

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 14, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 14, 2023

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

ROLL CALL [6:30pm]

Councilmembers present via Zoom: none

Councilmembers absent: Dave Rollo

Council President Sue Sgambelluri gave a land and labor acknowledgement and summarized the agenda.

AGENDA SUMMATION
[6:30pm]

There were no minutes for approval.

APPROVAL OF
MINUTES [6:31pm]

Sandberg stated that she and Rollo would not have a constituent meeting.

REPORTS [6:34pm]
• COUNCIL MEMBERS

Piedmont-Smith noted her upcoming constituent meeting.

Sims acknowledged the recent passing of Viola Taliaferro and her many contributions to the community.

Rosenbarger commented on the many opportunities to participate in the discussion on the College and Walnut corridor.

Alex Crowley, Director of Economic and Sustainable Development (ESD) department, briefly described the process for the annual update on tax abatements. He highlighted the complications and improvements with the process.

• The MAYOR AND
CITY OFFICES
[6:39pm]

De de la Rosa, Assistant Director for Small Business Development, ESD, presented an overview of tax abatement compliance review, criteria and process, economic impacts, current residential and commercial abatements, pending abatements, and other economic development commission activities.

Piedmont-Smith moved and it was seconded to extend the time for reports by 15 minutes. The motion was approved by voice vote.

Vote to extend time
limit [7:01pm]

Piedmont-Smith asked about the actual assessed value versus the projected assessed value.

Council questions:

Crowley said the county did the assessments and it was difficult to project. It changed every year and there were some inconsistencies.

Piedmont-Smith asked about the different phases at the Woolery Mill.

Crowley said the abatement dated back to 2004 and the original intent was to have extensive renovation in phases, including housing and more.

Piedmont-Smith asked if staff considered that project to be in compliance.

Crowley stated that it was substantially compliant but was a very complex property. Staff hoped there would be ongoing investment in the property by the owners.

Sgambelluri asked for additional information on the Economic Development Commission (EDC).

Crowley spoke about the discussion at the recent EDC including assessed values, compliance, improving the monitoring process, and more.

There was no public comment.

Public comment:

Piedmont-Smith moved and it was seconded that the Council hold a public hearing on June 21, 2023 at the Council’s Regular Session to begin at 6:30pm regarding New Urban Station’s compliance with the statement of benefits provided as part of the tax abatement granted by Resolution 16-12. The Council directs Council staff to provide the required notice of this hearing to the property owner and to list “failure to file the required CF-1 form” as the reason for the Council’s determination. The motion was approved by voice vote.

- The MAYOR AND CITY OFFICES (cont’d)

Vote to hold public hearing [7:18pm]

Piedmont-Smith moved and it was seconded to approve the Annual Tax Abatement Report’s recommendations of substantial compliance for the remaining properties. The motion was approved by voice vote.

Vote to approve report [7:19pm]

There were no council committee reports.

- COUNCIL COMMITTEES [7:19pm]

Greg Alexander spoke about the need for more sidewalks and the misconceptions and errors with the recent sidewalk study conducted by Public Works.

- PUBLIC [7:19pm]

Eric Spoonmore, Greater Bloomington Chamber of Commerce, discussed also acknowledged the passing of Judge Viola Taliaferro. He commented on the Convention Center and the Capital Improvement Board managing the expansion of the center.

Paul Post, President of the Fraternal Order of Police, Lodge 88, gave an update on recruitment and hiring, understaffing, the Tech Park, and the purchase of the Showers West building.

Jeff Rodgers noted the understaffing at the Bloomington Police Department (BPD), overtime and pay, annexation, and housing and vehicle incentives.

Stephen Lucas, Council Attorney, read a statement submitted via Zoom chat from Sam Dove regarding a tweet from Greg Alexander and sidewalks.

Piedmont-Smith moved and it was seconded to approve the mayoral appointment of Ernesto Castañeda to seat M-2 on the Historic Preservation Commission. The motion was approved by a voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:38pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:39pm]

Piedmont-Smith moved and it was seconded that Resolution 23-08 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 23-08 – Authorizing the Allocations of the Jack Hopkins Social Services Program Funds for the Year 2023 and Related Matters [7:39pm]

Piedmont-Smith moved and it was seconded that Resolution 23-08 be adopted.

Lucas provided a brief history of the Jack Hopkins Social Services Funding (JHSSF) program and its purpose. The total budget for 2023 was \$323,000 and the requested amount was \$964,877. He thanked Housing and Neighborhood Development (HAND) department for their work during the process and management of the awarded funds.

Sandberg added details about the process and the resulting recommendations by the committee.

Piedmont-Smith asked about the new organizations including the Healing Hands outreach center affiliated with the City Church. She asked if there were religious tests to receive help from the center.

Resolution 23-08
(cont'd)

Lucas stated that all organizations were informed that programs had to be separate from the religious institution and he believed that Healing Hands was a separate program.

Council questions:

Carole Canfield spoke against Planned Parenthood and All-Options because they provide abortions.

Public comment:

Scott Tibbs opposed funding for Planned Parenthood and All-Options.

Sydney Zulich thanked council for supporting women's rights.

Genevieve Warren spoke in favor of women's rights and funding for Planned Parenthood.

Sandberg stated that the committee believed it was especially important to fund Planned Parenthood and All-Options based on the programs including birth control and assistance for low income residents with children. She reiterated that JHSSF did not support abortions funded by organizations. She would continue to support women's rights.

Council comments:

Sims understood that abortion services was a divisive issue. He noted that public funds could not be used for abortion services. He discussed the types of things that were funded like the program for diaper assistance, contraceptives, mammograms, and more.

The motion that Resolution 23-08 be adopted received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt
Resolution 23-08
[8:01pm]

Piedmont-Smith moved and it was seconded that Ordinance 23-12 be introduced and read by title and synopsis only. The motion was approved by voice vote.

Ordinance 23-12 – An Ordinance To Amend Ordinance 22-26, Previously Amended By Ordinance 22-40, 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, Monroe County, Indiana for the Year 2023 – Re: To Reflect Updates Needing Implementation in 2023 [8:02pm]

Piedmont-Smith moved and it was seconded that Ordinance 23-12 be adopted.

Emily Fields, Interim Director, Human Resources, highlighted the changes including adding a project manager in the Engineering department instead of hiring consultants, three community paramedics in Fire, title changes in Legal, regrading of the program specialist in the Environmental Division in Utilities as well as a title change, and a change in the language pertaining to collective bargaining.

Piedmont-Smith asked if there were already funds budgeted for the three paramedics in Fire.

Council questions:

Fire Chief Jason Moore said yes, there was cost savings from being understaffed, encumbered funds that may be released, and reversion funds.

Sims asked for clarification on the use of the positions to make up for the staffing shortages.

Moore explained that there were some medical calls that firefighters did not need to attend. There was a shortage of ambulances, too, and firefighters were

being called for lift assists and non-critical emergencies. The additional staff could partially restore the medical squad instead of firefighters.

Ordinance 23-12
(cont'd)

Sims asked how dispatch sent emergency responders out.

Moore stated that there were several serious calls that the Fire department responded to, when there was not an ambulance available. He provided additional details on the process.

Sims appreciated that there was funding for the positions and asked how insurance played into the calls that firefighters went to.

Moore clarified that the cost was passed through to the hospital and insurance, and the Fire department recouped the medical supplies they used. He noted that the program was paid for by taxpayers and supported the underserved population in the county.

Jordan Canada, Union President, said that there could be a violation of the agreed upon contract with the changes in the Fire department.

Public comment:

Sandberg asked if it was possible to remove the firefighter's portion from the legislation.

Council comments:

Lucas said it was possible to amend the legislation.

There was brief discussion on the possible options for council.

Moore said that there would not be any layoffs. The proposal was to have additional staff to help the work burden of the current firefighters, and to assist with medical needs in the community.

Piedmont-Smith noted that there were two ordinances and the concerns seemed to pertain to Ordinance 23-13. She had spoken with Chief Moore and Sergeant Canada.

Flaherty had spoken with Chief Moore and other fire staff, and believed there would be a productive discussion related to Ordinance 23-13. He did not believe that there would be less commitment of investment into the Fire department with Ordinance 23-12.

There was additional discussion on the consideration of Ordinance 23-12 and Ordinance 23-13.

Volan moved and it was seconded to postpone the discussion of Ordinance 23-12 until after the discussion of Ordinance 23-13. The motion was approved by voice vote.

Vote to postpone
[8:27pm]

Piedmont-Smith moved and it was seconded that Ordinance 23-13 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 23-13 – An Ordinance to Amend Ordinance 22-25, Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana for the Year 2023 - Re: To Reflect Increases in Compensation to Certain Firefighters
[8:28pm]

Piedmont-Smith moved and it was seconded that Ordinance 23-13 be adopted.

Fields presented Ordinance 23-13 and highlighted key changes including the addition of the Assistant Chief of Operations in the Fire department. It also addressed staffing shortages in the Fire department like compensation during the Covid-19 pandemic and more.

Moore added that there would not be any layoffs or removal of sworn duties for firefighters. He explained that it was a senior staff member that would assist the chief with issues in the department. He noted that he had been making the request for six years, and was a needed change.

Piedmont-Smith asked for clarification on the Kelly Day Vacation days.

Council questions:

Moore explained that the Kelly Days allowed for more days off and to relieve the built in overtime. It was a forced, paid day off every forty-two days. He provided additional details.

Piedmont-Smith asked if they received their regular pay, and would get additional pay. She was concerned with staff being overworked.

Ordinance 23-13
(cont'd)

Moore said it was paid time off days that were compensated at the end of the year. He did not want to overwork staff, and the vacation was to have firefighters decompress and rest, but the buyback was due to the staffing crisis. It compensated those willing to give up the Kelly Days and serve the community.

Council questions:

Volan asked for clarification on the word squad.

Moore clarified that the squad was an F150 Ford pickup truck that responded to calls that did not need the larger trucks to participate. It was staffed by two sworn firefighters. He said that there was not an assigned safety officer on all major incidents. That was a key contributor in the deaths of firefighters.

Volan asked what the concerns were from the firefighter union.

Moore said that during staffing shortages, the squad was taken off duty, or was run with one person instead of two. It was not ideal to have a firefighter safety at major incidents.

Flaherty asked about the effective 3% additional compensation rates for the year. The contract only required a 2% increase, and civil city had a 5% increase. He asked for clarification on the contract, too.

Fields said that staff intended to evaluate firefighter compensation and would propose changes for the 2024 budget.

Flaherty asked if the Assistant Chief of Operations' duties would shift once the Fire department had adequate staffing.

Moore said that there was a critical gap when the squad was off duty. The proposal was to have the squad fully staffed, and the Assistant Chief of Operations would focus on operations, and health and safety of firefighters. Per state rules, the hire would be an internal hire.

Jordan Canada said that there were financial impacts for firefighters, and the legislation needed to be postponed for additional information.

Public comment:

Shaun Huttenlocker, Union Secretary-Treasurer, said that the changes seemed to be rushed, and might have an impact on retention of staff. He listed other concerns with the proposed changes.

Wes Martin, Chair of the Political Action Committee, Local 586, expressed concerns with potentially moving sworn personnel off of the squad and the resulting impact.

Volan was conflicted. There was a contract in place and pay was an issue. He did not understand removing sworn personnel and asked for clarification.

Council comments:

Moore explained that there would be the addition of an Assistant Chief of Operations and three civilians and portions of squad duties could be restored quicker than the hiring of firefighters, due to statutory requirements. He provided additional details on the non-sworn duties like lifting people who had fallen. The civilians were hired under the Mobile Integrated Healthcare license and could not respond as firefighters. Moore was publicly stating that sworn positions would not be eliminated.

Volan asked what vehicle the civilians would use.

Moore said there were three vehicles with no lights or sirens.

Smith asked if there was a specific timeline.

Moore explained that a vital resource due to staffing shortages, and the proposal was a faster process for restoring some resources than training twenty-one firefighters. He noted that the squad was being shut down four times per week due to the crisis of staffing.

Piedmont-Smith asked if sworn personnel were paid more on the squad.

Moore said that the squad received command-appointment pay and would not be removed.

Ordinance 23-13
(cont'd)

Piedmont-Smith asked if the Assistant Chief would do the job of squad members and receive that pay.

Council comments:

Moore said no, and while the squad was not running, there would be someone other than him to be the safety person on scene. He discussed his lessons learned in his experience with safety and the deaths of nine firefighters. He was addressing the concerns with his staff.

Sandberg asked about the lack of sufficient ambulances given that it was under the auspice of Indiana University Health (IUH).

Moore said there was an unprecedented number of 911 calls in the community. He noted that there were other emergency responders in the city. Firefighter shortages was a common problem in the state. When someone called 911, due to the shortage, the city's Fire department was stepping in to fill the gaps, despite the type of call, like someone falling and not being able to get up. He explained how entities in the city and county were addressing the issues.

Volan asked Canada for clarification on the union's concerns.

Canada responded that sworn personnel would be rearranged, including the squad. There had also not been enough time to assess what the Assistant Chief would do.

Flaherty asked about the impact of delaying the legislation.

Moore said it delayed the process of hiring.

Canada said five of the six squad positions filled, and would be on duty. Passing the legislation without detailed information was not ideal.

Sandberg asked how long the crisis had been ongoing and if it could have been brought before council earlier.

Moore stated that due to his health issues, he had only found out about the decision that was proposed one week prior, as had the union. He reviewed all the financial information and agreed with the decision that was reached. He did not want to be at odds with the union and was addressing the concerns. The union was involved in all aspects of the Fire department.

Volan asked who initiated the legislation and its timeline.

Fields said it was in collaboration with the Deputy Chief, Corporation Counsel, and the Controller. She said staff had been talking with the union about compensation for a while. The legislation had been solidified in the last three to four weeks.

Moore said the first discussion was with the union regarding the buyback of Kelly Days was on May 8.

Canada said the last meeting with Mayor John Hamilton about the buyback and the 3% pay increase was May 11. What had not been discussed was the three full time employees, and the roles and responsibilities of the Assistant Chief since the union had only recently found out about that.

Rosenbarger asked if one week might be sufficient time for union members to obtain more information and clarification.

Fields said that the engineering position was an immediate need.

Flaherty said that there were amendments prepared.

There was additional discussion on possibly delaying the legislation.

Volan moved and it was seconded to postpone the discussion of Ordinance 23-12 and Ordinance 23-13 to a third reading on June 21, 2023. The motion was approved by voice vote.

Vote to postpone
[9:42pm]

Piedmont-Smith moved and it was seconded that Ordinance 23-11 be introduced and read by title and synopsis only. Bolden read the legislation by title and synopsis.

Ordinance 23-11 – To Amend Title 6 of the Bloomington Municipal Code Entitled “Health and Sanitation” – Re: Updating and increasing fees for service and harmonizing Chapters 4 and 5 of Title 6 of the Bloomington Municipal Code [9:43pm]

Piedmont-Smith moved and it was seconded that Ordinance 23-11 be adopted.

Adam Wason, Director of Public Works, summarized the proposed legislation and addressed council questions from the previous council meeting.

Council questions:

Flaherty discussed cart sizes households had and asked for clarification on the count.

Wason said he would research with staff and respond to council.

Volan moved and it was seconded to adopt Amendment 01 to Ordinance 23-11.

Amendment 01

Amendment 01 Synopsis: This amendment is sponsored by Councilmembers Flaherty and Volan. It replaces the proposed sanitation service fee ranges with a schedule of service fees that would increase over the course of five years. The intent behind the fee increases is to gradually reduce the amount of support needed from the city’s general fund to cover the expenses of providing sanitation services.

Flaherty preferred not to present Amendment 01 given that Wason indicated that he would need more time to review the proposed reduction of the phase out of the General Fund subsidy. He provided reasons why.

Volan withdrew the motion to adopt Amendment 01 to Ordinance 23-11.

Withdrawal of motion

Sgambelluri asked about budget planning for PW and the timeline.

Council discussion:

Wason said staff’s preference was to move forward with one of the proposed models. He commented further on the timeline and other rate proposals. He noted that some staff would be returning from paid time off leave that could assist in the process.

Flaherty noted options including moving forward with the legislation as presented and working with staff regarding possible rate changes and more. He commented on his calculations on rate changes. He opined that the two issues could be separated for consideration.

Sgambelluri passed the gavel to Vice President Piedmont-Smith.

Sgambelluri moved and it was seconded to adopt Amendment 02 to Ordinance 23-11. She presented Amendment 02 and shared feedback from constituents.

Amendment 02 to Ordinance 23-11

Amendment 02 Synopsis: This amendment is sponsored by Councilmember Sgambelluri and replaces the proposed sanitation service fee ranges with rates that reflect ongoing support from the city’s general fund at the existing level.

Sandberg asked if waiting one week would be ideal.

Council questions:

Lucas stated that council could consider Amendment 02 or dispose of it that evening.

Volan send it would be ideal to send Ordinance 23-11 to a third reading.

Flaherty asked what the policy change was in the proposed rate changes from PW.

Wason responded that staff considered a fixed rate for all households, a capital recovery rate, and a per gallon rate. He explained that there was not a capital recovery fee or a non-reverting fund. The cost was continuously absorbed and there were impacts on PW. It ended up being a higher cost for the higher producers of waste in the community.

Ordinance 23-11
(cont'd)

Council questions:

Flaherty asked for clarification on a progressive rate structure overall.

Wason said it was the same across all categories. There was not a flat rate fee and then a progressive rate on top. It was one overall rate.

There were no public comments.

Public comment:

Flaherty favored the proposed legislation as written and did not support Amendment 02. He preferred a different structure in general.

Council comments:

Sandberg stated that she would support Amendment 02.

Smith supported Amendment 02 and did not understand eliminating the subsidy.

Volan would not support Amendment 02 and gave reasons why. He believed an alternative option was ideal.

Sims asked what the fee was for exchanging a larger bin to a smaller one.

Wason said it was \$50.

Piedmont-Smith opposed Amendment 02. She felt that the subsidy from the General Fund was not equitable. Sanitation services were only provided by the city to single family homes, or apartments with four or fewer units. She gave additional examples of the inequity. Sanitation was both a public, and private, benefit. She believed the General Fund subsidy needed to be reduced.

The motion to adopt Amendment 02 to Ordinance 23-11 received a roll call vote of Ayes: 3 (Sandberg, Sgambelluri, Smith), Nays: 4 (Flaherty, Piedmont-Smith, Rosenbarger, Volan), Abstain: 1 (Sims). FAILED

Vote to adopt
Amendment 02
[10:22pm]

Flaherty believed that it appeared that the legislation would not pass that evening. He supported passing Ordinance 23-11 and then working with staff on the details including phasing out the subsidy in phases instead of having a large increase in the rate.

Council questions:

Rosenbarger spoke about postponing the legislation until after council recess because there would be two councilmembers not in attendance the following week.

Volan concurred with Flaherty and Sims' point of incentivizing the reduction in waste by waiving the fee for going to a smaller bin. He would not support the legislation.

Carole Canfield spoke against only having single family households pay a fee.

Public comment:

Sims agreed that waiving the fee for going from the largest bin to the smallest would be useful. He commented on the fee structure and increase in taxes which added up to a financial burden for some residents.

Council comments:

Smith was against the proposal. He did not believe that homeowners being charged a higher fee was equitable. They paid property tax and other taxes. He noted that people without children paid for schools and more. He provided additional examples.

Rosenbarger commented on the options regarding the subsidy and potential options for the future. She said that there was a lot of waste generated in the

city. It was important to look at creative ways to incentivize the reduction in waste. She gave some examples of the incentives.

Ordinance 23-11
(cont'd)

Volan reminded everyone that if there were no city trash service, then all homes would be paying for private services. He commented on the way the rate structure was calculated. He spoke about postponing the consideration of the legislation, and bin and cart prices, and was willing to work with staff to draft a better solution. He would vote for the legislation.

Council comments:

Piedmont-Smith noted the unsustainable and large amount of waste which was not good for the environment. She said that funding could be redirected to expand the restaurant composting pilot program and more. She supported Ordinance 23-11 that evening.

Sgambelluri supported fee increases that covered cost increase. She could not support the proposed increase and gave reasons why.

The motion to adopt Ordinance 23-11 received a roll call vote of Ayes: 3 (Flaherty, Rosenbarger, Piedmont-Smith), Nays: 5 (Sgambelluri, Sandberg, Smith, Volan, Sims), Abstain: 0. FAILED

Vote to adopt
Ordinance 23-11
[10:43pm]

There was no legislation for first reading.

LEGISLATION FOR
FIRST READING
[10:43pm]

There were no public comments.

ADDITIONAL PUBLIC
COMMENT [10:44pm]

Lucas reviewed the upcoming council schedule and legislation.

COUNCIL SCHEDULE
[10:44pm]

Sgambelluri adjourned the meeting without objection.

ADJOURNMENT
[10:46pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2024.

APPROVE:

ATTEST:

Isabel Piedmont-Smith, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington