

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 05, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
June 05, 2024

Councilmembers present: Isak Nti Asare, Courtney Daily, Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Andy Ruff, Hopi Stosberg, Sydney Zulich  
Councilmembers present via Zoom: none  
Councilmembers absent: none

ROLL CALL [6:30pm]

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION [6:30pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:34pm]

Flaherty moved and Ruff seconded that the Council authorize distribution of a letter to the Monroe County Capital Improvement Board (CIB) regarding input into the Convention Center Expansion Project. Flaherty summarized the letter. The purpose was to give council another way of providing input to the CIB, other than only through public comment at meetings. Input for the letter was provided by council, county elected officials, and the mayor.

REPORTS

- COUNCIL MEMBERS [6:34pm]

Rosenbarger asked for clarification on the section on parking.

Council questions:

Flaherty explained that the goal was to not subsidize structured parking through the Food and Beverage (FAB) tax or other public funds. There might be structured parking whose cost should be paid through usage of the structure. Parking would also be redirected to the 4<sup>th</sup> Street parking garage.

Stosberg asked if the 10% contingency for buffering was standard.

Flaherty confirmed that it was.

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke in support of the expansion project.

Public comment:

Ruff thanked Flaherty, Rosenbarger, and Piedmont-Smith for their work on the letter that prioritized council's goals for the project.

Council comments:

Zulich stated that the letter was not a list of demands, but rather requests from council. Councilmembers understood that they were one of four bodies investing in the project. She spoke about a recent CIB meeting that she attended.

Daily thanked councilmembers for their work on the letter and the tone it set.

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

Vote to distribute letter [6:46pm]

Piedmont-Smith extended the time for councilmember comments by 10 minutes with no objections.

Piedmont-Smith offered Rollo time to comment on a recent vote. He stated that he had submitted his comments to Clerk Nicole Bolden to be included in the minutes.

Daily wished everyone a happy Pride month. She noted that the upcoming Friday was National Gun Violence Awareness Day. She spoke about Hadiya Pendleton, who was killed in January 2013. Pendleton's friends honored her by wearing orange because hunters

wore it in order to not be shot. Wear Orange was a national movement. She shared alarming statistics on gun violence in Indiana which had the nineteenth highest rate of gun deaths. Daily mentioned the upcoming Wear Orange event hosted by Moms Demand Action at the courthouse.

Rosenbarger mentioned the difficulty in legally banning guns in establishments in Indiana. It would be ideal to have members of the Greater Bloomington Chamber of Commerce post notices banning guns in their establishments.

Stosberg wished everyone a happy Pride month. She mentioned her upcoming constituent meeting, an upcoming Plan Commission meeting, and a Budget Advance meeting, too.

Zulich wished everyone happy Pride month and reminded the public that the first Pride was a riot. She thanked Black, Trans women of color, specifically Marsha P. Johnson and Sylvia Rivera.

Rollo referenced the Cuban missile crisis and the risk of global nuclear war, and the negotiations that stopped it. He discussed the Cold War and war between Russia and Ukraine and acknowledged that the threat of nuclear war was still real. Diplomacy and de-escalation was crucial, and he urged the public to contact their elected representatives.

Ruff acknowledged Rollo's sobering comments.

Piedmont-Smith mentioned her upcoming constituent meeting.

Jessica McClellan, Controller, provided an update on the Opioid Settlement funds and presented the Distribution Report. From 2022-2024, Bloomington received a total of \$975,433.62 for unrestricted share, and \$2,601,099.42 in the abatement share. There was also attorney fees to be paid, totaling \$185,517.73. There would be additional monies paid to Bloomington, and attorney fees, through 2038. Some restricted funds were budgeted for 2024 through a matching grant for Indiana Recovery Alliance. Stride was also budgeted for \$50,000 by the Economic Development Local Income Tax (EDLIT). She described the Indiana Attorney General's approved uses for the funds, for both restricted and unrestricted.

Asare asked what the city's opioid settlement was compared to the county's and what the timeline was.

McClellan responded that she would send council the state's spreadsheet of what each governmental entity received. The timeline went through 2038.

Stosberg asked if there were other expenditures in 2022 and 2023.

McClellan there were in 2023 for extra outreach grants, which were primarily funded by the parking meter fund, but had needed additional funding.

Stosberg stated that there was significant funding to be used.

Rollo asked how successes and outcomes would be measured, given how addictive opioids were.

McClellan said there were many local agencies working on the solutions and the city needed to determine the goals.

Rollo stated that the outcomes were still to be determined.

REPORTS

- COUNCILMEMBERS  
(cont'd)

- The MAYOR AND CITY OFFICES [6:57pm]

Opioid Settlement Distribution Report

Council discussion:

Piedmont-Smith asked if there would be additional appropriations. She asked if the city would partner with the county.

McClellan stated there were not more appropriations at the time. She believed the goal was to partner with the county.

- The MAYOR AND CITY OFFICES (*cont'd*)

Jackie Scanlan, Development Services Manager, Planning and Transportation department reported on Plexes and Accessory Dwelling Units (ADUs) per Ordinance 21-23. Since 2021, there were six duplex approvals, of which five were issued permits. Since the report in 2023, there were eleven inquiries in R1, R2, and R3. Two dwellings were approved and in process in November 2023.

Status Report on Plexes and Accessory Dwelling Units

Rollo asked if the duplexes that were approved were owner-occupied and then converted to rentals.

Scanlan said she would research and would update council.

Council discussion:

Flaherty asked if there were any duplexes where staff positively recommended it to the Board of Zoning Appeals (BZA) and the BZA had denied the petition.

Scanlan stated there were not. She gave brief details on the six that were approved.

Stosberg asked how much leeway the BZA had to deny a petition.

Scanlan explained that the approval process was conditional use, so there were use-specific standards. The BZA could disagree with something that was subjective, like the architectural details, and have different findings. She gave examples.

Rosenbarger asked about data on plexes that had been converted to single family homes, which needed no approval.

Scanlan said there were few and would send that data to council.

Rosenbarger said it would be beneficial to have the data since plexes were more affordable. She asked if there had been a decrease in housing prices given that six duplexes had been approved.

Scanlan said that staff believed that plexes were an option and did not necessarily solve housing affordability.

Piedmont-Smith asked about the thirty eight approved ADUs which did not need special approval.

Scanlan said that ADUs were initially conditional due to concerns that there would be too many. Since there were not, council dropped the conditional approval requirement. There were thirty eight ADUs since 2017 or 2018. She would double check the year.

Rollo asked if staff knew how many Air BnBs there were in the city.

Scanlan believed there were about five hundred. She reminded council that the state restricted what municipalities could do. The only option was to have the Air BnBs register one time with the city.

Rollo stated he was in favor of requiring registration and knowing how many there were in the city.

There were no council committee reports.

- COUNCIL COMMITTEES [7:19pm]

Deborah Myerson discussed restrictions for multifamily housing in the Unified Development Ordinance (UDO) and a recent BZA meeting she attended where there was concern for the size of a duplex on a vacant lot. The resulting vote was 2-2 vote. The same developer could build a single family unit without any approvals. That process made building more affordable and diverse housing difficult. It was important to add different types of housing.

- PUBLIC [7:19pm]

Matt Gleason spoke in favor of more affordable, by-right housing types in residential zones. The restrictions and regulations added unnecessary layers of difficulty to the process.

- PUBLIC (cont'd)

Greg Alexander said that in 2021 the Traffic Commission passed a resolution to have the Director of Engineering report on traffic fatalities. He said it should be reported to council. He spoke about a recent fatality on Walnut Street Pike, traffic speeds, an incomplete pedestrian network, and steps to reduce the likelihood of fatalities.

Christopher Emge, Greater Bloomington Chamber of Commerce, concurred with Greg Alexander. He stated it was ideal to partner with the county for opioid settlement fund usage. He discussed recent Chamber events, educational opportunities, workforce development events for youth, and volunteering by members.

[Unknown] urged council to have multiple housing units by right, as Bloomington had high housing costs. He had attended the recent BZA meeting and was disappointed by the conditional process. It was important to have more housing, public transportation, and bicycling. He noted Austin, TX recently allowing plexes by right which resulted in more affordable housing.

Stephen Lucas, Council Attorney, read a comment submitted via Zoom chat by Sam Dove pertaining to safety and connectivity in the Indiana corridor and around Indiana University (IU).

Flaherty moved and Zulich seconded to remove Alex Hakes from the Commission on Sustainability. Flaherty explained that the previous regular session, council gave Hakes a chance to explain their absenteeism. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:38pm]

Zulich moved and Ruff seconded to make to make the following appointment(s):

- For the Historic Preservation Commission - to appoint Jack Baker to seat C-2
- For the Tree Commission - to appoint Travis Harding to seat C-1

The motion was approved by voice vote.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:41pm]

Stosberg moved and Ruff seconded that Resolution 2024-11 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 2024-11 – To Amend the City of Bloomington’s Comprehensive Plan in Order to Incorporate One New Goal and Three New Policies Related to Accessible Transportation and Mobility Principles [7:41pm]

Stosberg moved and Ruff seconded to adopt Resolution 2024-11.

Ryan Robling, Planning Services Manager, Planning and Transportation department, presented the legislation. The goal was to amend the Comprehensive Plan to add additional transportation and mobility principles to be in alignment with the Accessible Transportation and Mobility Principles (ATM) that were adopted in 2022. He described the new goals and policies.

Daily asked for clarification on how to involve people with disabilities in decision making.

Council questions:

Robling said that the Comprehensive Plan applied to the entire city, so one example would be to have a member of the Council for Community Accessibility (CCA) on the proposed transportation commission. He gave additional examples like demographic questions including if a person had a disability as a roadway user.

Resolution 2024-11 (cont'd)

Council questions:

Deborah Myerson, Chair of the CCA’s Transportation and Mobility Committee, expressed high praise for the legislation and its goals. There were many different needs for people with disabilities so consultation with CCA was crucial.

Public comment:

Steve Volan had been approached a couple years ago as a former councilmember by Deborah Myerson about incorporating principles into the Comprehensive Plan. He praised Myerson’s activism and was pleased with the legislation.

Flaherty thanked CCA, Myerson, and Volan for their work. City plans were living documents that needed continued improvements. It was important to track metrics, but current ones were flawed and needed revisions in order to be more useful for informed decision making. He acknowledged Greg Alexander’s comments and expressed interested in the Safe Streets for All action plans and building in accountability as was done with the Traffic Commission.

Council comments:

Rollo thanked CCA, Planning and Transportation department, and Deborah Myerson. It was important to be cognizant of all types of needs in the community. He commented about misplaced priorities with funding, given there were limited funds.

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

Vote to adopt Resolution 2024-11  
[7:51pm]

Stosberg moved and Ruff seconded that Resolution 2024-12 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Resolution 2024-12 – Resolution on Budgeting Excellence and Strategic Transformation  
[7:51pm]

Stosberg moved and Ruff seconded to adopt Resolution 2024-12.

Asare presented the legislation which focused on outcome driven policies and processes. It was ideal to align the budget with intended outcomes. He gave examples of possible changes the city could make. The goal was to align resources with the most critical community priorities, to define success, and to measure progress. He acknowledged concerns and limitations.

Rollo asked how consensus could be done to include the public.

Council questions:

Asare said the key was to be purposeful with determining priorities, and to obtain feedback from the public. It needed to be ongoing.

Stosberg asked how priorities would be determined, and how items like the Comprehensive Plan’s goals would be incorporated.

Asare said there were many city plans that needed to be operationalized. The legislation was a start and would prioritize goals amongst all the city plans, which could be built upon.

There was brief discussion on potentially making an amendment to require incorporating existing city plans.

Piedmont-Smith asked if Asare had spoken with the mayor or controller.

Asare said he had and their input was included in the legislation.

Piedmont-Smith asked if the mayor would collaborate if the legislation passed.

Asare said yes.

Resolution 2024-12 (cont'd)

Council questions:

Stosberg asked how overlapping categories would be addressed.

Asare responded that prioritization would be ongoing and continuously improved upon. He gave some examples.

Piedmont-Smith asked how to increase resident engagement.

Asare said it was important to consider what residents wanted to discuss, and to go to them.

Piedmont-Smith asked if the task force would develop plans.

Asare said yes.

There was no public comment.

Public comment:

Piedmont-Smith appreciated the legislation and thought it was a better way to determine the budget.

Council comments:

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

Vote to adopt Resolution 2024-12 [8:16pm]

Stosberg moved and Ruff seconded that Ordinance 2024-13 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 2024-13 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” Re: Amending BMC 2.04.380 (Order of Business at Regular Sessions) [8:16pm]

Stosberg moved and Zulich seconded to adopt Ordinance 2024-13.

Piedmont-Smith passed the gavel to Stosberg and presented the legislation. She noted the confusion with public comment periods and how much time each speaker had.

Rollo asked if the rules could be suspended in the case of exceptions.

Lucas referenced code and said yes, by a majority vote.

Council questions:

Stosberg passed the gavel to Ruff.

Stosberg moved and Ruff seconded to adopt Amendment 01 to Ordinance 2024-13. Stosberg presented the amendment.

Amendment 01 to Ordinance 2024-13

Amendment 01 Synopsis: This amendment inserts three additional Whereas clauses to explain the rationale for placing first readings of legislation before second readings and resolutions, and also adds a new Section 2 to effectuate that change in the Council’s order of business.

Steve Volan noted that council could unanimously vote to hear a first reading or postpone to later in the meeting.

Public comment:

Stosberg stated that she and Lucas had discussed the situation Volan described and they had decided it would not be problematic.

Council comments:

The motion to adopt Amendment 01 to Ordinance 2024-13 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 2024-13 [8:27pm]

Jeff Richardson supported increasing public engagement. He gave examples of how to do so from prior council meetings.

Public comment:

Steve Volan noted some complications with public comment periods and time limits and benefits of having council committees.

Rollo supported the legislation since rules could be suspended.

Ordinance 2024-13 as amended

Asare spoke about using other types of meetings to engage with the public. Public comment periods should not be the only way to hear from the public. The rules could be suspended when needed.

Council comments:

Zulich thought it useful for council to be more creative in its interaction with the public.

Daily agreed it would be ideal for council to be more creative with public engagement. It was also important and equitable for public speakers to know how much time they would have.

Piedmont-Smith preferred to have rules in place instead of leaving it to the chair to determine. She said there were ongoing discussions on having different types of council meetings.

Stosberg noted constituent meetings were great for conversations with the public. She iterated some other challenges with public comment and said there were opportunities for council to engage with the public.

The motion to adopt Ordinance 2024-13 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 2024-13 as amended [8:41pm]

Ruff passed the gavel back to Piedmont-Smith.

Stosberg moved and Zulich seconded to adopt the new rules for public comment on agenda and non-agenda items. Piedmont-Smith provided a brief summary including state rules regarding disruptive members of the public which had been incorporated.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

The motion was approved by voice vote. (Flaherty was out of the room.)

Vote to adopt new rules [8:44pm]

LEGISLATION FOR FIRST READING [8:44pm]

Stosberg moved and Ruff seconded that Ordinance 2024-14 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 2024-14 – To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” – Re: Amending Chapter 7.16 (Commercial Animal Establishment Permits); Chapter 7.54 (Fees); and Chapter 7.56 (Enforcement Procedure) [8:44pm]

Piedmont-Smith referred Ordinance 2024-14 to the Regular Session on June 12, 2024.

ADDITIONAL PUBLIC COMMENT [8:46pm]

There was no additional public comment.

Piedmont-Smith noted the upcoming budget advance meeting with the mayor for June 11, 2024 at 6:00pm in Council Chambers.

COUNCIL SCHEDULE [8:46pm]

Piedmont-Smith moved and Ruff seconded to move the budget advance meeting to the Allison Conference room with no objection.

Lucas reviewed upcoming council and committee meetings.

Piedmont-Smith adjourned the meeting.

ADJOURNMENT [8:48pm]

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

For Approval



## Dissent against Ordinance 2024-07

First, I wish to submit for the record that I was not permitted to make final comment on Ordinance 2024-07, as Cm. Asare moved to end debate and call the question, seconded by Cm. Zulich on May 15, 11:45p. This was done despite my objection. My objection was ignored by Council President Piedmont-Smith, and the vote was immediately taken and passed 7-2. I cannot recall ever having been intentionally prevented from making final comment in my over 20 years on the Council. So, I am submitting them in written form as per:

*2.04.160 - Expressing dissent. Any member shall have the right to express dissent from or protest against any ordinance or resolution and have the reasons entered into the record. Such dissent or protest shall be in respectful language and may be filed in writing and presented to the council not later than the next regular meeting following the date of passage of the ordinance or resolution.*

Second, I wish to add my view that this was a poor process for Council question, debate and discussion.

I want to observe that this is the largest development proposal that I have ever witnessed come before the Council – 4,250 units, 10,000+ residents. Perhaps something comparable would be Renwick, about half the area and a quarter of the density that was approved in 2003. The PUD request granted a huge increase in land value – likely 4-fold. The Renwick development was heavily scrutinized, but this one was not. In any case, the significance in terms of scale of impact should have required a thorough process. It was instead a grossly inadequate process.

Although we had until late June, the decision was to close debate on May 15<sup>th</sup>. Only one Regular Session – May 1 - devoted most of the meeting to questions and/or debate. The previous meeting afforded only 4 minutes per council member for question(s).

The final meeting on May 15 placed Ordinance 2024-07 third of four items on our legislative agenda, preceded by a presentation from the Human Rights Commission. The first and second items on the agenda were controversial, and required time and attention. This obviously shortchanged time for questions and debate that evening.

The ten conditions of approval took the meeting until past 11pm. There were changes to two of the amendments I felt were particularly important: the reduction of height (and then density) and the mandate for building type that would increase the likelihood of owner occupancy. These changes – which rendered the amendments weaker – were made without the knowledge of many on the Council (myself included) less than an hour before our Regular Session began. Such large changes so soon before the meeting prevented debate and introduction of alternatives, and this was a disservice to the Council and to the public.

I expected that owing to the late hour, with yet another item on the agenda, the Council would extend debate to our next meeting, June 5. This was still well before the legally mandated ordinance disposal date of June 28. I was shocked to find that my motion to forward consideration failed 2-7, indicating that all debate on Ordinance 2024-07 would conclude that evening. Although I had still had many questions, I asked only two, as it was soon clear that I was the only member with questions remaining. I was cognizant of the midnight rule, and didn't wish to filibuster to extend to another meeting, since it was already clear from the defeat of the previous motion that no additional meeting was to be allowed.

After Cm. Ruff concluded his final comment, 15 minutes remained for additional comment. There was no reason to conclude debate. Instead, it would have been courteous and respectful to simply ask if members *intended* to invoke the midnight rule, where two members can conclude the meeting.

Third, my comments that evening regarding the Summit Development were brief, as follows:

1. The development is so large that it would deplete services and stress infrastructure, and because a full accounting (of concurrency) was only partially conducted, we are not in a position to conclude that it wouldn't harm rather than benefit the community.
2. To ensure public good, a full traffic analysis should have been made with the necessary infrastructure improvements *before* we considered approval.
3. No questions, debate or discussion were made on the likely (now certain) use of the TIF Fund by the developer for various expensive infrastructure improvements that should be internalized by the developer.
4. The insufficiency of conditions of approval made at the last minute set the bar too low for demonstrated public good.
5. Allowing yet another, and huge development of a majority of apartments on remaining land within the city instead of prioritizing owner-occupancy just serves to perpetuate a rent trap for residents, preventing them from retaining wealth and building equity. The bar was set too low on the housing type.
6. What is the estimate in the value gained to the land by our ordinance approval? Councilmember Ruff attempted to determine this. Why wasn't this information, or at least an estimate, provided to the Council? Surely the developer knows, as does the bank who is prepared to provide the loan capital. Why is the City so incurious about knowing this? We are tasked to judge the petition on the public good rendered. How is this adequately determined without knowing what we are granting in value added to the land?
7. The cost of growth is often soft-peddled by the palliative that it will result in more taxes, and that "empty" land is of little value – those were claims made about the Summit Development. But there are studies that show that adding development is often subsidized by communities in higher taxes and fees, and expansion of services (such as public safety – where we are constantly lagging behind). There are other costs to the community that often aren't counted – pollution, congestion, crowding in schools, etc.

To conclude, the development will likely be a cost to the community, not an overall benefit. The process was inadequate especially for a proposal of such size and scope of impacts. The actions of council were disrespectful in ending debate without allowing final comment of all members of the Council, who have an obligation to their constituents to explain their vote.