

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, September 21, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
September 21, 2022

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

Councilmembers present via Zoom: Dave Rollo

Councilmembers absent: none

ROLL CALL [6:30pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:31pm]

Rollo moved and it was seconded to approve the minutes of December 01, 2021, December 15, 2021, and September 14, 2022.

APPROVAL OF MINUTES [6:31pm]

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

December 01, 2021 (Regular Session)  
December 15, 2021 (Regular Session)  
September 14, 2022 (Special Session)

Sgambelluri announced her upcoming constituent meeting.

REPORTS

Piedmont-Smith said that she and Flaherty attended the Climate Leadership Summit in Richmond, Indiana. She briefly described some of the sessions and recommended it to others.

- COUNCIL MEMBERS [6:35pm]

Smith highlighted the kind actions and compassion of officers that he witnessed in the community.

John Zody, Director of Housing and Neighborhood Development (HAND), introduced Mary Morgan. Morgan, Director of Housing Security from Heading Home of South Central Indiana (HHSCI), gave a report detailing their overall mission to decrease homelessness and housing insecurity, and their vision to make homelessness rare, brief, and non-repeating. She noted the advisory board, current and upcoming projects, regional collaborations, cross-agency training, committees, outreach efforts, shelter check-ins, the Housing & Eviction Prevention Program (HEPP), Rental Renovation Pilot Project, Landlord Risk Mitigation Program, Community Loan Center, planned communications on the efforts and goals, and Indiana University (IU) courses, connections, and interns.

- The MAYOR AND CITY OFFICES [6:38pm]

Sgambelluri asked what the major sources of funding were.

Morgan stated that the city was a major contributor to the program. She understood that the city collaborated with the county in using funds from the American Rescue Plan Act (ARPA). She described the funding and its sources.

Sgambelluri noted the grant to HEPP funded by HHSCI and asked if there were going to be additional grants like that.

Morgan responded no but it could be considered in the future. She said the goal was to make programs like HEPP sustainable.

Piedmont-Smith asked if any HHSCI's committee members had lived experience of being unhoused.

Morgan said that was being worked on. The group recognized the need for inclusion but that it needed to be done well, without tokenizing the individual. Their perspective needed to be integrated.

Smith asked how data would be collected to inform HHSCI.

Morgan stated that full participation of all service-providers was necessary, but not completed, and relationships needed to be built with those organizations. She noted that the Homeless Management Information System (HMIS) was difficult to use. It might be a possibility to have an intern for data management, or a possibility for a grant-funded, full-time position.

There were no council committee reports.

Bradley Rushton, President of Local American Federation of State, County, and Municipal Employees (AFSCME) 2487, spoke about the importance of increasing compensation in the ongoing contract negotiations

William Coulter, Elm Height resident, spoke in support of increased compensation to AFSCME employees.

Stephen French played a video exchange between Cm. Rollo and Mayor John Hamilton at a meeting on May 04, 2022 related to employee compensation.

Christopher Emge, Greater Bloomington Chamber of Commerce, encouraged all residents to register to vote. He also noted an upcoming event, Elect Connect, to be held on October 03, 2022.

Dave Burnworth acknowledged the Bloomington Police Department, the State Police, and the Bloomington Fire Department for their efforts in capturing the individual who fled into the sewer system.

Greg Alexander spoke about the importance of sidewalks by telling an ironic story.

Dave Wolfe Bender, Director of Student Relations for Indiana University Student Government (IUSG), thanked the various public safety agencies for keeping everyone safe the previous day during the sewer incident, noted the upcoming Rosh Hashanah holiday, and IUSG's plan to support emergency contraceptives for the student body for the 2022-2023 academic year.

Paul Post, President of Fraternal Order of the Police, Lodge 88, in Bloomington, spoke on behalf of his organization in support of AFSMCE.

There were no appointments to boards or commissions.

Rollo moved and it was seconded that Ordinance 22-23 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 0, Nays: 2, Abstain: 4.

Rollo moved and it was seconded that Ordinance 22-23 be adopted.

- The MAYOR AND CITY OFFICES (*cont'd*)
- COUNCIL COMMITTEES [7:09pm]
- PUBLIC [7:09pm]

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:25pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:26pm]

Ordinance 22-23 – To Vacate A Public Parcel – Re: Two, 12-Foot Wide Rights-of-Way in the Lone Star Addition Within A Triangular-Shaped Block Bordered by West Cottage Grove on the North, West 10th Street on the South, and North Monroe Street on the West (Solomon L. Lowenstein, Jr. and

David Ferguson, counsel for the petitioner, presented the legislation to the council, and showed a visual map of the proposed area of vacation, as well as photographs to support the petitioner’s case. He explained the issues that prompted the petitioner to request right-of-way vacation and provided extensive details.

Julia G. Beerman, Petitioners)  
[7:26pm]

Elizabeth Carter, Senior Zoning Compliance Planner in the Planning and Transportation department, briefly presented the legislation which summarized the presentation from the previous week’s meeting. She gave an overview of the petition timeline of the right-of-way vacation petition, noted the denial of the petition by the Board of Public Works (BPW), and gave a review of the criteria for evaluating vacation petitions. She listed the various departments, utilities, and agencies that offered recommendations related to the request.

Mike Rouker, City Attorney, gave a brief historical overview of the petitioner’s requests for an alley vacation. He clarified that the city had not inappropriately taken the petitioner’s property. He described the encroaching properties and said that it was the petitioner’s responsibility to identify any defects in the property at the time of sale. Rouker provided additional case law details in support of the city’s stance.

Piedmont-Smith asked if the proposed easement language the petitioner had sent to the city the previous week was acceptable to the City of Bloomington Utilities (CBU).

Council questions:

Chris Wheeler, Assistant City Attorney, said that CBU had not agreed to acceptable language for an easement and he did not know if it was relevant because CBU did not approve alley vacations. If council decided to vacate the alley, then CBU would need to look at the need for a replacement causeway or easement so the city would still be able to reach the current water line. The city was not currently using the alley, but did not know if it would be needed in the future.

Piedmont-Smith asked what happened if a private property owner refused to allow CBU workers access to their property for work.

Wheeler answered that the city did not have any utilities on the property, but accessed utilities behind the alley. He said that if the property owner did not want the city on their land, they would probably have to petition the courts.

Rouker added that there were several tools at the disposal of the city to enter private property.

Rollo asked about the usefulness of the proposed easement in exchange for the right-of-way that the city already possessed.

Wheeler said that without having walked the property lines himself, he could not say whether the proposed area would be more or less beneficial to the city.

Stephen Lucas, Council Attorney, reminded people that the meeting that evening served as the legal public hearing. He noted that if there were any objections or remonstrances from affected property owners that was the time to make them known.

Public comment:

There was no public comment.

Smith asked if there had been enough time to negotiate the matter between the parties.

Ferguson recalled that he and Wheeler agreed that they would be able to hash out language, should there be a need, for council approval of the legislation.

Wheeler recalled that Ferguson thought language supplied in a previous email would be acceptable. He reiterated that there was not an agreement and could not tell council that there would be one until there was a signed agreement in hand.

Smith paraphrased that there had not yet been enough time to finalize an agreement.

Ferguson said that was correct.

Volan asked for clarification of the timeline.

Lucas said that the filing of the petition by the property owner triggered a thirty-day window for the council to hold a public hearing, which was what they were doing that evening.

Volan asked if there was a deadline for action.

Rouker reiterated the deadline Lucas had explained, and noted that the process had been ongoing for over two years. If council believed more time was warranted, that was for councilmembers to decide.

Volan said that he was exploring all options.

Ferguson rebutted Rouker's earlier comments including the city's retention of an easement, the change in the petition from previous requests, and that originally the City of Bloomington Utilities (CBU) had not objected.

Flaherty asked about the merits of an easement versus a right-of-way.

Beth Rosenbarger, Assistant Director of Planning and Transportation, explained that right-of-way was city property that was owned outright. Easements were recorded agreements that allowed access onto a private property. Staff did not support the use of an easement in this case.

Rollo asked what use the city currently had for the specific right-of-ways at that location and in consideration of obstacles.

B. Rosenbarger said there were many uses for platted alleys. She described a redevelopment project that was using a platted alley for access, and explained the preference for reducing drive cuts on public streets. She noted that property ownership was transient and control over utility access could be lost if parcels were sold to separate owners in the future.

Rollo asked for clarification of the right-of-way location and utility placement on the map.

B. Rosenbarger answered that there was a standard width for alleys in the city.

Rouker added that the city frequently made improvements to right-of-way infrastructure.

Sandberg said her questions had been answered over the course of the evening and at the Committee of the Whole (COW) meeting. Alleys were a valuable resource for the city that should not be given up easily and she was not in support of the legislation.

Smith thought there was time for further discussion and proposed that council delay action so that easement language could be finalized.

Flaherty did not support the legislation. His vote would not change even with an easement agreement because it was not

known how or if the right-of-way would be used in the future. He was concerned about what would happen in the next 50-100 years.

The motion to adopt Ordinance 22-23 received a roll call vote of Ayes: 1 (Smith), Nays: 8, Abstain: 0. FAILED

Rollo moved and it was seconded that Resolution 22-17 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis. There was not a committee do-pass recommendation.

Rollo moved and it was seconded that Resolution 22-17 be adopted.

Flaherty provided a brief history of the legislation, and explained that its purpose was to have council guidance for city staff on the overlay district. He noted that alleys would be included in right-of way dedications. He explained other conversations that arose from the drafting of Resolution 22-17.

B. Rosenbarger said staff participated in drafting Resolution 22-17 and was available for any questions.

There were no council questions.

David Wolfe Bender, Director of City Relations for IUSG, spoke in favor of Resolution 22-17.

Phil Stafford, noted that the Commission on Aging called for an overlay in that area as a lifetime community district. He provided additional information on accessibility and aging.

William Coulter commented on the dangers of walking around the city and spoke about a recent incident he experienced.

Smith asked if what Stafford described was included in Resolution 22-17.

Flaherty responded that there was some overlap, but some of the things would not be contained in development code, which was what Resolution 22-17 was addressing. Some items noted by Stafford were under planning and not development. Other items like mixed use mobility options, access to amenities, livability, and more were part of principles of compact urban form and were included in the legislation. He invited community members to participate in the process to have the items included.

Smith asked if it was possible to attach the fifteen page report from the Commission on Aging.

Flaherty said it might be difficult to attach the report as an exhibit.

Lucas explained the appropriate process to attach a report, was for council to first see the report, prior to amending Resolution 22-17 and to not include it without seeing it.

Rollo shared Stafford's concerns and wished for the best outcome of the Hopewell site. He noted additional items that could be included in the process. Rollo supported Resolution 22-17.

Sims supported Resolution 22-17 and believed that the overlay was a continuation of the community discussion. He appreciated the concerns from the public speakers.

Ordinance 22-23 (cont'd)

Vote to adopt Ordinance 22-23 [8:19pm ]

Resolution 22-17 – To Initiate a Proposal to Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Preparation of a Proposal to Amend Chapter 20.02 “Zoning Districts” and Related Sections to Establish an Overlay District and Related Development Standards for the Hopewell Neighborhood

Council questions:

Public comment:

Council comments:

Smith stated he learned a lot from the process and what could be done during development. He supported Resolution 22-17.

Resolution 22-17 (cont'd)

Volan thought the process had worked well, and that the overlay was thoughtfully considered and drafted. It was important to take time with legislation.

Flaherty commented on the process and said that Resolution 22-17 was not the end and that discussions would continue. This was an opportunity to explore development standards. Pedestrian scale design considered things like first floor residential, where homes were at grade and right by the sidewalk, and were uncomfortable to live in. He also commented on parking, both minimums and maximums, and what developers could build.

Sandberg thanked her colleagues and said that originally, many councilmembers did not want to vote on the alley vacations for the Hopewell site to allow more time for the community conversations in the development of the site. She commended staff for their discussions regarding the site.

The motion to adopt Resolution 22-17 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 22-17 [8:46pm]

Rollo moved and it was seconded that Ordinance 22-24 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis. There was not a committee do-pass recommendation.

Ordinance 22-24 – To Amend Title 2 of Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Article VI of Chapter 2.04 (Common Council) to Establish Councilmanic Districts for the City of Bloomington [8:47pm]

Rollo moved and it was seconded that Ordinance 22-24 be adopted.

Lucas summarized Ordinance 22-24 and the Citizens’ Redistricting Advisory Commission (CRAC) as well as state law requiring redistricting. Redistricting requirements included districts that were contiguous, reasonably compact, and populations as equal as possible. Districts could not cross county precinct lines, and had to comply with federal laws, constitutional laws, and the voting rights act. He noted additional information that guided the redistricting, and explained council’s role and possible procedural outcomes.

Alex Semchuck, Chair, CRAC, discussed the process and the proposed new district map, and highlighted some key considerations.

There was brief council discussion regarding process and the introduction of an amendment.

Lucas explained the actions council could take that evening, and provided information regarding annexation.

Piedmont-Smith asked how CRAC had considered the student population.

Council questions:

Semchuk said that there were students throughout the city and it was difficult to group them together. Commissioners believed that IU could be its own district but that was also difficult to do.

Volan said there were around forty three thousand students and asked why CRAC had not put all of the students into one district.

Semchuk explained that the size of that district would be enormous. He said that the average district had twelve to fifteen thousand people.

Ordinance 22-24 (cont'd)

Piedmont-Smith asked how CRAC viewed minority populations in the city and if the idea was to spread them out in order to have a voice in each district, or to concentrate them in one district.

Semchuk said that one mapping tool was population density based on race and ethnicity, and that was one of the final components CRAC considered. The good news was that the minority populations were fairly equally represented across the districts. He provided additional information on how CRAC used that information in shaping the districts.

Piedmont-Smith asked about socioeconomic status factors in the proposed map.

Semchuk said that was not robustly discussed and explained that the goal was to make the districts as compact as possible, and to have them be contiguous.

Sandberg asked Semchuk to describe some of the challenges, and tools, CRAC had used. She asked if CRAC felt they had sufficient time to complete the task of proposing a redistricting map.

Semchuk stated that CRAC had the support of council staff to assist with the process and mapping tools. He said it was difficult to ensure that the precincts were not divided and members had to weigh things out to make the districts appropriate. He provided examples like precincts Perry 12 and 13, types of neighborhoods, and more. He also believed that there had been sufficient time though scheduling had been tricky.

Sandberg asked about prep work in between meetings.

Semchuk responded that there were three commissioners that had created their own maps for research purposes. That analysis was done in between CRAC meetings.

Sandberg asked if any maps had been submitted by the public.

Semchuk said yes and that all maps were considered, except those that had a high population deviation or continuity issues. He reiterated that every map was looked at.

Rosenbarger asked for clarification on what CRAC looked at regarding communities, such as not splitting up Elm Heights.

Semchuk stated that current districting had Elm Heights in three separate districts. CRAC intended to keep communities as undivided as possible.

Rollo asked if it was correct that CRAC had had enough time and if the proposed map was unanimously drafted or if there was dissent.

Semchuk explained he felt that there had been sufficient time. He said that the final map was voted on, and referenced the minutes. He said all the drafted maps had pros and cons.

Volan stated that he had intended to propose an amendment but due to procedural issues, an amendment was not in order, but recommended a third reading. He also recommended sending the map back to CRAC with written instructions and to consider the map Volan had drafted. He explained his intent with drafting the redistricting ordinance, and noted the impact from annexation. This was the first time Bloomington had a redistricting commission. Volan drafted the legislation based on guidance from the League of Women Voters (LWV). He noted the difficulties in obtaining membership on CRAC through no fault of the commissioners, but through the strict restrictions. He thanked the commissioners for their work. He believed the proposed map had issues. The interpretation of the hierarchy of the criteria had not had sufficient time and resulted in concerns. Volan stated that

since he had a vested interest in the new districts, he opted to not attend or voice concerns at CRAC meetings. He was concerned with having 3<sup>rd</sup> Street as a boundary and that it was impossible to not have a district cross it. He presented an alternative that still used 3<sup>rd</sup> Street as a boundary but only one district crossed it and was more compact. He provided additional concerns, as well as, considerations for CRAC should it be asked to redraft a map. He discussed compactness of precincts, and the county's revision of precinct maps, which had not changed in decades, the student population, and residence halls. He said that the residence halls, sororities, and fraternities were a neighborhood, like Elm Heights. Volan commented on the need to have students participate in local government. He spoke about several other precincts that included large areas with no housing like Dunn Meadow. He also discussed housing in general, students, and the consideration of building maps with districts focused on including students and giving them a voice in governmental affairs. He provided extensive information on three maps he was proposing for consideration of which he recommended Map 18.

Lucas explained population deviation and that council needed to consider the deviation between the districts with the highest, and lowest, populations.

Volan added that it was important to keep like communities together within a district.

Flaherty asked for clarification on population deviation.

Lucas explained how to correctly use population deviation, in compliance with the requirements.

Volan concluded that the redistricting process allowed for back and forth between council and CRAC.

There was brief council discussion on how to proceed that evening.

Semchuk stated that having one group of people be the ultimate community was a dangerous assumption. Having most students in one district was foolish and very difficult to do. He provided additional reasons against oversimplifying. He explained how the calculations were done by CRAC to draft the proposed map.

Volan disagreed that it was not feasible or ideal to attempt to design a district map that placed students together. He said that he would look into his maps in order to verify the compactness of the districts, and the population deviation.

Sgambelluri said she was troubled by the notion that students could not be well-represented by a non-student, and asked Volan for clarification.

Volan clarified his experience with students being dismissed and not counting in local government. Students were not affirmatively encouraged to take part in local government. There was no better way to do that than to have a district where only a student could be elected. Student participation on council would be beneficial to the city.

Rollo said that the proposed CRAC map had a district that was around 85-90% students.

Volan did not deny that there were mostly students in District 6 but there was an opportunity to do more. Residence halls were regularly divided up into different districts. He urged that the districts not favor compactness over a community of interest.



Ordinance 22-24 (cont'd)

Rollo asked if what Volan wanted was a district with 99-100% students.

Volan said yes, and asked why not that do.

Sims explained the harm in grouping certain community members together and made the comparison of grouping together all the Black people in the city. He said that if a Black community member wanted to run for council, they were encouraged to run At-Large so that the entire city had the opportunity to vote for them. He asked what Volan thought of that.

Volan explained that the Voting Rights Act of 1965 considered packing, which put everyone into one district, and cracking, which spread like-communities up so that they could not win a district. He said some students lived in a communal areas like residence halls and were a community of interest. Those neighborhoods would not ever house non-students.

Sims stated that students were not monolithic.

Sgambelluri asked if there were other groups that merited affirmative encouragement.

Volan responded that federally there were requirements, like not discriminating against communities of color. He said that the principle of considering students as a community was similar and especially so because Bloomington was a college town. Students were numerous and lived in close proximity to each other.

Dave Askins, B Square Bulletin, thanked the Metrics, Geographic, Geometry, and Gerrymandering group at Tufts University for the Bloomington edition of their software, free of charge.

Public comment:

William Coulter spoke about undergraduate and graduate students. He said that undergraduate students were not adults and were adolescents.

David Wolfe Bender was disappointed in some opinions that were unfavorable towards students. He discussed CRAC's map, logistical hurdles, other college towns, voting, and how Bloomington existed for both students and full time residents.

Rollo commented that he had trepidation in council interfering with the process. He said CRAC's map satisfied the requirements.

Council comments:

Rosenbarger supported moving Ordinance 22-24 to a third reading.

Sims believed that CRAC did what it was tasked with doing. He commented on districting, populations, building relationships, voting, and some concerns with voting.

Smith said that he would support the map drafted by CRAC because it achieved its purpose.

Piedmont-Smith said that the information presented by Volan was interesting and she urged council to move Ordinance 22-24 to a third reading.

There was brief council discussion on scheduling.

Lucas noted the timeline by law, as well as the consideration of scheduling CRAC meetings.

Flaherty stated that Volan had made an important point in weighing and balancing different criteria. Precinct boundaries

caused districts to have odd shapes. He commented on hearing from the student community as well as the possibility of allowing for more time to consider the map.

Ordinance 22-24 (cont'd)

Sgambelluri thought that the greatest emphasis should be on the integrity of the process in selecting the districts. She was hesitant to involve council in that process, and acknowledged some of the concerns brought up that evening. She would support sending Ordinance 22-24 to a third reading.

Volan said that Coulter's comments, which called students children, proved Volan's point. There was bias against students who as eighteen year olds had a federal right to vote. He commented on the census process, peoples' length of time living in the city, and population growth. The maps he drafted would end his career with District 6. He commented on the timeline for drafting the map, the bias against students, and urged council to study the maps he would propose. He was only asking CRAC commissioners and council to reconsider their assumptions.

Rollo believed that Volan's maps would involve council in the districting process which was not ideal. He thought it was best to see if the map drafted by CRAC had fulfilled the requirements.

Sandberg said council had the ability to make recommendations to CRAC, and ask to have alternative maps drafted by the commission. It was not council's purview to draft districts.

Volan commented that in drafting the legislation for a redistricting commission, he had intended to follow the LWV's recommendation and to include a mechanism for a court to be able to override the council, but that was not allowed. The council was the ultimate jurisdiction over the maps, since a court could not intervene. He provided additional details on students.

Lucas explained options council had that evening, including adopting the recommendation from CRAC by passing Ordinance 22-24, postponing it, or not passing it which would then reject the drafted map. At that point, CRAC would have additional options in returning a new map, or the same one. He provided more details.

Sandberg asked if a third reading was necessary to make new recommendations to CRAC.

Lucas confirmed that more time would be needed to draft the recommendations.

Piedmont-Smith moved and it was seconded to postpone further consideration of Ordinance 22-24 to Thursday, October 06, 2022.

There was brief council discussion concerning scheduling.

Piedmont-Smith amended her motion.

Piedmont-Smith moved and it was seconded to postpone further consideration of Ordinance 22-24 at a Special Session on Thursday, October 06, 2022 to convene at 5:00pm and end no later than 6:00pm.

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

Vote to postpone consideration of Ordinance 22-24 [10:54pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING [10:54pm]

Bradley Rushton asked council to consider other aspects of transportation types, like lithium batteries, which stored energy while internal combustion engines created energy. Electric drive was the future but the technology was not caught up yet.

ADDITIONAL PUBLIC COMMENT  
[10:55pm]

Semchuk noted the addition of the bus line to Ivy Tech was very helpful and thanked council for its support of that.

Volan moved and it was seconded to cancel the Committee of the Whole on October 06, 2022. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

COUNCIL SCHEDULE [11:00pm]

Lucas reviewed council's upcoming schedule.

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

ADJOURNMENT [11:01pm]

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

For Approval