

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, November 16, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
November 16, 2022

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived at 6:31pm)  
Councilmembers present via Zoom: none  
Councilmembers absent: none

ROLL CALL [6:31pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:32pm]

Rollo moved and it was seconded to approve the minutes from June 16, July 21, and August 18 of 2021. The motion was approved by a voice vote.

APPROVAL OF MINUTES [6:34pm]

June 16, 2021 (Regular Session)  
July 21, 2021 (Regular Session)  
August 18, 2021 (Regular Session)

Smith reported on the petitions considered at the recent Plan Commission. He provided brief details on each petition.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Volan thanked Smith for his report, and discussed possibly including more things like restaurants in the area where the new detention center might. He discussed boards and commissions, alternate and advisory members, and the Parking Commission.

Piedmont-Smith reported on the Monroe County Solid Waste Management District (MCSWMD) board including the budget, two new positions, the expiration of an agreement with Republic Services and the funding it provided to MCSWMD, a new Rumpke facility on the south side, and a possible name change to Monroe County Waste Reduction.

Flaherty noted his upcoming constituent meeting.

Rollo mentioned his and Sandberg's upcoming joint constituent meeting.

John Zody, Director of the Housing and Neighborhood Development (HAND) department, reported on the Housing Development Fund (HDF). He thanked HAND department staff and its partners for their work on affordable housing efforts. He discussed total housing units, affordable units, Country View apartments, and recently approved projects. He also discussed funding including the American Rescue Plan Act (ARPA) and the Economic Development Local Income Tax (EDLIT). He provided details on the affordable units across the city such as incomes in the units, and focus areas like housing security, rental housing, and home ownership. He described federal and state funding, allocation of funds, rental safety and inspection cycle, B-Town Neighboring Project, Bloomington Housing Authority (BHA) Landlord Risk Mitigation Fund (LRMF), Fair Housing Resources, and monitoring for affordability compliance. He described efforts to preserve and create housing ownership, as well as expanding programming and development. Zody provided details on the HDF and its revenue sources including updates for 2023. He also provided an update on the Hopewell and Arlington Park Drive projects. He concluded with guides and tools that HAND used.

- The MAYOR AND CITY OFFICES [6:50pm]

Volan asked how the percent of rental occupancy was calculated.

Council questions:

Zody explained that HAND received an annual market report from local property owners like the apartment association.

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

Piedmont-Smith asked about the EDLIT funds, and what the anticipated revenue was for 2023.

Zody confirmed that the funds would be split between rentals and ownership.

Piedmont-Smith asked for further clarification on the funding.

Zody clarified that the EDLIT funded the HDF as well as paid for the new program manager and other items.

Sims asked about the revolving loan fund, and for clarification on funding, and the Community Development Financial Institution (CDFI) Friendly Bloomington.

Zody stated that the revolving loan fund did not exist yet. He explained that it had been suggested by a developer, and would consist of the city loaning money to build housing, and once it sold, the money would be returned to the city for additional loans.

Sims asked if it was primarily intended for home ownership.

Zody confirmed that it was, but was not limited to ownership. He noted that the city had worked with CDFI Friendly Bloomington and provided some examples.

Sgambelluri commented on the range of tools available to the city and asked which worked best and provided better returns.

Zody said that federal funding had a lot of restrictions and regulations. Local incentives were more flexible. There were lots of federal dollars for 80% of the Area Median Income (AMI), but there was also a lack of workforce housing or for those with 40% or 50% of the AMI. He explained that the city's incentives worked very well. He said that the current AMI was \$91,400 for a family of four.

Sgambelluri asked for more information on the LRMF.

Zody stated that it had not formally started and staff would be hired as soon as possible. There was a current applicant to manage the LRMF. He provided examples of requests to the BHA.

Rollo asked about the Board of Realtors' self-reported annual report on rental occupancy and if staff verified the report.

Zody clarified that it was from the Apartment Association. He said that the reported occupancy appeared to be accurate, but that staff did not validate the exact numbers. He noted that staff had a close partnership with the Apartment Association regarding tenants. There was very little housing vacancy in the city. He provided additional information.

Rollo asked if staff tracked if there was a tenant in a rental when conducting inspections.

Zody confirmed that they did and said that Heading Home South Central Indiana had a housing tool to assist community members to find housing.

Smith thanked Zody and HAND staff. He asked how the number of affordable housing units compared with like-cities.

Zody said that there was not a good comparison at the time. Bloomington was in the top five cities regarding the cost of renting. He would research that information and commented on the great opportunity the city had with the Hopewell project.

Flaherty noted that council had exceeded the time allotted for reports.

Flaherty moved and it was seconded to extend time for reports from the mayor and city offices by ten minutes. The motion was approved by a voice vote.

Vote to extend time for reports [7:33pm]

Volan asked if HAND staff tracked that there were residents in a rental during the time of an inspection, and if so, if that information could be searchable for unoccupied rentals. Volan stated that it would be good to know that information.

Council questions:

Zody confirmed staff tracked that there were residents. HAND was transitioning to a new system and that could be done.

City Clerk Nicole Bolden reported on the Accelerate Indiana Municipalities (AIM) Ideas Summit. She currently served on the Board of Directors, as Chair of the Administration Policy Committee, and as a member of the Amicus Review Committee. She said the Ideas Summit included over one hundred exhibitors, organizations, and state agencies that specialized in municipal government. Some topics discussed at workshops included broadband, building stronger housing markets, strengthening community through arts and creativity, knowing the roles and responsibilities of the Plan Commission, Board of Zoning Appeals, and the legislative body, and long term capital planning. She read a statement from William Ellis regarding the benefit of attending the Ideas Summit. She provided additional details. There was brief council discussion.

There were no council committee reports.

- COUNCIL COMMITTEES [7:44pm]

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke about the Convention Center expansion and the Capital Improvement Board (CIB) commission, and the beautification of the city.

- PUBLIC [7:44pm]

Jim Shelton mentioned the upcoming training for the Court Appointed Special Advocates (CASA) and provided information on the role of CASAs.

Greg Alexander commented on the widening of the intersection at 17<sup>th</sup> Street and Kinser and the sidepath on 17<sup>th</sup> Street and expressed disdain for the plans. He commented on the need for stop signs in his neighborhood and asked council if he and his neighbors would receive the same treatment as a recent resident of Elm Heights.

Daryl Rubel thanked the Streets Division for their work plowing snow and Joe VanDeventer especially. He also thanked the staff at Utilities for their work, and noted the positive interaction with two police officers, especially Anthony Fosnaugh. He also took a moment for the aborted babies in the United States.

There were no appointments to boards and commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:58pm]

LEGISLATION FOR SECOND  
READING AND RESOLUTIONS  
[7:58pm]

Rollo moved and it was seconded to take Ordinance 22-15 from the table. The motion was approved by voice vote.

Ordinance 22-15 – To Vacate a Public Parcel – Re: A 12-Foot Wide Alley Segment Running East/West between the B-Line Trail and the First Alley to the West, North of 7th Street and the South of 8th Street (Peerless Development, Petitioner) [7:58pm]

Michael Cordaro, Peerless Development, provided an update on the petition and the new right of way to be presented to the Board of Public Works.

Andrew Cibor, City Engineer, confirmed that there was a new alley right-of-way on the agenda for the Board of Public Works, and staff recommended not approving it.

Flaherty asked why staff would recommend not approving the proposed new alley right-of-way.

Council questions:

Cibor explained the new alley right-of-way and said that there would be a large storm water drain under it, which would have to be maintained by the private company. It was not ideal, and was a large encroachment. Another reason to not approve was because the new alley was adjacent to the private property and did not connect to other facilities and did not contribute to public good.

Flaherty asked if the reasons Cibor listed were applicable to the existing alley.

Cibor said there were no existing utilities under existing alley but acknowledged that there were similarities.

Volan said that the smokestack was in the current alley and asked if the alley could be connected to the B-Line.

Cibor confirmed that was correct and that the city cared about the right of way in addition to the historic feature that was the smokestack. He did not believe the alley could be connected to the B-Line due to the smokestack.

Cordaro said that Peerless owned the land around the existing right of way.

Piedmont-Smith asked about the significance of a private utility under a public right-of-way, and if the property owner would need to get permission from the city for repairs.

Cibor said yes, and that it would be managed through the right-of-way use. There would need to be an encroachment agreement and provided additional information.

Piedmont-Smith asked if there were private utilities under public right-of-ways.

Cibor said that there were, but that the proposed new alley right-of-way was significantly larger, unlike others in the city.

Piedmont-Smith asked if engineering staff would support a public street over a retention basin. She asked if there were city owned retention basins over a city street and if it was safe to do.

Cibor responded that there were underground storm water features with various culverts, and Utilities had made major efforts to upgrade those. The retention of storm water was less common than conveying it. He was not aware of any areas where the city retained storm water from a private building.

Piedmont-Smith asked if there was a safety concern.

Cibor stated that staff would ensure it was safe.

Sgambelluri asked for clarification on the process for approving the vacation of the current alley along with the proposed new alley.

Ordinance 22-15 (cont'd)

Stephen Lucas, Council Attorney, noted that the petitioner had been pursuing relocating the alley and the dedication of right-of-way. He provided additional details on the process, intentions, and possible outcomes.

Robinson clarified that the private utility was part of the voluntary sustainability incentive the petitioners used in order to have an additional floor on the building.

Joseph Patrick, Peerless Development, had researched other private utilities under public rights-of-way which were typically under sidewalks, and consisted of a metal or concrete box under the public property. He noted other existing utilities under the current alley, like electrical and telecommunication cables, that most likely did not have agreements. He stated that Peerless would be relocating those utilities with the new development.

Flaherty asked if it was correct that the proposed design used incentives from the Unified Development Ordinance (UDO).

Robinsons confirmed that was correct and Peerless had voluntarily chosen to leverage the sustainability incentives. He noted the process with presenting the site plan to the Plan Commission.

Flaherty asked Cibor what the value of the current right-of-way was based on its historic, current, and possible future uses.

Cibor said that if the proposed alley was improved, then it would be up to the city to maintain it, and would be an additional burden. There were parallels with that for the existing alley, too. He referenced the Planning and Transportation department memo and staff's recommendation stating that the location was not concerning but that the space had value, and council should consider that.

Flaherty stated that it was important to consider the inherent value of public rights-of-way because it was not always known how it would be used in the future. He was concerned with the lack of meaningful difference between the current and proposed alleys.

Cibor stated that there were additional risks and burdens of having a dedicated right-of-way that only served one property and did not have significant public utility or transportation benefit.

Flaherty asked if it was preferred to vacate the existing alley since it did not have significant public use.

Cibor said he did not have significant concern with vacating the current alley due to the lack of connectivity.

Volan commented on the underground river that went through downtown Bloomington under many properties. He did not understand what utility the city would be obligated to maintain, in the proposed new alley, if the major utility was a culvert that Peerless would be required to maintain. He asked for clarification.

Cibor stated that while he had not been involved in all of the alley vacation discussions, he did not believe that there were concerns with it.

Cordaro commented that the city's cost of maintaining the right-of-way included paving, lighting, and perhaps other things. He noted that the alley would serve two properties; the proposed new building and the Johnson Creamery parking lot.

Sandberg said that if the city vacated the current alley, then there might be a public benefit, or harm, to have the proposed new alley.

Cibor explained that from an engineering perspective, there was limited benefit for vacating the current alley and having the new alley. He said that the harm was mainly the long-term maintenance of the alley which primarily served a private property.

Volan said that the city was required to maintain the current alley and asked what the difference would be with the new alley.

Ordinance 22-15 (cont'd)

Cibor stated that he was neutral on the alley vacation request and noted that the city most likely had not been maintaining the current alley because no one knew it had not been vacated in the past.

Volan said that now that the city knew of the alley, it would have to be maintained regardless of it being in the current location or the proposed new location, and that council needed to consider the alley vacation.

Cibor said that spending prioritization of maintenance in the city would then come into play.

Robinson said that vacating public rights-of-way was complex. He referenced his memo indicating that the current alley had unique characteristics like having no connectivity. Either location of the alley benefitted the private property and did not have a large public benefit. He provided additional information.

Piedmont-Smith asked about the historical marker to commemorate the smoke stack. She mentioned the administration's proposal to have a significant amount of money in exchange for public art, which she did not agree with. But she did want to see the smoke stack commemorated.

Cordaro stated that Peerless would agree to that.

Lucas said council could amend Ordinance 22-15 to indicate the petitioner's intent to fund a historical marker. He commented that it might be difficult to proceed that way that evening.

Vic Kelson, Director of City of Bloomington Utilities (CBU), said there were miles of unimproved alleys in the city. From the CBU's perspective, those areas might be needed for pipes, et cetera. Pipes in that area were on 8<sup>th</sup> Street so did not need the current alley, but might in the future which would require an easement.

Public comment:

Volan was pleased that Kelson was thinking about a one hundred year plan for utilities in the city. He commented on railroad history, rails to trails, connectivity, and rights-of-way vacations.

Council comment:

Smith asked if it was okay for council to amend Ordinance 22-15 to vacate the alley and to be contingent upon the approval of the Board of Zoning Appeal's (BZA) approval of the new alley.

Lucas stated that was not correct, that the decision for council was to vacate the existing alley or not. It would be improper for council to vacate based on the BZA's approval of a new alley. He further commented on process.

Cordaro commented on housing needs, tax revenue from the project, and utilities. He said that Peerless had not yet discussed utilities with Public Works, or other departments, and noted that the location of the storm water drain could be placed that was most appropriate for the city and was the best solution.

There was brief council discussion on a possible amendment.

Piedmont-Smith moved and it was seconded to introduce Amendment 01 to Ordinance 22-15.

Amendment 01 to Ordinance 22-15

Amendment 01 Synopsis: This vacation is made with the understanding that the Petitioner shall either install or provide funding and necessary access for the city to install an appropriate, durable, historical marker on the site to commemorate the historic Johnson's Creamery and related smoke stack.

There was brief council discussion on adding a dollar amount to Amendment 01.

Amendment 01 to Ordinance 22-15 (*cont'd*)

There was unanimous consent to amend Amendment 01 to incorporate a maximum amount.

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 22-15 was approved by a voice vote.

Vote to adopt Amendment 01 as amended to Ordinance 22-15 [8:59pm]

Flaherty supported the alley vacation and said there was not a significant difference between the existing alley and proposed new alley. He would defer to staff on the new alley. He commented on the sustainability features in the Peerless project, like providing housing in a walkable area.

Council comments:

Volan referenced the criteria listed in staff's memo for guiding the review of an alley right-of-way vacation. He said that the project complied with the conditions.

Piedmont-Smith appreciated everyone's patience with the petition's long process. She was not opposed to vacating the alley and would vote to do so. The alley did not have connectivity nor the potential to have it in the future. The disadvantages outweighed the advantages of keeping the right-of-way. She was pleased that there was a commitment to a historic marker.

Sims asked for clarification on the size of the storm water basin proposed by Peerless.

Patrick said the basin was pre-fabricated and consisted of three, thirty six to forty two inch tubes by each other and would be about thirty to forty feet long. There would be a valve in one of the tubes that led into the existing city storm water infrastructure.

Cordaro clarified that there was no existing basin and Peerless would put it in as part of the sustainability incentives.

The motion to adopt Ordinance 22-15 as amended received a roll call vote of Ayes: 8, Nays: 1 (Rollo), Abstain: 0.

Vote to adopt Ordinance 22-15 as amended [9:10pm]

Rollo moved and it was seconded that Ordinance 22-33 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis. There was no committee recommendation.

Ordinance 22-33 – To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment) [9:10pm]

Rollo moved and it was seconded that Ordinance 22-33 be adopted.

Vic Kelson, Director of CBU, presented the legislation and introduced guests that would be contributing to the discussion. He reviewed CBU's purpose of providing safe and sustainable water, waste water, and storm water services. He explained the rate increase, which would have two phases, and its goals for the 2023-2026 rate cycle including covering increases in operations and maintenance costs, expansion of Dillman Road plant capacity, preparation of Sewer Works for anticipated growth in the Blucher Poole basin, expansion of clear water program to reduce infiltration and inflow, and to complete design work for major future interceptor projects. He provided extensive details on the many

improvements that were done with the rate increase in the 2018-2022 rate cycle.

Ordinance 22-33 (cont'd)

Jennifer Wilson, Crowe, LLP, provided a summary on the rate and financing report for the sewage works. She reported on the report methodology, key considerations like increasing operating expenses and capital improvement plan, sewage works income statement highlights, operating revenues and expenses, proposed 2023 bonds, 2025 bonds, and service center financing.

Rollo asked what percent of the total cost would be for expansion, not considering maintenance and improvements.

Council questions:

Kelson believed it was close to 50/50 for expansion, and maintenance and improvements, but did not have the percentages.

Rollo asked what policies were in place for expansion where the cost was internalized to new users, and why should existing users subsidize new users for waste water utility.

Kelson stated that council implemented the change a few years back. He said the connection fee had substantially increased and there was a system development charge added to the connection fee which covered the cost of future increases to capacity of the plants.

Rollo stated that it was more or less playing catch up.

Kelson confirmed that was correct.

Rollo stated that there were policies in place to prevent the subsidy, but the state was currently requiring the city to address the capacity issue.

Kelson said yes and that the state claimed that the city was over capacity. If the city did not address the issue, then the state could deny new requests for developers to connect to the system.

Piedmont-Smith asked how much revenue was expected from rate payers after the Phase One increase.

Wilson explained that it would be \$4.4 million, broken up in two phases.

Piedmont-Smith asked if that would be annually.

Wilson clarified that it would be an increase to cover the deficiency.

Piedmont-Smith asked what the increase in income would be after the two phases.

Kelson stated that it would be \$4.4 million, annually. The cost to the average customer would be an increase of \$3-4 per month.

Sims applauded the goal of being the finest utility in the state, and asked what it would cost to implement immediate improvements.

Kelson said that it was an ongoing goal and that a lot of progress had already been made.

Sims asked about the likelihood of obtaining federal funding.

Kelson stated that the projects would have to occur at some point, regardless of federal, or state dollars. He said that when federal dollars became available, projects that were ready to begin were prioritized.

Rollo noted a chronic issue of sewage backups in Hyde Park and asked about lift stations.

Kelson confirmed that several aging lift stations were to be updated and that the area Rollo referenced recently had a check valve installed to prevent the backups.

Sgambelluri commented on the impact on residents from local taxes such as the EDLIT and asked what could be shared with them regarding the need for the improvements.



Ordinance 22-33 (cont'd)

Kelson explained there were sewer backups, and infrastructure improvements were needed to mitigate those problems and protect public safety. He commented on the cost of improvements for multiple projects and the process in obtaining grant funding. The goal was to be ready to address future issues like capacity, growth, and efficient and sustainable operations. Much of the infrastructure was at end of life and needed to be replaced to avoid sewer backups and leakage into Clear Creek, for example.

Piedmont-Smith asked how customers could request help with their bills.

Kelson referenced the Customer Assistance program which was administered through the South Central Community Action Program (SCCAP) and helped with payments for water and sewer. He noted that staff reached out to customers regarding their options prior to disconnection. The total budget for that program was \$50,000.

Piedmont-Smith also noted that townships could assist, too.

Kelson said that was correct, and they could help with heat, too.

Sandy Washburn wondered about impact fees, and not just connection fees, charged to developers.

Public comment:

Rollo asked staff if the connection fees were sufficient.

Council comments:

Kelson clarified that the city used to require that developers pay for an expansion. That was not ideal because it was inequitable and as a result, agreements were made with the stakeholders and the cost was divided. He provided examples like the project on North Dunn Street and at the former K-Mart site off of East 3<sup>rd</sup> Street. He also commented on illegal connections or not ideal connections to the sewer and on working with developers.

Rollo asked if it would be ideal to study the different components as described by Kelson.

Kelson responded that it was part of what CBU was already doing and would have data to present in the future.

The motion to adopt Ordinance 22-33 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-33  
[9:58pm]

Rollo moved and it was seconded that Ordinance 22-34 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read Ordinance 22-34 by title and synopsis. There was no committee recommendation.

Ordinance 22-34 – To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Stormwater Rate Adjustment)  
[9:59pm]

Rollo moved and it was seconded that Ordinance 22-34 be adopted.

Kelson, summarized the 2022 Stormwater Utility Rate Review including the proposed rate increase and the projects it would fund. He reviewed accomplishments completed between 2018-2022 such as the detention basin in the Somax neighborhood, revenue bond projects, and Extensions and Replacements projects. He delineated the 2023-2026 goals like completing tunnels to reduce and prevent flooding, improve residential grant program for lower-income neighborhoods, green infrastructure efforts, and adopting and improving the city’s street sweeping program. He provided additional details.

Wilson reviewed the financial analysis for the city’s stormwater budget including income, operating expenses, capital improvement plan, and total revenue requirements.

Rollo asked if the bond rate was going to be problematic.

Council questions:

Kelson clarified that Rollo was asking about the interest rate, and said that it would be a problem the following year. He explained that the engineering studies were required for certain funding types.

Ordinance 22-34 (cont'd)

Rollo asked if it had any impact on the financial analysis.

Wilson said it did, and some modifications were likely to occur at the time of financing depending on the market.

Rollo asked about a specific issue on Manor Drive.

Kelson said staff was aware of it and would follow up.

Sims asked what percentage of street sweeping was done by staff versus a third party.

Kelson believed it was primarily staff and street sweeping would be retained by the Street Department.

Sims asked if the street sweepers were gas or diesel.

Kelson said he was not sure but that staff wanted a regenerative street sweeper because it was more effective.

Sims asked for clarification on some net revenue in order to make payments in lieu of taxes.

Kelson stated that it was money paid to the city because CBU was not taxed per the agreement, and was not funded by General Fund dollars, so the civil city lost out on property taxes where CBU had facilities.

Piedmont-Smith was pleased that some revenue would go to the neighborhood storm water improvement plan, especially in low-income neighborhoods, and asked how much would go to that.

Kelson said as much as possible and that about \$70,000-100,000 was budgeted. The first step was to identify problems, and then decide what could be done. There would be outreach to problematic areas in low-income neighborhoods to embrace equity.

Piedmont-Smith asked if the funding continued the program and did not increase the dollar amount.

Kelson confirmed that was correct and that it was part of the green infrastructure project.

Piedmont-Smith said that the Utilities Service Board resolution had referenced an 18% rate increase and should be 26%.

Kelson said that was a typographical error that did not have an impact.

Smith asked about the impact on CBU from the leaves that did not get swept by the city.

Kelson said that there would always be leaves in the streets, and the new goal was for residents to bag or mulch their leaves. And the street leaves would have to be swept.

Smith asked if residents would be able to request assistance from CBU about areas where leaves accumulated.

Kelson described different options, like the adopting an inlet program, and other ways of working with residents. It was very common for street sweeping to be done as part of the Municipal Separate Storm Sewer System (MS4). Staff would also be collecting data on all the new efforts.

Rollo asked about the Hidden River project and if it would mitigate flooding on Kirkwood Avenue or if more efforts would be required perhaps in conjunction with Indiana University (IU).

Kelson described the Hidden River project and said that there was one inlet to be completed which would help with flooding. The underground portion was completed, but the inlet still needed to be finished. He provided additional information. He noted that IU had been involved in the project and would be with the design of the inlet.

Sandy Washburn discussed the flooding in her neighborhood in Prospect Hill and stated that the city had not done anything to mitigate it. She frequently cleaned the stormwater drains/inlets.

Public comment:

Volan asked what could be done about Washburn’s concerns.

Council comments:

Kelson explained that it was very complicated. If, for example, the sewer was full of water, it did not matter how clean the inlets were. That location used to be a pond before the neighborhood was developed, so every area around there was higher in elevation and there was no real way to move stormwater. He stated that there were real discussions about the flooding and listed several things that could be done, like capturing the water before it moved down the hill.

Volan asked if there was ever street sweeping of inlets.

Kelson stated that there was none currently done, and inlets were cleaned with rakes.

Volan asked if Kelson was proposing permanent, ongoing street sweeping.

Kelson said that the city swept the streets, but that certain areas needed to be swept more often.

Volan asked what the increase on street sweeping would be.

Kelson responded that it depended on the results of a study to design the most effective program with available funding. It would be around three to four times as what was currently done.

Volan asked if certain areas would be targeted.

Kelson said yes and that staff would provide that information to council.

Rollo said that CBU’s street sweeping was ideal because it would focus on the inlets.

Kelson clarified that CBU’s street sweeping would focus on areas that were problematic and contributed debris to the MS4.

Rollo asked if the infrastructure in Prospect Hill was inadequate.

Kelson said that he would research that and respond to council.

The motion to adopt Ordinance 22-34 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-34 [10:40pm]

LEGISLATION FOR FIRST READING [10:40pm]

Rollo moved and it was seconded that Appropriation Ordinance 22-05 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Appropriation Ordinance 22-05 – To Specifically Appropriate From the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks and Recreation General Fund, CC Jack Hopkins Fund, the Rental Inspection Program Fund, Local Road and Street Fund, Parking Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Housing Development Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Public Safety LIT Fund, ARPA Local Fiscal Recovery Fund, Parks & Recreation General Fund, Local Road and Street Fund, Parking

Sandberg referred Appropriation Ordinance 22-05 to the Committee of the Whole (COW) to meet on November 30, 2022.

Flaherty moved and it was seconded that the council discharge the COW from considering Appropriation Ordinance 22-05.

Sandberg said that she preferred to hear the legislation at the COW due to the number of items council needed to consider by the end of the year.

Flaherty stated that it was ideal to have a Special Session as opposed to a COW, because it allowed for more flexibility as well as council actions.

Volan agreed that it was ideal to have a Special Session and he would support that.

The motion received a roll call vote of Ayes: 4 (Rosenbarger, Volan, Flaherty, Piedmont-Smith), Nays: 5 (Sims, Sgambelluri, Sandberg, Rollo, Smith), Abstain: 0. FAILED

Rollo moved and it was seconded that Ordinance 22-30 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sandberg referred Ordinance 22-30 to the COW to meet on November 30, 2022.

Flaherty moved and it was seconded that the council discharge the COW from considering Ordinance 22-30.

Flaherty appealed to council to have a Special Session because there were substantive problems with the COW. He noted that a narrow majority of council disagreed with the concerns and refused to engage with Flaherty's concerns. There was no downside to a Special Session because it guaranteed that all councilmembers would be able to participate. He urged councilmembers to work together and cancel the COW and have a Special Session.

Sandberg reiterated the abundance of items to consider before the end of the year. She noted that there would not be complete information on Ordinance 22-30 until the end of the month which warranted council's full consideration in two meetings.

Volan pointed out that he supported accelerating the schedule to include Special Sessions following a Regular Session which would allow for the passing of legislation that was not complicated. It was more expeditious and advantageous to have Special Sessions.

Rollo favored the utility of the COW because a majority of council could adopt legislation.

Facilities Fund, Solid Waste Fund, Fleet Maintenance Fund, and Appropriating Additional Funds from the CC Jack Hopkins Fund, Rental Inspection Program Fund, and the Housing Development Fund) [10:40pm]

Council discussion:

Vote to discharge Appropriation Ordinance 22-05 [10:45pm]

Ordinance 22-30 – An Ordinance Authorizing the Issuance of the City of Bloomington, Indiana, General Revenue Annual Appropriation Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements for Public Safety Facilities, Including Costs Incurred in Connection with and on Account of the Issuance of the Bonds, and Appropriating the Proceeds Derived from the Sale of Such Bonds, and Addressing Other Matters Connected Therewith [10:46pm]

Council discussion:

The motion received a roll call vote of Ayes: 4 (Rosenbarger, Volan, Flaherty, Piedmont-Smith), Nays: 5 (Sims, Sgambelluri, Sandberg, Rollo, Smith), Abstain: 0. FAILED

Vote to discharge Ordinance 22-30 [10:53pm]

Rollo moved and it was seconded that Ordinance 22-35 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 5 (Sims, Sgambelluri, Sandberg, Rollo, Smith), Nays: 4 (Rosenbarger, Volan, Flaherty, Piedmont-Smith), Abstain: 0.

Ordinance 22-35 -To Amend the Traffic Calming and Greenways Program Incorporated By Reference Into Title 15 (“Vehicles and Traffic”) of the Bloomington Municipal Code - Re: Amending the Traffic Calming and Greenways Program Incorporated by Reference into Bloomington Municipal Code Section 15.26.020 [10:55pm]

Sandberg referred Ordinance 22-35 to the COW to meet on November 30, 2022.

ADDITIONAL PUBLIC COMMENT [10:55pm]

There was no additional public comment.

Lucas reviewed the upcoming council schedule and legislation.

COUNCIL SCHEDULE [10:56pm]

Rollo moved and it was seconded to hold a Special Session in lieu of the COW on December 14, 2022.

Piedmont-Smith asked how having a Special Session on December 14, 2022 and not on November 30, 2022 was justified.

Council discussion:

Sandberg stated that many of the legislation for consideration were resolutions and could be considered in one meeting.

Lucas confirmed that was correct and included interlocal agreements.

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

Vote to schedule Special Session [11:02pm]

Rollo moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [11:03pm]

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

APPROVE:

ATTEST:

\_\_\_\_\_  
Sue Sgambelluri, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington