

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, January 25, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 25, 2023

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Ron Smith, Stephen Volan (arrived at 6:33pm)
Councilmembers present via Zoom: Jim Sims
Councilmembers absent: none

ROLL CALL [6:30pm]

Council President Sue Sgambelluri summarized the agenda.

AGENDA SUMMATION
[6:30pm]

Rollo moved and it was seconded to approve the minutes of March 2, 2022, March 23, 2022, and October 06, 2022. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Volan).

APPROVAL OF
MINUTES [6:32pm]

- March 02, 2022
(Regular Session)
- March 23, 2022
(Regular Session)
- October 06, 2022
(Special Session)

Volan spoke about the Community Justice Response Committee (CJRC) and his concern on its progress. He commented on the lack of transparency and collaboration, change in membership, canceling and un-canceling of meetings, CJRC's purview, and its poor process in which to develop a new jail under. The current jail had been under a consent decree for fourteen years. He discussed alternative options, including Hopewell or the Convention Center area, and believed that the jail was beyond saving. He urged the commissioners to take into consideration the feedback from other county staff.

REPORTS [6:33pm]

- COUNCIL MEMBERS
[6:33pm]

Sims agreed with Volan's statement on CJRC.

Rollo said it would be beneficial to include recommendations to boards and commissions in the packet, for councilmembers to consider prior to meetings.

Piedmont-Smith commented on the two mass shootings in California that week, and urged state and federal elected officials to pass common sense gun control laws. It was important to fund mental healthcare. She also agreed with many of Volan's statements regarding the CJRC. She had attended meetings, and had requested that a city representative be on the committee, too. It was unclear what the committee's roadmap forward was. Piedmont-Smith was shocked and appalled at the condition of the current jail, presented by Sheriff Ruben Martí. There was dereliction of duty by former Sheriff Brad Swain, and previous sheriffs too. She appreciated Martí and his deputies for bringing forth the concerns, and for improving the conditions as best as they could with the budget they had.

Sandberg echoed the concerns about the jail and referenced her volunteering with New Leaf New Life there. It was clear that a new jail was needed, and it was important to not just talk about it, but to take action to do so.

Deputy Mayor Mary Catherine Carmichael thanked city staff who were out in the elements and got the sidewalks and roads clear from snow.

- The MAYOR AND
CITY OFFICES
[6:47pm]

There were no council committee reports.

- COUNCIL
COMMITTEES
[6:47pm]

Greg Alexander spoke about stop signs, safe streets, risks while riding bicycles and zooming vehicles, encouraging safe streets throughout the community, and the Greenways programs.

• PUBLIC [6:48pm]

David Sabbagh commented on districts, the need for smaller trash and recycling bins without a fee, and the resolutions on ending the embargo on Cuba and prior to that, against the war in Iraq.

Stephanie Hatton read explicit social media comments, regarding her public safety efforts in her neighborhood, made by a Traffic Commission commissioner. She spoke about her experience with the comments and their impact.

Natalia Galvan urged council to remove Greg Alexander from the Traffic Commission and gave reasons in support of doing so.

Eric Ost asked council to rescind an appointment to a commission. He said that the social media comments were furthering toxicity in the community.

Chuck Livingston spoke about the social media comments in question and stated that he stood in solidarity with Hatton. He urged council action.

Marc Haggerty talked about multiple deaths in the jail, including one suicide and another because he was not given his heart medication. This occurred after the rehabilitation program was removed. He stated that as a result of notifying officials, he was removed from New Leaf New Life. He expressed his frustration with his solutions not being heard by officials.

Joe Lee stated that inhumane conditions needed to be resolved quickly. He also discussed the insulting language used by a member of the Traffic Commission in question. That individual had written a letter to his wife after the resolution on ending the embargo on Cuba using ageist and unappealing language.

Jeff Rodgers stood with Hatton and stated that bullies would bully until people said enough. He said there were individuals who did not want to comment because they feared becoming targets of the bully, including letters to their home and videotaping their homes.

Sgambelluri stated that councilmembers appointed to the Sidewalk Committee the previous week would commence their tenure after the upcoming report. She noted that as a result of the many concerns regarding the Traffic Commission commissioner using foul language, council was working with Stephen Lucas, Council Attorney and Administrator, on possible actions.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS
[7:14pm]

LEGISLATION FOR
SECOND READING
AND RESOLUTIONS
[7:16pm]

Rollo moved and it was seconded that Ordinance 23-01 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis. There was no do-pass recommendation.

Ordinance 23-01 – To Amend The City of Bloomington Zoning Maps by Rezoning a 0.57 Acre of Property From Mixed-Use Neighborhood Scale (MN) to Mixed-Use Medium Scale (MM) - Re: 300, 302, and 314 W. 1st Street (Saint

Rollo moved and it was seconded that Ordinance 23-01 be adopted.

Jackie Scanlan, Development Services Manager in the Planning and Transportation department, presented the petition. She noted the property overview, vacated alleys, allowed uses in the Mixed-Use Medium Scale (MM) district, and referenced the Comprehensive Plan. She explained a right of way, property line change, and highlighted some key differences with the zones.

The Plan Commission found that the criteria was met, with one condition. Staff believed that the rezoning matched the Comprehensive Plan designation.

Real Estate LLC,
Petitioner) [7:16pm]

Chris Cochran, FC Tucker representative for petitioner Saint Real Estate, briefly provided reasons for the petition. The redevelopment of the Hopewell site provided a once in a lifetime opportunity within Bloomington. He gave examples of the added value to the site through redevelopment opportunities.

Ordinance 23-01
(cont'd)

Volan asked for clarification on the different zoning districts, and why the Comprehensive Plan was not used as a Unified Development Ordinance (UDO).

Council questions:

Scanlan explained that was not typical, anywhere, and that designations were a guide for future development, and districts were more fine-tuned. She said that there was more than one zoning district that was appropriate for an area designated in the Comprehensive Plan.

Volan asked if it was correct to describe a Mixed Urban Residential Area as a district.

Scanlan confirmed that was most accurate.

Sandberg asked if there were neighbors that had objected to the petition.

Scanlan stated that staff had not received any negative feedback.

Cochran said there were some McDoel Gardens residents that expressed concerns with what might be built. There were about eleven residents that attended one meeting, and he had also attended Piedmont-Smith's constituent meeting.

Sandberg asked if it was mainly McDoel, or if Prospect Hill residents attended too.

Cochran confirmed that it was mainly McDoel.

Smith asked if there were any impacts to nearby businesses.

Scanlan said there were not and that the existing building was on two parcels, and there was a third vacant parcel, all owned by the same entity.

Rollo said his interpretation was that the difference with the two zones was one story, with a height difference from forty to fifty feet, and the impervious surface remained the same. Therefore, it allowed the petitioner to raise the building by one story.

Scanlan confirmed that was correct, and that currently, neighborhood scale was three stories not to exceed forty feet, and that MM would be four stories not to exceed fifty feet.

Rollo asked what would be immediately adjacent in Hopewell.

Scanlan said the zoning district in Hopewell was medium scale. When the zoning map was updated, staff proposed that the area remain as neighborhood scale so that it stayed in line with existing development.

Rollo stated that a rendering might have been useful, and asked if there would be a site plan.

Scanlan stated that a rendering could be done in the future. She said that a site plan would be done if the criteria requiring it was met.

Rosenbarger asked for a description of the right of way dedication that was consistent with the Transportation Plan.

Scanlan explained that the right of way on 1st Street was already in excess of the Transportation Plan, but on the eastside there would be an additional six feet. She provided additional details on the plat.

Sims asked for clarification on the twenty minute neighborhood concept.

Scanlan believed that it pertained to the ability to walk or bicycle to resources like a grocery store, within twenty minutes. She stated there could be additional details to it.

Sims asked about the diversification of housing in the Comprehensive Plan, with an emphasis on affordable and work force housing. He asked how that was reached.

Scanlan said that the rezone did not address incentives or require affordable housing. Allowing for more units would be beneficial as a whole, especially if the developers used the incentives for affordable housing in order to receive an additional story.

Ordinance 23-01
(cont'd)

Sims asked if it was correct that was the goal overall of the Comprehensive Plan.

Scanlan confirmed that was correct, and staff included that goal from the Comprehensive Plan into the UDO.

Piedmont-Smith asked what was around the parcel, currently.

Scanlan said to the east was Kroger, to the north there were no structures because they were scrapped, to the west was the county building operated by Centerstone, and to the south, it was zoned residential high density with small business, et cetera.

Sandberg commented on the city incentives for developers including affordable housing and asked if there was merit in keeping the smaller, less intense scale as a buffer. This was in regards to the nearby neighborhood concerns of there being a larger bulk building footprint.

Scanlan stated that there were not residents that were immediately adjacent. The nearest single family portion of the neighborhood were a block away. She provided additional details on the site including current zoning.

Sandberg asked if it was correct that there was already a buffer in place.

Scanlan confirmed that was correct.

Dave Askins, BSquare Bulletin, commented on rezoning, process, and asked what the thought process was in not having addressed the rezone a couple years prior when the opportunity was in front of council.

Public comment:

Rollo asked why the area had not been rezoned previously.

Council comment:

Scanlan stated that it was because there was existing development, staff opted to leave the zoning for consistency, with the properties on the south side of 1st Street. If the site had been vacant, then it most likely would have been changed. At the time, staff believed it was ideal to go with a less dense zone.

Flaherty asked if staff had pursued the rezone previously, then there would not have been a mechanism for the additional right of way vacation with the approval of the legislation that evening.

Scanlan confirmed that was correct.

Piedmont-Smith stated that she was in favor of the rezone, and said there were some concerns about what might be built there. Because there were no single family homes, or plexes, near the site, she did not see how it would negatively impact neighborhoods like McDoel Gardens. She appreciated the rezone which allowed more uses and increased density.

Rollo said that some sites, like the one in Ordinance 23-01, were ideal for density and gave reasons in support. He said that it was better to build up than out. He supported the legislation.

The motion to adopt Ordinance 23-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt
Ordinance 23-01
[7:51pm]

Rollo moved and it was seconded that Resolution 23-03 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.

Resolution 23-03 – To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and the Bloomington Public Transportation Corporation Regarding Economic Development Local Income Tax Distribution to Support Transit Projects
[7:52pm]

Rollo moved and it was seconded that Resolution 23-03 be adopted

Beth Cate, Corporation Counsel, highlighted the agreement including the distribution from the city to the Bloomington Public Transportation Corporation (BPTC) and certain requirements and projects.

John Connell, General Manager of Bloomington Transit (BT), gave additional information regarding the projects and obligations.

Council questions:

Smith asked if the agreement enhanced the ability for those with disabilities or the elderly to ride the bus.

Connell said that one project funded discounted fares for people with disabilities and the elderly. There were nonprofit agencies that BT sold discounted fares to.

There was no public comment.

Public comment:

Piedmont-Smith thanked the administration, Connell, and BPTC for their work on the agreement. She said that improving transit in the city allowed her to support the increase in the Economic Development Local Income Tax (EDLIT).

Council comment:

The motion to adopt Resolution 23-03 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 23-03
[8:00pm]

Rollo moved and it was seconded that Appropriation Ordinance 22-06 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis. There was no do-pass recommendation.

Appropriation Ordinance 22-06 – An Ordinance Appropriating the Proceeds of the City of Bloomington, Indiana, General Revenue Annual Appropriation Bonds of 2022, Together With All Investments Earnings Thereon, for the Purpose of Providing Funds to Be Applied to the Costs of Certain Capital Improvements for Public Safety Facilities, and Paying Miscellaneous Costs In Connection with the Foregoing and the Issuance of Said Bonds and Sale Thereof, and Approving and Agreement of the Bloomington Redevelopment Commission to

Clerk's Note: This item was last read at the January 18, 2023 Regular Session when discussion was postponed to the January 25, 2023 Regular Session.

Rollo moved and it was seconded that Appropriation Ordinance 22-06 be adopted.

There was brief council discussion on process.

Carmichael spoke about acquiring the west side of the Showers building for a public safety facility. She provided reasons in support including setting the tone, integrating public safety workers, and the validity and pleasant location of the building. She reiterated information in support of the proposal and also acknowledged concerns that had been discussed extensively. Carmichael delineated other key details and highlighted the benefits of the proposed new public safety facility.

Sgambelluri read the synopsis for Amendment 01 to Appropriation Ordinance 22-06. Smith moved and it was seconded that Amendment 01 to Appropriation Ordinance 22-06 be adopted.

Amendment 01 Synopsis: This amendment removes language from the appropriation ordinance related to a Redevelopment Commission purchase agreement for a portion of the Showers building complex at a purchase price exceeding \$5,000,000. The intent behind the removal of this language is to

indicate that the Council does not approve of said agreement. It also makes clear that the additional funds to be appropriated by App Ord 22-06 shall not be used for the purpose of paying costs associated with the acquisition of any portion of the property comprising the existing Showers building complex not currently owned by the City.

Purchase Certain Property [8:01pm]

Volan asked what would be needed to maintain Bloomington Police Department's (BPD) Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation, if the public safety facility proceeded. He asked if the location jeopardized the accreditation

Council questions:

Police Chief Mike Diekhoff stated that CALEA was policy-driven and based on best practices, though there might be site visits. He did not believe there was a risk of losing the accreditation.

Sandberg noted community policing, downtown resource officers, and other achievements. She asked if there was an additional need for police reform that had not been already addressed.

Carmichael said it was more focused on evolving, much like best practices and policing had evolved over time.

Sandberg stated that it appeared to be a new need.

Flaherty said that if Amendment 01 and Appropriation Ordinance 22-06 passed, then the Redevelopment Commission's (RDC) purchase of the Showers building would be cancelled, and other projects could be done. He asked for clarification what projects the administration would consider.

Carmichael said that the administration had a list of options but that final decisions had not been made. Fire Station 1 needed to be repaired, and Fire Station 3 could also be renovated. The training and logistics center would also be built out, but that location was not ideal.

Flaherty asked if both repair and a new facility for Fire Station 3 was a possibility, if Amendment 01 and the legislation passed.

Carmichael confirmed that was correct.

Flaherty asked for additional information.

Fire Chief Jason Moore stated that there had not been studies done to consider other locations, including the cost benefit analysis. He said that a current project would have to be added in order to consider pros and cons. Moore said that there was not enough space for fire administration at Fire Station 1.

Piedmont-Smith asked if Mayor Hamilton intended to expand the current police station if Amendment 01 passed. And if not, what funding would be available for the expanding BPD.

Carmichael said that only a renovation would take place at the current BPD headquarters, and not new construction. She believed that new bonds would need to be issued.

Jeff Underwood, Controller, said that an additional general obligation bond would be needed and would include property taxes to repay it.

Volan asked where a new BPD headquarters would be built if new funding was sourced. He asked if he was misunderstanding the discussion.

Carmichael stated that Piedmont-Smith had asked about funds and not a new building.

Volan said that the current BPD headquarters would be sold, and it was noted that there were deficiencies with the building. He asked for clarification.

Carmichael said that the value was with the land, not the building.

Volan asked how there had been a solution to the flooding near Fire Station 1 but not the BPD headquarters, which was only one block away.

Carmichael said that the basement of Fire Station 1 was completely flooded and would not be included in repairs.

Moore said that modeling by City of Bloomington Utilities (CBU) indicated that the flooding would not recur, but it was not guaranteed. He explained that

the renovation plan eliminated the basement completely. He clarified that the flooding had been from the inside through the drainage system, and not water penetrating the building from the outside. The plan was also expensive because a new, redesigned drainage system would be built.

Volan asked if Fire Station 1 had a perimeter drain.

Moore said that it did, and additional attempts to fix the problem had been done, yet there was still flooding.

Volan stated that Kunce had mentioned that a perimeter drain should fix the flooding problems.

Moore confirmed that it “should” fix the flooding but was not guaranteed. He said that other fixes also “should” have fixed the problems but did not.

Deb Kunce, architect at J.S. Held, added that the solution had to include a water-proofing component like a bentonite which expanding with water. She noted additional considerations like difference in elevation.

Volan asked about the cost.

Kunce said it would be about \$700,000 without the water-proofing.

Sandberg asked if the Showers building purchase did not occur, then Economic Development Local Income Tax (EDLIT) funds would only be used for renovation of the current police headquarters, and not expansion. She asked if it was more cost effective and fiscally responsible to both renovate and expand the current headquarters.

Carmichael said that the administration did not believe that the building was a quality investment.

Smith asked if having a police headquarters in the Showers building made the area safer, given the retribution around the nation. He asked if city employees or the Farmer’s Market attendees would feel safer.

Carmichael stated that she could not speak to peoples’ feelings.

Rollo found that officers unanimously felt unsafe primarily because of the ingress and egress. He wondered if there had been a traffic study that counted the number of police cars that exited the current police station.

Kunce said that a traffic study had not been done.

Rollo asked how there was confidence in the area by Showers, if no study had been conducted.

Kunce explained that the focus had been on not blocking police cars.

Rollo stated that there needed to be an actual count at the current location and compared with Showers.

Diekhoff clarified that there were two ways, in and out, at both the current headquarters and Showers. At the current headquarters there was a major sidewalk through the park that officers crossed all the time. Officers were highly trained to be very cautious when driving. There had been internal discussions to address concerns regarding the B-Line trail.

Rollo reiterated that he did not understand why a study had not been done especially with a safety lens.

Diekhoff highlighted the safety concerns at the current headquarters that were parallel to concerns at Showers, like pedestrians in the parking lot.

Flaherty asked if there was data about the claim that there was unanimous concern from police officers about the Showers building’s ingress and egress as being unsafe.

Diekhoff stated that there was not.

Rollo stated that he had spoken to representatives from the police union who said that all officers were opposed.

Flaherty mentioned that in past meetings, Diekhoff noted that most police responses to emergency calls initiated from police out in the community and not from headquarters. He asked about how many were dispatched from headquarters.

Diekhoff stated that he would get that information for council and estimated that 20-30% of the calls were dispatched from headquarters.

Amendment 01 to
Appropriation
Ordinance 22-06
(cont’d)

Flaherty understood that police officers frequently used Lincoln and Washington streets. He noted that Bloomington Transit was across the street and asked if that was considered to be a high pedestrian area.

Diekhoff confirmed both points.

Flaherty said that, additionally, there was a park adjacent to the current headquarters, with a playground for children, and asked if that was also a high pedestrian area.

Diekhoff confirmed that was correct.

Flaherty asked when the last time a traffic study had been conducted at the current headquarters.

Diekhoff did not know.

Volan asked for clarification on what Rollo meant when stating that a traffic study was necessary; whether it was a count, or behavior study.

Rollo said that he would like to see an in depth analysis of ingress and egress, including car counts, speeds, and testimonials.

Mayor John Hamilton explained that emergency services were located where there was a need. He reiterated that most police calls were responded to from officers in the community.

Rollo stated that made it hard to compare locations.

Hamilton stated that he understood that Rollo did not like the Showers building for public safety and explained that typically, traffic studies were not done for public safety facilities.

Sims said that there were insinuations of there being 100% of sworn police officers stating that the Showers building was an unsafe location. He had not seen any data supporting that claim. He asked Diekhoff for his position on that concern and on discussions had occurred regarding ingress and egress safety.

Diekhoff said there had been discussions and concerns had been addressed. Experts were confident, as was he, that a solution-based design could be attained to make the area as safe as possible.

Sims mentioned that there were districts dividing the city that police officers covered. He asked how many calls were responded to from headquarters.

Diekhoff stated that there were days that none were dispatched from the headquarters and that it depended on the work the officers were doing.

Rosenbarger asked Diekhoff about crashes involving police cars, and if there was existing data.

Diekhoff stated that he did not know but could gather that information.

Sgambelluri said it would be helpful to hear details on what the solutions were for the concerns on ingress and egress.

Carmichael gave examples like lane widening.

Kunce stated that there were two main entrances and if those were blocked, there were two other options. In an extreme emergency, even the B-Line trail could be driven on. She said that the parking garage was another alternate route.

Diekhoff mentioned notices on the B-Line, like flashing lights to alert the public, and that police cars would also use their sirens.

Carmichael said that she had spoken with community members near the current police headquarters, like The Project School, Goldcasters, and more, and no one expressed deep concerns with sirens.

Volan asked if there would be gates to block certain entry points.

Carmichael stated that there were many options for traffic and pedestrian control. It might be ideal to do a traffic study to see what the best option was. She said that safety was addressed all around the city and that the Planning and Transportation department staff were well versed in that field.

Flaherty asked what the Bloomington Fire Department's (BFD) experience was at the temporary station on 4th Street.

Moore stated that station was immediately adjacent to the B-Line trail and responded to calls five to fifteen times per day with zero incidents. He noted the use of sirens, and safety spotters.

Flaherty asked if it was correct that 100% of the time, pedestrians and cyclists using the B-Line understood what the sirens meant, and stopped and waited for emergency vehicles to proceed.

Moore explained that the lights and sirens were a request to yield, and not a demand, and if the pedestrian or cyclist did not yield, firefighters would yield to them.

Rosenbarger asked Moore for his input and reasons for the need to relocate the fire administration.

Moore stated that previously, fire administration was spread around the city. He said that BFD did much more than only responding to emergency calls, like working with Planning and Transportation department, building code issues with Monroe County, and more. He highlighted the benefit of having city departments collocated for things like a plan and fire review for construction. It supported continuity to collocate.

Piedmont-Smith asked how BPD and BFD employees would be engaged, if the purchase of the Showers building was successful.

Carmichael said that the administration would work with the employees in the planning process, especially the non-sworn BPD employees that spent a lot of the time at headquarters.

Piedmont-Smith noted the concerns about the many windows at the Showers building and asked how officer safety could be maximized.

Carmichael said that there were options and the administration was sensitive to the concerns and wanted staff to feel and be safe. She gave some examples.

Kunce added that it was important to consider all the options, like ballistic glass, privacy shades, and other options.

Rollo understood that the parking garage would be made secure, and asked how that would be considered to be an alternative route.

Kunce said that the secure area was on the lower level and to go through the garage, cars would stay to the right and be able to exit.

Rollo asked if it was possible that cars could possibly block that area.

Kunce stated that was no different than blocking a parking lot, like the one at the current headquarters.

Rollo asked for clarification with using the B-Line as an alternate route.

Kunce clarified that it would be used to access a major road. In an emergency situation where there were no other options, then the B-Line could be used since it was wide enough for a car.

Rollo asked about the difference between a large, slower firetruck crossing the B-Line versus a small, faster police car.

Diekhoff assumed that police cars would leave faster than a firetruck.

Sgambelluri revisited concerns, from nearby neighborhoods, regarding traffic patterns near a public safety facility.

Carmichael explained that she had reached out to neighbors of the current police headquarters, as she had mentioned before, and that the concerns were unfounded from their perspective.

Sgambelluri asked what she had heard from the neighbors by Showers.

Carmichael said that the concerns pertained to noise and traffic.

Sgambelluri asked about collocation and solutions for having all public safety located with local government, which could be disabled by a disaster.

Moore explained that emergency services always built continuity of operation plans. The flood that harmed Fire Station 1, stopped its operation but within a few days, it was fully functional. Then within two weeks, there

Amendment 01 to
Appropriation
Ordinance 22-06
(cont'd)

was a temporary location, and in six weeks the station was fully functional out of former lawyer's office. He explained that public safety was always dealing with what-if's and designing fall back plans and locations. He assured council that no matter the location, there would be back up plans.

Diekhoff concurred and listed the options that BPD had around the city. He said that there were current plans in place, and that if the Showers building was purchased, then the plans would be adjusted.

Hamilton said there was also a mobile command center, and Indiana University (IU) with multiple locations too. He said that with most emergencies it was beneficial to have the fire and police chiefs, and coordinators together. He said that the integration of public safety was more critically important.

Rollo asked what the Showers building was able to withstand, potentially with an earthquake or a tornado.

Kunce said that testing had not been done so she did not know exactly.

Rollo stated that a new building, or a renovated building with an addition, it would be built to higher standards.

Kunce confirmed that new construction was held to a different standard.

Rollo said it was hard to evaluate a building without knowing what it could withstand.

Cate said that the work done by Springpoint included analyses by engineers regarding soil, wind resistance, and more. She did not have the information at the moment, but recalled they were not concerned about wind events.

Jeff Richardson commented on his experience in working with the police, his time in the prosecutor's office, and his assistance in creating the first youth shelter in the county. He commented on safety concerns pertaining to the proposal.

Public comment:

Eric Ost said it was important to listen to the public safety employees, who appeared to express many concerns.

Paul Post, President of the Fraternal Order of Police Lodge 88, expressed concerns with the proposed purchase of the Showers building for a public safety facility. He urged council to reject the proposal.

David Sabbagh disagreed with the city buying property. He spoke about traffic patterns, the Showers building, and surrounding properties.

Jamie Sholl liked the current BPD headquarters and spoke against moving it to the Showers building.

Jeff Rogers said that he, and other police officers, did not think it was ideal to move the police headquarters to the Showers building. He highlighted the many concerns regarding the building, costs, and personnel issues.

Joan Middendorf commented on police violence against Black and Brown community members. She spoke about her experience witnessing police violence. She noted the need for police reform.

Volan asked where the connection with City Hall was in the schema.

Council comment:

Kunce showed where there would be a connection in a new corridor.

Volan asked if city staff would have access to the police area.

Kunce clarified that there would be some restricted access to the police area. She explained specifics from the schema.

Volan noted some details about the Showers building and said he did not see the ability to have much interaction between police and other city staff.

Hamilton clarified that he, and the administration, were very proud of public safety personnel and their work. He commented on swearing-in ceremonies and the need for the integration of public safety in the community.

Amendment 01 to
Appropriation
Ordinance 22-06
(cont'd)

There would be many layers on implementing the integration. He understood that the police social workers were excited to be colocated with the health specialists of the fire department. He commented further on the building safety, department-specific needs, interactions with the public, and said there were around two hundred and eighty employees in public safety and only around eighty would be in the Showers building at any given time.

Amendment 01 to
Appropriation
Ordinance 22-06
(cont'd)

Rollo asked when Hamilton became aware that police officers unanimously opposed moving to the Showers building.

Hamilton stated that he had not seen any data confirming that claim. He said that the FOP leadership had communicated that to him but not shown any data. Early in the process, there was an extensive study that looked at dozens of potential locations, and that as the Showers building became the optimal option, he learned that the FOP were against it. The administration had met with FOP leadership to discuss their concerns.

Rollo asked if Hamilton agreed that the proposal was a huge decision.

Hamilton responded that he did and said the decision to invest into public safety would implicate service for decades. He reiterated that the Showers building allowed for future expansion as needed.

Rosenbarger asked what the timeline would be with CFC, and what happened if the purchase did not go through.

Carmichael said that she had spoken with CFC representatives that day, and they were liquidating many properties in the city. She was told that there was a lot of pressure to sell the building, which was a once in a lifetime purchase.

Rosenbarger asked what portions of the building were old and what had been renovated.

Carmichael responded that there were the "bones" of the building, but that it had been gutted and renovated in the 1990s. The mechanical portions of the building were around twenty five years old. She said that upgrades were done expertly and well-maintained.

Sandberg asked if there were other entities interested in purchasing the west side of the Showers building and if the agreed upon price was still accurate.

Carmichael said they had not discussed other entities interested in purchasing the Shower building. She said that the price had been reduced by \$500,000.

Sandberg asked if there were entities interested in purchasing the current police department.

Carmichael stated that she was not aware of any since it was not on the market.

Rollo commented that the process was disappointing. He said there had been a short period of time discussing the purchase of the Showers building, which was tied into the bonds. He appreciated the administration separating the bonds from the proposed purchase. Rollo said it was enlightening to be on the ad hoc committee and drilling down on some topics, and noted that Volan had excellently chaired that committee. It seemed to Rollo that the cost for renovating the current police station was inflated and the discounting of expenses for Showers was concerning. He spoke about touring the police station, the suggestions made by the FOP, and highlighted some specifics like adding a perimeter drain. Rollo also stated that the Kaestle Boos Associates, Inc. estimate for Showers did not include the purchase price of the building. It was a much cheaper option to keep the police station where it was. He was worried about colocating public safety in an older building. He commented on the standards for public safety facilities, disasters, and said that the Showers building was ideal for offices, but not for public safety. Rollo stated that he listened to police officers and was alarmed about making a bad decision with having public safety in the Showers building. He highlighted some of the concerns with the proposal that had been discussed in depth over several

meetings like a traffic study, and more. He urged the council to do no harm and said he supported Amendment 01.

Amendment 01 to
Appropriation
Ordinance 22-06
(cont'd)

Flaherty commented that the notion of doing no harm was misleading and was often invoked to preserve the status quo. The nature of policing and public safety should be changing and evolving at a high level. The integration of public safety services and making progress on persistent and difficult systemic problems was crucial. He did not intend to make an indictment on any department. He acknowledged that Bloomington, like everywhere in the United States, had issues and needed to continually improve public safety outcomes to ensure they were not impacting marginalized communities disparately and to reduce the unjust and world-leading incarceration rates. There was local data that was concerning. Bloomington needed to be mindful of best practices amongst progressive communities that were working to address the issues. He said there was value in the integration and collocation of all the public safety services which would continue to evolve. Flaherty rejected the framework that the status quo did no harm. He noted that it was not a real option to renovate or expand the current police station. There was also no evidentiary basis for the idea that there was an ulterior motive for the purchase of the Showers building. He commented on the ingress and egress concerns, the pedestrian-dense downtown, the properties surrounding the current police station, and neighborhood concerns with traffic patterns. He said that the current police station was less safe than the Showers building, since there were many more children near that location. He would vote against Amendment 01.

Rosenbarger appreciated the discussion on the pros and cons with the proposal. It was compelling to have public safety in the Showers building. She noted that most responses to emergency calls were not initiated from the police station. The fire station near the B-Line had no issues with pedestrians. She believed what the police and fire chiefs had to say. It was also compelling that future expansion was doable in the Showers building. She noted that Moore had said that the fire administration had already outgrown their current space. Rosenbarger found the parking garage compelling, because it was possible to provide a secure space for police cars, which was not feasible at the current police station. She commented that public safety meant something different to different individuals and that the collocation of most city staff was ideal. She gave reasons in support. She agreed that there was likely more bicycles and pedestrians near the current police station, including the people at the Boys and Girls Club, the Bloomington Transit station, The Rise, Middle Way House, The Project School, and many multi-family housing units. She said that one of the things that Bloomington did not have was a soccer field, which was one of the least expensive sports and Third Street Park would be ideal for a soccer pitch. She commented that it was also ideal to reconsider the Farmers Market given the many other markets like the Peoples' Market. She would be voting against Amendment 01.

Smith believed that the common ground was that public safety facilities needed to be renovated or built. He also appreciated the idea of collocating. To him, the Showers building did not seem like the ideal location. He appreciated all the feedback he received. He commented that programs and services could be done regardless of the final decision on the location. He would support Amendment 01.

Sandberg commented that the ingress and egress was a small portion of why she thought the Showers building was not ideal. She would support Amendment 01 so that alternatives could be discussed and feasibility studies done. A true opportunity to hear from the stakeholders had not been done; they had been treated like members of the community and allowed to speak during public comment periods with three minutes each. She noted that different departments had different purposes, like fire and police. Functional

Amendment 01 to
Appropriation
Ordinance 22-06
(cont'd)

spaces were needed for public services and she did not think the Showers building was sufficient. She did not believe that the current police station was a failing building. Sandberg said that people arriving to Bloomington via the public buses often went to the police station first, to get information on services and more. She said the idea of a fear of change was condescending to the police department. Bloomington embraced that the police department respect all members of the community, including marginalized people. She said that collocating did not make Bloomington more progressive because it already was. Police wanted to stay in the current building, or to build a new headquarters. She iterated the need to listen to police officers and their wishes and gave kudos to the fire and police departments for their ability to keep functioning during the recent flood. She would vote for Amendment 01.

Piedmont-Smith appreciated the discussion regarding public safety. She said that the police department had needed more space for years. She stated that the mayor made it clear that expansion at the current police station would not happen with the bonds. She discussed funding for a possible new building which, as Controller Underwood explained, would have to be for new general obligation bonds. She believed the prudent decision was to purchase the Showers building and put the police station and fire administration there. She would not approve any Community Revitalization Enhancement District (CRED) funds for the proposal.

Sgambelluri thanked everyone for their participation in the discussion. She stated that the proposal was a complex decision. The decision would be based on imperfect information because there were unknowns. She found it compelling to think of the public safety function as changing over time and she believed the police department had done so. She was unsure that collocating the police department was ideal. She believed that the police officers input was important. She still had concerns with the ingress and egress at the Showers building. Sgambelluri said there were community concerns communicated to her including high costs, new traffic patterns, and more. She did not appreciate having only one proposal, and not seriously considering the expansion of the current police station.

Volan referenced a presentation from the administration highlighting the benefits of purchasing the Showers building, including the opportunity to unite public safety under one roof with City Hall, the ability for future expansion, and the soundness of the Showers building. He disagreed a bit with the last point because substantial renovation would be necessary. He stated that the administration saw value in selling the land where the police station currently stood. The FOP believed that the Showers building would not provide superior working conditions. He commented on the good accessibility of the Showers building. Volan did not agree that the current police station was in a failed building and that the Showers building was an ideal space for a public safety facility. He discussed the fitness of the Showers building and its location, and the benefit of city services collocating. He also discussed some possible improvements for the current police station. He noted the intentional calming of 8th Street. Volan commended CFC for intending to build more workforce housing. He was disappointed that there was no guarantee that CRED funds would not be used. He was undecided as to the purchase of the Showers building.

Sims appreciated the ad hoc committee because it provided important clarifying points. He referenced some comments from that evening, and expressed thanks for the discussion. He would vote against Amendment 01.

Sandberg addressed the flat out refusal by the administration to consider the expansion at the current police station. She reiterated that property taxes had been raised the previous year for the EDLIT to fund public safety. She wondered why that was not sufficient for alternatives to the Showers building.

She did not feel that the proposal was serving the need of public safety operations.

Amendment 01 to Appropriation Ordinance 22-06 (cont'd)

Rollo said that Flaherty's characterization of his earlier comments as the status quo was a mischaracterization. He supported expanding the current police station, and did not agree that the building was antiquated and that the Showers building was not. He said that department heads were not in a position to go against the mayor. He claimed that 100% of police officers did not want to move to the Showers building. He was perturbed by the process and did not believe it was fair to eliminate the option of expanding the current police station. He noted that the current mayor would be out of office in eleven months. Rollo said that there were other public safety projects to consider using the bonds for. He gave examples of the expansion at the police station and said it was important to consider the stakeholders and listen to them.

Piedmont-Smith clarified that she had said that if the Showers building was not purchased then a general obligation bond would be needed for the police department. She explained that if Amendment 01 passed, and the mayor had no intention of expanding the current police station, then other projects could be funded, like fire station improvements. Therefore, the new mayor would need to source funding and a general obligation bond would be required. Given the circumstances, and despite being an imperfect process, it was prudent to approve the purchase of the Showers building.

The motion to adopt Amendment 01 to Appropriation Ordinance 22-06 received a roll call vote of Ayes: 4 (Rollo, Sandberg, Sgambelluri, Smith), Nays: 5 (Flaherty, Piedmont-Smith, Rosenbarger, Sims, Volan), Abstain: 0. FAILED

Vote to adopt Amendment 01 to Appropriation Ordinance 22-06 [10:54pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 02 to Appropriation Ordinance 22-06. Piedmont-Smith presented Amendment 02.

Amendment 02 to Appropriation Ordinance 22-06

Amendment 02 Synopsis: Because this item was first introduced and discussed in 2022 but action was postponed until 2023, this amendment makes updates to the legislation that reflect the new year, including renumbering the legislation and updating signature blocks.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 02 to Appropriation Ordinance 22-06 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 to Appropriation Ordinance 22-06 [10:57pm]

Volan asked what projects would be considered if the legislation did not pass.

Appropriation Ordinance 22-06 as amended

Moore stated that for the fire department, Fire Station 1 and 3 would be remodeled, and the training and logistics facility would be expanded.

Volan asked about Fire Station 4.

Moore stated that Fire Station 4 and 5 had already started a remodel which would allow another decade of use for those facilities but they were still on the replacement list.

Council questions:

Jeff Rogers, representative of the FOP, noted that the proposal was to purchase the Showers building with funds for public safety, but that the entire building

Public comment:

would not be used for public safety. He urged council to force the administration to dedicate the whole building to public safety.

Appropriation Ordinance 22-06 as amended (*cont'd*)

Rollo asked where the revenue would be used.

Carmichael said it would be used for the building.

Council comments:

Volan again expressed disdain for the process that was undertaken. He said that another appropriation ordinance could be considered but perhaps not in time for the RDC purchase agreement. He reiterated there could have been a better process. Volan considered voting against the legislation because of the process.

Flaherty said that the CRED funds were not being appropriated at the time and noted that Piedmont-Smith had stated that she would not support their usage for public safety at a later date. He wondered if the administration committed to not use the CRED funds affected Volan's perspective, and vote, for the appropriation ordinance.

Volan said that the administration had not withdrawn their statement to use CRED funds. The possible use of CRED funds did affect his perspective.

Sgambelluri said that if Appropriation Ordinance 22-06 did not pass, that meant that there was no appropriation of the bonds. She asked what the implications of that was.

Brad Bingham, Bond Counsel at Barnes and Thornburg LLP, said that the bonds were issued on December 22, 2022 on the basis that there were reasonable expectations to spend the proceeds within a certain time frame. He said that the longer the delay in appropriating the proceeds, then investment earnings to fund project costs would decrease. Proceeds needed to be spent within a certain period of time. He said those were significant dollars, around \$750,000 to \$1,000,000 in investment earnings.

Volan said that there were multiple projects funded by the bond and asked how much needed to be spent in order to assist with timing and the investment earnings.

Bingham said that spending the funds on other projects did help but it was all essentially in one pot. The city needed to spend 10% within six months, and 40% within one year, and 75% within eighteen months, and 100% within two years. Spending the bonds for some of the other projects would count toward those requirements.

Larry Allen, Assistant City Attorney, clarified that if the appropriation ordinance did not pass, then none of the funds could be spent on any of the projects. There was no ability to partially approve the appropriation ordinance. Also, the purchase agreement with CFC was that there would be funding secured by the end of the month and if there was not, the deal would need to be renegotiated or could possibly go away.

Carmichael stated that the mayor was willing to commit to not using any CRED funds on the project.

Flaherty said that the bonding capacity was EDLIT dollars that could be spent on many things including public safety. He asked if the bond proceeds came from the annual amount that council agreed to spend on public safety when they voted to pass the EDLIT increase. He said that the funding could change in the future through the appropriate process. He asked if the administration agreed that it was possible that future administrations could potentially change the usage of the bond proceeds.

Cate responded that the projects were prioritized by the current council but could be changed by future councils.

Flaherty said that his question was based on the commitment to not use CRED funds for the proposal.

Rollo asked where the money would come from for the renovation.

Carmichael stated that she did not know.

Rollo said he believed council was being played and resented it, deeply. He stated that he would be voting against the legislation, and believed a new appropriation ordinance could be brought forward. He urged council to reject the proposal.

Cate said that the materials for the legislation included how the funds would break down, for the renovation, which was part of the revenue that was appropriated through the appropriation ordinance.

Rollo asked Cate what she thought of the mayor. He was astounded at the process because it was not collaborative.

Volan made a point of order and stated that was not an appropriate question to ask the corporation counsel.

Rollo agreed and apologized.

Carmichael clarified that the bonds were \$1,000,000 over what was anticipated and there was funding expected from the sale of the existing property of the police station which would be applied to offset the funds.

Flaherty planned to vote in favor of the legislation. He said that Indiana law dictated that the mayor bring forward appropriation ordinances for consideration. The mayor did not believe that the expansion of the current police station was a good investment or use of taxpayers' dollars. Flaherty said that was not a threat, or coercion, nor was it playing the council. That type of inflammatory language reflected the hyper-polarization that mischaracterized the facts. He said that the argument that thinking that the public safety system needed improvement was tantamount to "a bunch of thugs wanting to pull their guns on people" was an absurd argument. Flaherty had never said anything like that. There were differences in understanding and in seeing the need to improve or change the public safety system. He resented some of the language that was used that affected a civil debate. Bloomington residents were central to him when considering the proposal.

Smith said that it was confusing to not know where the money was coming from and having council vote on a proposal was challenging. He asked where the funding would come from.

Cate responded that the appropriation ordinance was appropriating the revenue achieved through the sale of the bonds and that the breakdown of the expenditures was in the packet materials.

The motion to adopt Appropriation Ordinance 23-01 (Appropriation Ordinance 22-06) as amended received a roll call vote of Ayes: 5 (Flaherty, Piedmont-Smith, Rosenbarger, Sims, Sgambelluri), Nays: 4 (Rollo, Sandberg, Smith, Volan), Abstain: 0.

Appropriation Ordinance 22-06 as amended (*cont'd*)

Vote to adopt Appropriation Ordinance 22-06 as amended [11:24pm]

LEGISLATION FOR FIRST READING [11:24pm]

Rollo moved and it was seconded that Ordinance 23-02 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 23-02 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" Re: Transfer from Chapter 2.21 (Department of Law) to Chapter 2.23 (Community and Family Resources Department) [11:25pm]

Sgambelluri referred Ordinance 23-02 to the Regular Session to meet on February 01, 2023.

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT [11:27pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [11:27pm]

Sgambelluri adjourned the meeting without objection.

ADJOURNMENT [11:28pm]

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