

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]

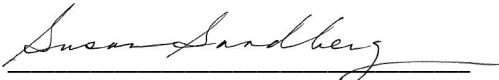
Lucas reminded everyone that there was no council meeting on March 31, 2021, and provided details about the upcoming Jack Hopkins Social Services Fund (JHSSF) process.

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 19 day of January, 2022.

APPROVE:

ATTEST:



Susan Sandberg, PRESIDENT  
Bloomington Common Council



Nicole Bolden, CLERK  
City of Bloomington