continuity for the public.

Flaherty commented that based on Rollo's reasoning regarding standing committees, the JHSSF committee, the Sidewalk Committee, and every standing committee that the council created should be abolished. That was the only way to ensure that all nine councilmembers were involved in the process.

Rollo stated that Flaherty misinterpreted what he said and that there was a specific purpose for those committees.

Volan agreed with Flaherty and did not see the differences that Rollo had pointed out. He said those opposed to Amendment 02 were not being specific when they described the special committees.

Flaherty clarified that he did not misquote Rollo but he took his logic and applied it to the other committees.

Rollo responded that he defined the differences between the committees. He also responded to Volan's comments regarding specific reasons and provided examples.

Rosenbarger commented it was unfair for council to consider something recommended by committees like JHSSF and Sidewalk Committee because not everyone was represented in the meetings.

Rollo responded that the council voted on recommendations from committees and the purpose was justified.

Amendment 02 to Resolution 22-02 (*cont'd*)

The motion to adopt Amendment 02 to Resolution 22-02 received a roll call vote of Ayes: 4 (Piedmont-Smith, Volan, Rosenbarger, Flaherty), Nays: 5, Abstain: 0. FAILED

Vote to adopt Amendment 02 to Resolution 22-02 [10:09pm]

Sims moved and it was seconded that Amendment 03 to Resolution 22-02 be adopted.

Amendment 03 to Resolution 22-02 [10:10pm]

Amendment 03 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.

Sims saw Amendment 03 as a form of compromise for the Climate Action Committee which would exist in perpetuity. He hoped the efforts related to climate action would move beyond the city of Bloomington and into the surrounding counties.

Smith commented that climate action was a very important issue and commended the Climate Action Resilience Committee on the work that they were doing.

Rosenbarger asked the sponsors if they collaborated with the chair of the Climate Action Committee.

Council questions:

Sims and Smith said they had not.

Volan asked what inspired the sponsors of Amendment 03.

Smith commented that he was inspired by Flaherty regarding the work of the Climate Action Committee and felt it was important to continue it.

Sims agreed with Smith about the continued discussion with some of the other councilmembers. He also thought it was an act of compromise for some of his colleagues on the council.

Volan asked why the Affordable Housing Committee was not considered a priority like the Climate Action Resilience Committee.

Smith said that he thought the Housing Committee was important but not as important as the Climate Action Committee.

Sims said he did not weigh one against the other and that Amendment 03 was returning to what the council voted on regarding the committees twenty-two months ago.

Natalia Galvan commented that although she disagreed on how much time city issues needed for discussion, she supported Amendment 03.

Public comment:

Sarah Mosier commented that she supported Amendment 03 because of the importance of the Climate Action Resilience Committee's efforts.

Volan commented that he supported Amendment 03, but it was not enough for him to support Resolution 22-02.

Council comment:

Sims stated one of the things that he did not hear during the discussion was the role of the council in working with the mayor's office and the administration. He clarified why he had not consulted with current standing committee chairs.

The motion to adopt Amendment 03 to Resolution 22-02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 03 to Resolution 22-02 [10:28pm]

Volan asked the sponsors for Resolution 22-02 if they thought councilmembers should be compelled to attend the COW.

Council questions:

Sandberg said as elected councilmembers, they should all want to attend the COW even though they were not mandatory.

Volan asked Sandberg if she had the same obligation to attend other committee meetings along with the COW.

Sandberg did not understand Volan's question. She attended the committee meetings that she was assigned to and hoped that Volan was not saying she did not attend those meetings.

Volan asked why items that JHSSF and Sidewalk Committee discussed were not referred to the COW the since they considered funding.

Sgambelluri commented that JHSSF and the Sidewalk Committee only made the recommendations which made those committees different than the other committees.

Volan asked Sandberg about the abundance of boards and commissions, and if it caused confusion.

Sandberg said boards and commissions provided an opportunity for community members to get involved in local government. She was not sure what Volan was eluding to.

Volan asked Sandberg if council needed a special committee on public safety.

Sandberg said that was not for only her to decide. She suggested deferring to the council for their opinion on the matter.

Sarah Mosier was disappointed in the likely outcome for Resolution 22-02 that evening after a long meeting.

Public comment:

Mary Catherine Carmichael, the Public Engagement Director for the Office of the Mayor, had talked with various departments in the city and the majority believed that the standing committees unnecessarily added more time and staff resources.

Sims expressed his disappointment at hearing the term "hatred" that had been used during the discussion. He emphasized that Resolution 22-02 served as an opportunity for a different approach from what had been done twenty-two months ago.

Council comments:

Flaherty said he was very disappointed in five of his colleagues.

Rosenbarger said the reason why the discussion lasted so long was because some councilmembers had not been asked for their input when Resolution 22-02 was being drafted. She was shocked by some of the councilmembers' unwillingness to compromise and work with others on the legislation. She commented that she would vote no on Resolution 22-02.

Volan commented that sponsors did not like doing math and did not understand the basics of the committees.

Rollo asked Volan to address the legislation and not the motives and integrity of the sponsors.

Volan stated he was being interrupted because the chair was offended by the discussion.

There was a brief discussion between Rollo and Volan on how to address legislation and avoid personal attacks towards councilmembers.

Resolution 22-02 as amended
(cont'd)

Volan commented that councilmembers had not researched how the council should conduct business, especially relating to committees. He felt that his opinion was not given proper consideration and questioned why the majority of the council would require his attendance at the COW.

Rollo stated that he had expressed his opposition to the standing committees twenty-two months ago. He would support Resolution 22-02.

Sgambelluri believed certain issues would require all nine councilmembers' consideration. She agreed that the Climate Action Committee should remain, and supported Amendment 03. She stated that committees were not the best tool to manage the council's workload. She believed that standing committees were not the best approach to conduct council business, and as one of the sponsors, she supported Resolution 22-02.

Volan commented that standing committees were used throughout various municipalities. He thought it was absurd to think that the committees were considered the status quo. He reminded everyone of the chair's responsibility and parliamentary procedures related to debating issues. He thought the proposal was absurd and he despaired for the future of the council.

The motion to adopt Resolution 22-02 as amended received a roll call vote of Ayes: 5, Nays: 4 (Piedmont-Smith, Volan, Flaherty, Rosenbarger), Abstain: 0.

Vote to adopt Resolution 22-02 as amended [11:01pm]

Rollo passed the virtual gavel back to Sandberg.

Sandberg noted, with the adoption of Resolution 22-02, the following standing committees:

Council Appointments to Standing Committees [11:02pm]

- Interview Team A: Rosenbarger, Sims, and Smith
- Interview Team B: Flaherty, Sgambelluri, and Volan
- Interview Team C: Piedmont-Smith, Rollo, and Sandberg

The Sidewalk Committee will consist of the same group that was the Transportation Committee and that would consist of Smith (Chair), Rollo, Rosenbarger, and Volan.

The Jack Hopkins Social Service Committee: Sandberg, Sgambelluri, Sims, and Smith.

The Climate Action and Resilience Committee: Flaherty (Chair), Piedmont-Smith, Rollo, and Rosenbarger.

LEGISLATION FOR FIRST
READING [11:04PM]

Rollo moved and it was seconded that Ordinance 22-04 be read by title and synopsis only. Bolden read the legislation by title and synopsis. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 22-04 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending BMC 2.12 (Boards, Commissions and

Sandberg said that she would refer Ordinance 22-04 to the COW on January 26, 2022, at 6:30 pm.

Councils) to Make Certain Commission Memberships Easier to Fill [11:04pm]

Flaherty moved and it was seconded that Ordinance 22-04 go to the Regular Session meeting on February 2, 2022.

Piedmont-Smith stated the motion was to discharge Ordinance 22-04 from the COW.

Flaherty accepted and noted it was appropriate and amended his motion to discharge Ordinance 22-04 from the COW.

Piedmont-Smith said since Ordinance 22-04 changed the appointment on the Sidewalk Committee from a mayoral appointment to a council appointment, that she would support the motion.

Volan supported the motion but wanted to point out that Ordinance 22-04 was about commissions and not committees.

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

Vote to discharge Ordinance 22-04 [11:09pm]

There was no public comment.

ADDITIONAL PUBLIC COMMENT [11:11 PM]

Stephen Lucas, Council Attorney, reviewed the upcoming council schedule and legislation for consideration.

COUNCIL SCHEDULE [11:12 pm]

Rollo moved and it was seconded to cancel the Wednesday, January 26, 2022 Committee of the Whole. The motion was approved by a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.

Vote to cancel COW [11:12pm]

Rollo moved and it was seconded to cancel the Council Work Session on Friday, January 21, 2022.

Vote to cancel Work Session [11:13pm]

The motion was approved by a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Rollo moved and it was seconded to adjourn. Sandberg adjourned the meeting.

ADJOURNMENT [11:13pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 26 day of July, 2023.

APPROVE:

ATTEST:



Sue Sgambelluri, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington