

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, March 01, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
March 01, 2023

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Sue Sgambelluri, Ron Smith, Stephen Volan  
Councilmembers present via Zoom: none  
Councilmembers absent: Susan Sandberg, Jim Sims

ROLL CALL [6:30pm]

Council President Sue Sgambelluri gave a land and labor acknowledgement and summarized the agenda, noting that the Transportation Demand Manager position report would be given on March 29, 2023.

AGENDA SUMMATION  
[6:30pm]

There were no minutes for approval.

APPROVAL OF  
MINUTES [6:33pm]

Rosenbarger and Sgambelluri noted their next constituent meetings.

REPORTS [6:33pm]  
• COUNCIL MEMBERS

Deputy Mayor Mary Catherine Carmichael, reported on the 501c3, City of Bloomington Capital Improvements, Inc. (CBCI). She said Mick Renneissen, Sarah Bauerle Danzman, John West, and Valerie Peña would be the first four community members appointed to the CBCI. Council would appoint a fifth member. She noted the upcoming meeting for the CBCI.

• The MAYOR AND  
CITY OFFICES  
[6:35pm]

Piedmont-Smith thanked Carmichael and asked about the funding sources.

Council questions:

Carmichael said it was the Redevelopment Commission (RDC) and the city, and council would approve funding through appropriations.

Piedmont-Smith asked if the RDC received most of their funding from the Tax Increment Financing (TIF).

Carmichael confirmed that was correct.

Volan asked about council's authority on TIF funding and if it was correct that there was some funding for the CBCI that council would not approve.

Carmichael stated that was correct.

Piedmont-Smith understood that the council had to approve expenditures over \$5 million for the RDC.

Carmichael said that was correct.

Flaherty reported on the Special Committee on Council Processes (SCCP) and the motion to remove Greg Alexander from the Traffic Commission (TC). SCCP met three times in February, assisted by Council Attorney/Administrator Stephen Lucas and Deputy Council Attorney/Administrator Ash Kulak. He highlighted key points from the SCCP report, including the application of legal guidance and recommendations. He discussed due process, withdrawal of the motion to remove, procedural considerations, written notice to Alexander, clarification on the cause for removal, and free speech protections under the First Amendment. He said that none of the statements made by Alexander amounted to obscenity, fighting words, or true threats, as legally defined. Additionally, clarification from councilmembers was needed on the rationale to remove Alexander on two main components; intimidation and harassment of members of the public, and bias or a lack of fairness relating to Alexander's work on the TC. Flaherty referenced city code, which defined the duties of the TC members, and stated that a councilmember making a motion to remove must clarify how Alexander's ability to perform his duties as a commissioner was diminished. He provided additional key points and clarified that Alexander was currently serving his term on the TC. Flaherty noted that council could codify additional cause for removal reasons.

• COUNCIL  
COMMITTEES  
[6:40pm]

Monroe County Commissioner Julie Thomas noted the Indiana Division of Mental Health and Addiction announcement for the application for funding to combat problems relating to opioids. The county, working with the Indiana Recovery Alliance (IRA), was working on a grant application for funding.

• PUBLIC [6:48pm]

Jim Shelton discussed the Court Appointed Special Advocates (CASA) program. He noted the recent successful adoption of a five year old girl by her grandparents. He noted the successes and joys of being a CASA and urged community members to volunteer. He mentioned the upcoming trainings.

Christopher Emge, Greater Bloomington Chamber of Commerce, discussed the election season, and upcoming events with candidates for city council.

Lucas read a comment from Sam Dove, submitted via Zoom chat, stating that he had submitted a report regarding a sidewalk issue on Sheridan Drive.

There were no appointments to boards and commissions.

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS  
[6:56pm]

Rollo moved and it was seconded that the motion to remove Mr. Alexander that he made on February 1, 2023 be withdrawn and that he be allowed to offer a revised motion in line with the Committee recommendations the council heard earlier that night. There was no objection to the request.

Rollo moved and it was seconded that Greg Alexander be removed from the Traffic Commission for cause under BMC 2.08.020. Specifically, Mr. Alexander:

*"1. Posted the following comment on social media as a response to a member of the public expressing concern about a planned infrastructure project "punching" through certain streets in her neighborhood: "what are they punching through with? i would really like to know. it sounds like they are going to savagely penetrate your neighborhood and i want to know what they're going to use to do that?"*

*2. Posted the following comment on social media: "haters gonna hate and bloomington democrats gonna lick the shit out from between elm heights' neighbors ass cheeks".*

*3. Sent unsolicited hand-written letters directly to members of the public who had appeared at Council meetings, which led to complaints and concerns from those members of the public.*

*Serving on the Traffic Commission entails several duties, including carrying on educational activities and receiving complaints having to do with traffic matters.*

*These duties involve engaging with the public, and several members of the public have described to this Council their concerns about being targeted, bullied, or intimidated by Mr. Alexander. His actions and comments and the resulting public complaints this Council has received have compromised his ability and fitness to engage with the public and carry out his duties. While these comments were not made in a public meeting, his response to a resident's concern about a city project was offensive and used a reference to sexual violence to ridicule the concern. His comment about one of Bloomington's neighborhoods demonstrates bias. Bullying behavior and bias could discourage and has discouraged residents from voicing traffic concerns and from interacting with the Traffic Commission or the city.*

*To be clear, I do not make this motion because of Mr. Alexander's substantive criticisms of the city, the Council, or myself. Rather, I make this motion out of concern about Mr. Alexander's fitness to carry out the duties of his appointment to the Traffic Commission.*

*In making this motion, I also ask that the Council make no formal decision tonight, but instead give Mr. Alexander an opportunity to provide any written comments he would like offer the Council in response to this particular motion.”*

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS (cont'd)

Volan asked what social media was used to make the statements.

Rollo believed it was Twitter.

Volan noted the handwritten letter and asked if it was objectionable.

Rollo explained that it was in the context of the other types of engagement with advocates for neighborhood projects.

Volan asked if it was accurate that since Alexander was familiar with social media, his choice of sending a handwritten letter warranted an indictment.

Rollo clarified that Alexander objected to a neighborhood project and a resident felt harassed and targeted by him. He noted the resident's statement at a previous council meeting.

Volan asked if it was one letter or multiple.

Rollo said there were two letters to two residents.

Volan asked for further clarification on how the complaints demonstrated Alexander as being unfit to carry out his duties. He asked how the allegation of being bullied, harassed, and targeted rose to the level of unprotected speech.

Rollo stated that Alexander had targeted and engaged with specific residents, who felt harassed, and were not willing to participate in council meetings. He said that the educational role of the TC members was hampered by Alexander's bullying and intimidation.

Volan stated that the SCCP and legal guidance noted that the language in the motion, including the references to Alexander's statements, did not rise to the legal definitions of unprotected speech. He said it was the descriptions of residents' allegations of harassment and intimidation. Volan asked if Rollo was alleging that Alexander's actions rose to legal levels of conduct that represented for-cause removal.

Piedmont-Smith asked what the effect of the motion was, because at the end of the motion, there was a request that council take no action that evening.

Lucas clarified that council could follow the SCCP's recommendation of providing written notice to Alexander. He recommended a separate motion to postpone, if council wished to consider it the following week.

Volan asked if there was an existing process addressing due process for the removal of a board member or commissioner.

Rollo stated that it was a novel situation and believed there was cause. He noted previous removals for absenteeism.

Lucas confirmed that council had a process which required action in a public meeting, relating to absenteeism, and suggested that be the minimum process that council follow. Written notification should be sent to Alexander allowing a response from him as well. He noted other items that council consider.

Volan asked if it was accurate that the process was ad hoc, and reactionary, to a situation that had not come up in the past. He asked what an ideal next step was if a process was not codified.

Lucas referenced city code and reiterated that removal of commissioners was not limited to absenteeism and again recommended written notice.

Rosenbarger asked about the timeline for the written notification and for clarification of the language in the motion. She spoke of procedural due process, and if Alexander had been given notice.

Lucas stated that he had reached out to Alexander after the motion was made on February 01 and invited him to submit written comments. Alexander had shared the comments from social media to clear up any question that they were his comments. He had not been notified of the new motion that evening but council could provide that in writing to him.

Rosenbarger referenced the specific recommendations on due process which needed to be narrow, specific, and sufficiently clear so that the public

Council discussion:

and Alexander understood the exact conduct, et cetera, that led to the removal. She asked for clarification and if the motion for removal was due to comments or because of how he made residents feel.

Rollo clarified that his motion specifically described the cause for removal. Councilmembers had also received the social media posts via email, and there was testimony from residents at a previous council meeting.

Rosenbarger again asked if the proposal for removal was because of Alexander's statements or how he made residents feel.

Rollo said he was attempting to demonstrate that Alexander was unfit to serve as a commissioner because of his aggressive language, which inhibited his role in providing education to the community on traffic issues.

Flaherty appreciated the updated motion, and explained that SCCP had reviewed a case, *Waller v City of Madison*. The trial court applied a standard to behaviors that occurred outside of a board meeting. The court found there was not a cause for removal because there was no evidentiary record demonstrating the appointee's ability to fulfill their duties. That was why SCCP added the recommendation of demonstrating with evidence how Alexander was unable to fulfill his duties. The reasons were speculative, and in regards to future interactions. He asked if there was evidence from TC meetings about how Alexander had performed his duties as a commissioner.

Rollo stated that he did not know about TC meetings and noted that some residents did not attend TC meetings because of Alexander.

Volan said that boards and commissions were advisory and did not primarily have an education role. He asked for clarification.

Lucas read the Bloomington Municipal Code (BMC) 2.12.070 regarding the TC's duties.

Volan said the education role was one of many.

Rollo confirmed that was correct.

Smith asked if someone did not like Elm Heights, and were asked to rule on traffic issues relating to that neighborhood, if they would have an unbiased view in a commission context.

Rollo said it was bias towards particular neighborhoods, but bias not in the motion. He noted that advocates were biased in favor of their neighborhoods. He believed the case was strong regarding Alexander's inability to fulfill his duties. It was clear that he could not engage with the public in his role as a commissioner on TC, and that he had compromised and forfeited that role.

Volan asked for how many residents had expressed difficulty with Alexander.

Rollo stated that several residents had spoken about it in council meetings. There was evidence beyond the motion that councilmembers could refer to regarding the negative impact Alexander had on the public's interaction with the TC.

Piedmont-Smith said that she agreed with one of the three reasons given that Alexander could not perform his duties on the TC, and she found it difficult to vote for the motion. The motion relied on the concern over future behavior. The argument of a bias was stronger but it still had to result in an inability to carry out duties. Bias against the Elm Heights neighborhood was likely to impede the duties of a commissioner on TC.

Volan said the revised motion was not specific enough. He acknowledged that Rollo had noted some additional supporting information. Volan believed there were better ways to handle reactionary motions. There was an unprecedented situation that did not allow due process. He provided suggestions for future situations, discussed language in the motion, and was pleased that SCCP existed so the matter could be referred to it. He explained that the case was an ideal example of why council processes needed to be established. Volan stated that the residents that complained did not speak for all residents of the Elm

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS (*cont'd*)

Council discussion:

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS (*cont'd*)

Council discussion:

Heights neighborhood. He did not agree with the motion nor Alexander's comments. He talked about what council's focus on the issue should be. He encouraged SCCP to continue drafting processes to include due process and provided his recommendation for council actions.

Smith commented on the disturbing nature of the situation and said council should be able to protect people in the community and not worry about the specific offenses not in code. He reiterated that Lucas had advised about for-cause removals from a commission, like if the behavior was egregious and the individual was not able to perform their duties. If someone made comments like Alexander's and was biased against a neighborhood, it should not matter that it had not happened before, and council reaction was necessary. Council-appointed commissioners represented council and the city and there should be a process for removal if needed. He favored removing Alexander due to his comments and his bias.

Flaherty noted that bias was not being alleged, as Rollo clarified, and was not part of the motion. He spoke about protected political speech, regardless of how crude it was. Most of what was cited was political arguments about social equity, resources, and the prioritization of city resources. With regard to obscenity, there was not a process that could be applied uniformly. None of the statements Alexander made rose to the legal threshold for obscenity or threats, and if they had, they would be unprotected speech. He discussed options for postponing, and not sending the issue back to SCCP after written notification. Additional steps would be taken to define processes on for-cause removal, and more. He provided reasons why a new process could not be applied to a situation with actions that occurred prior to the process. He described guidance from case law.

Piedmont-Smith said that but was referenced in the three items listed. She asked if bias was part of the motion and asked for clarification.

Flaherty clarified that Rollo said he was not alleging bias. However, he reviewed the motion and bias was in fact included.

Rollo stated that Alexander had demonstrated bias and that could be part of the motion.

Volan discussed bias, even from councilmembers, who favored their districts. He believed that the motion was not specific enough. He questioned Smith's statement on Alexander's comments as being egregious. He commented on council's role in establishing rules and discouraged council from further consideration of the motion. He did not wish to postpone the matter.

Piedmont-Smith stated that she could not support the motion as written because it was not specific enough. There was not a connection between the alleged behavior and a finding that the behavior resulted in an inability to carry out the commissioner's duties. She noted there could be a motion on for-cause removal that she could support but not the current motion.

Rollo asked what might be needed since several councilmembers found the motion lacking specifics. He asked for guidance on withdrawing or amending his motion.

Lucas listed the actions council could take on the motion on the table.

Volan stated that Alexander had responded in writing to the previous motion, and asked if SCCP had taken that content into account.

Flaherty said that while Alexander had made general responses, the committee believed it was best for him to respond to the more specific charge.

Volan questioned the process, the potential number of motions and withdrawals, and the need to establish ways to handle situations like the one discussed that evening. He urged council to err on the side of innocence.

Rollo stated that Alexander was not being charged with a crime. Serving on a board or commission was a privilege and Alexander had abused it.

Volan reiterated that was an opinion and arbitrary and asked if the behavior had met a threshold that was defined.

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS (*cont'd*)

Flaherty agreed that there could potentially be an endless number of motions attempting to get the specifics right. SCCP should not be drafting a motion.

Council discussion:

Volan clarified that he did not indicate that SCCP should be drafting the motion, but should be considering an ordinance.

Sgambelluri thanked council for the discussion and noted the difficult decision. Processes mattered, and council could not be arbitrary but did need to be timely since the TC was still meeting. The new motion was clearer but did not adequately cover all statements made by Alexander. She supported withdrawing the current motion for a new motion with more detail.

Rollo moved and it was seconded to withdraw his motion. There was brief council discussion. There was no objection to the request.

Withdrawal of motion  
[7:58pm]

LEGISLATION FOR  
SECOND READING  
AND RESOLUTIONS  
[7:59pm]

Rollo moved and it was seconded that Resolution 23-05 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 23-05 – To  
Approve  
Recommendations of  
the Mayor for  
Distribution of  
Community  
Development Block  
Grant (CDBG) Funds  
for 2023 [7:59pm]

Rollo moved and it was seconded that Resolution 23-05 be adopted.

John Zody, Director of Housing and Neighborhood Development (HAND) department highlighted key points on the recommendations for the distribution of the Community Development Block Grant (CDBG) funds. He said that HAND received notification of the allocations the previous day and that there was less funding than the previous year by about \$20,000. That notification was one to two months earlier than normal. He described how the allocations would be adjusted accordingly as well as the timeline.

Piedmont-Smith asked what the dollar amount was from Housing and Urban Development (HUD).

Council questions:

Zody said it was \$855,868. He described the distribution from HUD and how that was calculated based on a formula.

Piedmont-Smith asked if the funds were less because of the undercount from the previous census in the city.

Zody stated that was possible, because population was one of the factors. The formula was based on community needs, poverty, housing, overcrowding, and more.

Rollo asked to display the list of the allocations in the legislation.

Lucas displayed the list and Zody described the recommendations including the physical improvements programs and social services programs.

Rollo asked if there were projects not being funded, and if HAND had considered other funding like the Jack Hopkins Social Services Fund (JHSSF).

Zody explained that the allocations fluctuated year to year, and that there were projects that were not funded. There were also caps, such as a max of 15% for the social services programs. He described additional funding like pandemic and recovery programs, and said that there were gaps in funding.

Piedmont-Smith asked what bike pods at Crestmont were.

Rosenbarger said it was covered storage areas where one could lock bikes.

There was no public comment.

Public comment:

Piedmont-Smith thanked everyone for their work on the allocations and noted it was difficult when there was not enough funding.

Council comment:

The motion to adopt Resolution 23-05 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to adopt Resolution 23-05 [8:13pm]

Rollo moved and it was seconded that Ordinance 23-03 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 23-03 - To Amend Title 15 of the Bloomington Municipal Code Entitled Vehicles And Traffic" - Re: Amending Section 15.12.010 to remove seven stop intersections, to add six stop intersections, and to delete one 4-way stop intersection; Section 15.12.020 to add one yield intersection; Section 15.32.030 to delete angle parking on Fourth Street between College Avenue and Gentry Street; Section 15.32.080 to add no parking spaces on Duncan Drive, Nineteenth Street, and Strong Drive and to remove no parking spaces on Grant Street and Nineteenth Street; and Section 15.32.090 to add limited parking zones to Eighth Street [8:14pm]

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

Amir Farshchi, Long Range Planner in the Planning and Transportation (PT) department described the updates on a map that was displayed. He explained the changes based on need, staff recommendations, traffic calming updates, and housekeeping items for Title 15. He noted staff that were present to answer questions including Raye Ann Cox, Parking Enforcement Supervisor; Neil Kopper, Senior Project Engineer; Scott Oldham, Captain of the Bloomington Police Department (BPD); Alex Pratt, Assistant City Attorney; and Ryan Robling, Planning Services Manager.

Piedmont-Smith asked about the time limit for the limited parking zone on 8<sup>th</sup> Street and Walnut Avenue. She asked for further clarification.

Council questions:

Oldham stated that BPD's request, due to it being a high entertainment district with problems of people gathering, fighting, and causing general concerns. He said there were injuries that had been sustained from fights in that area, even to police officers.

There were no public comments.

Public comment:

Volan praised the work of Farshchi. Farshchi had announced he was leaving the city for a job in Virginia. He would be missed at the city and had been a steady presence in PT and on the Parking Commission (PC).

Council comment:

Farshchi said it had been a pleasure to work at the city, with staff and PC, and with council.

The motion to adopt Ordinance 23-03 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 23-03 [8:23pm]

Rollo moved and it was seconded that Resolution 23-04 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Resolution 23-04 – A Resolution Authorizing the 2023 Expanded Outdoor Dining Program in the Downtown Corridor [8:24pm]

Rollo moved and it was seconded that Resolution 23-04 be adopted.

Chaz Mottinger, Special Projects Manager in the Economic and Sustainable Development (ESD) department, provided answers to council questions from the previous Regular Session. In regards to the Trinity Church, De de la Rosa, Assistant Director for Small Business Development in ESD, had met with the Reverend to view the building. Staff learned that Engineering had put forth a plan to increase American with Disabilities Act (ADA) parking spaces near the Kirkwood Avenue downtown area and one would be on Grant Street near the church, by April 1<sup>st</sup>. She described additional remedies for the church including the completion of construction that had been done on Grant Street, and more. She provided additional information on the businesses that supported, or not, the parklets on the Kirkwood street closures. She thanked Talisha Coppock, Downtown Bloomington, Inc. (DBI) for putting together the data for council and summarized it. She discussed concerns with the 500 block of East Kirkwood Avenue and impacts to the Bicycle Garage as well as preferences of Lennie's restaurant. The alley behind the Bicycle Garage was sometimes blocked by delivery drivers, such as Door Dash. She noted that Lennie's strongly stated they would only participate in the outdoor dining program if the street was fully closed, and would not do a parklet. Mottinger spoke about the costs for bollards, and the orange jersey barriers, including construction, parts, water to fill the barriers, and overtime pay for staff. She thanked Michael Large, Special Projects/Operations Manager in Public Works, for that data. She thanked Michelle Wahl, Director of Parking Services, for the parking information. She discussed shared streets and the difficulties the city faced without doing a full redesign of Kirkwood Avenue. A comprehensive, conceptual design, and construction, of Kirkwood would be required. She also discussed how staff would measure impact and successes from the street closures including revenue, surveys, and more, and noted ideas for the beautification of the parklets.

De de la Rosa, Small Business Development in ESD, discussed parking data in the downtown areas and summarized parking revenue from Parkmobile, garages, and IPS meters. This also included 2014-2022, pre-Covid-19, and the state of emergency years.

Mottinger concluded that staff recommended the same closures, and parklets, for consistency and community vibrancy, with some additional requirements for ADA compliance and for beautification.

Volan presented additional information on parking revenue data, including specifics on certain areas in the city. He noted several factors that impacted areas with high revenue from parking, such as street closures, construction, and more. The area known as university village was analyzed because they bordered the areas where there were street closures.

Piedmont-Smith asked for clarification on data pertaining to parking revenue.

Council questions:

Volan explained that there had been meters and paid parking areas, which made the revenue numbers not match. He had attempted to verify parking trends with the analysis on the revenue data.

There was additional clarification on the revenue data per year.

Rollo asked if the additional ADA parking space would allow access to Trinity Church via the alley to the east. He asked if it was blocked and if emergency vehicles could use it.



Resolution 23-04  
(cont'd)

Mottinger said that the primary issue of accessibility for the church was resolved by completion of construction work on Grant Street, as well as the added ADA parking spot.

De la Rosa described the church's issue with accessibility. She explained that the ramp near the alley was not up to code and was not the true accessible entrance for the church. The accessible entrance was located on Grant Street. The plan to add the ADA space on Grant Street appeared to resolve the issues.

Rollo said his main concern was the accessibility for fire trucks in the alley.

Mottinger stated that she had spoken with Fire Chief Jason Moore and the current street closure was satisfactory for fire protection.

Rollo stated that did not reassure him.

Smith asked about the possibility of not closing the 500 block of East Kirkwood Avenue between Indiana Avenue and Dunn Street, by Lennie's and the Bicycle Garage.

Mottinger described a draft amendment that was included in the packet that removed that block.

Lucas stated that there were two draft amendments, included in the packet, and neither had a sponsor at the time.

Mottinger said that staff recommended not changing the closures in order to have data for comparison.

Volan asked for clarification on the cost of bollards.

Mottinger explained that a whole intersection cost about \$150,000.

Volan asked about the current cost for bollards on the closed streets.

Mottinger said that there were currently five at \$42,000 each.

Volan asked if it was \$84,000 per block.

Mottinger confirmed that was correct, but only for construction, and each bollard was \$1,300 and labor varied from \$185-650 per hour depending on when the bollards were installed.

Volan asked about the costs for orange jersey barriers at parklets.

Mottinger said they were \$260 each, and took fifty-four hours and two workers to install them at about \$2,100. Additionally there was a cost of about \$4,000-6,000 for the initial filling up with water, as well as maintenance for things like leaks.

Volan asked about the shared street cost.

Mottinger said that a study had not been done so a cost could not be estimated.

Volan asked why staff did not believe that having jersey barriers was safe.

Mottinger said that a true shared street needed to be redesigned with a focus on pedestrian safety.

De la Rosa added that the current closures allowed for an emergency vehicle to travel through the center of the road between parklets.

Mottinger said that currently, Kirkwood also had sidewalks and curbs, which made it not a true shared street because there were different levels and would not be accessible to people in wheelchairs, for example. A true shared street had only one level and was pedestrian-focused.

Rollo asked for further information regarding the Bicycle Garage and staff's efforts to mitigate street closure impacts.

Mottinger stated that their main concern was with the alley behind the building getting clogged with food delivery vehicles. Staff had discussed their concerns and the only real option was to remove that block from the closure.

Rollo asked if the alley behind the building would remain open.

Mottinger said that it would.

Flaherty asked for clarification on the blocking of the alley because the alley was twenty-four feet wide, and was more like a street. He was surprised that it got blocked since it was more than two cars wide.

Mottinger confirmed that was correct, and said that staff had not been able to assess the situation. That was why staff recommended keeping the closures as they were in Resolution 23-04 to inform data.

Resolution 23-04  
(cont'd)

Flaherty said that staff could mitigate the concerns with the alley in the near future, for the Bicycle Garage, because of its width.

Mottinger agreed.

Piedmont-Smith asked about feedback from QR codes on tables at restaurants participating in the closures. She asked how feedback would be received from those who were prevented from going downtown due to the closures. She asked if staff had talked to the Council on Community Accessibility.

Mottinger said that forthcoming feedback would better inform data because it would include non-pandemic years. Parking data would also allow staff to analyze attendance to the downtown. She reiterated that having two years' worth of data would provide better information on street closure impacts. Staff had talked with Michael Shermis, Special Projects Coordinator in the Community and Family Resources (CFR) department. Staff also believed the plan to increase ADA parking spaces, as well as a design for a shared street, was progress. Staff would work with businesses to ensure compliance.

Piedmont-Smith asked about feedback from those who could perhaps drive to the downtown but were cumbered by the distance from the ADA parking space to businesses.

Mottinger said that the goal was to strategically locate additional ADA parking spaces. The Engineering department had conducted a study on where to place the spaces. She said that feedback would also be targeted, in person input, and more, and staff would work with boards and commissions for receiving feedback.

Sgambelluri thanked staff for their work and appreciated the focus on measuring successes. She asked about Rockport Analytics' capability and methodology.

Mottinger stated that Rockport Analytics used cell phone data.

De la Rosa said that general data was collected regarding movement and flow of people in the downtown area. No personal data was collected.

Volan said that construction projects closed streets for extended periods of time and asked how that was different from closing one lane on Kirkwood.

De la Rosa clarified that closing one lane on Kirkwood effectively removed the ability for emergency vehicles to go in between parklets for emergencies.

Mottinger said the jersey barriers were too heavy and the bollards were used because they were easier to remove in emergencies. Jersey barriers were expensive and the city was not budgeted to buy more. Also, in construction zones, community members were not sitting down to eat at a restaurant or cross the street. There was additional discussion on the shared street option.

Mike Klinge, owner of the Orbit Room, spoke about his experience with the parklet program and the success of being ADA compliant. He said it was highly successful and gave reasons why.

Public comment:

Galen Cassady, from the Uptown Café, appreciated the discussion. He was particularly interested in the data that would analyze making the street closure permanent. He spoke in favor of outdoor dining and its benefits like a sense of community. He would like to participate in the feedback.

Mike Carmin spoke against parklets and street closures because it benefitted some businesses over other businesses. He commented on the lack of parking due to the closures and said it affected his business.

Pauly Tarricone thanked staff for their work, and appreciated the discussion. He gave reasons in support of the street closures and parklets. He discussed

how to make Bloomington’s downtown thrive even more. He spoke about the need for bold decisions to combat climate crisis.

Resolution 23-04  
(cont’d)

Renee Miller commented on the need to reach out to other business owners on Kirkwood. She talked about paratransit for those who could not walk, even for short distances.

Bob Costello, President of the Kirkwood Community Association, discussed construction in the downtown area that affected the parking data. He disagreed that some businesses were favored over others, and said that the closures benefitted the entire community. He commented on revenue and safety with the closures.

Sue Aquila, owner of Bloomington Bagel Company and Dunn Park Apartments, stated that the alley behind the Bicycle Garage was never entirely blocked, and she was impressed with conscientious delivery trucks and workers to not block the alley. She said businesses were still recovering from the pandemic.

Volan moved and it was seconded to adopt Amendment 01 to Resolution 23-04. He presented reasons for a robust discussion on Amendment 01.

Amendment 01 to Resolution 23-04

Amendment 01 Synopsis: This amendment modifies language in the resolution and program guidelines attached as Exhibit A to the resolution to reduce the eligible blocks of West Kirkwood Avenue for use of the Extended Outdoor Dining Program as those between South Walnut Street and South Dunn Street. The block of West Kirkwood Avenue from South Dunn Street to South Indiana Avenue shall not be included in the Program.

Smith had discussed the street closure with Lennie’s and the Bicycle Garage. Lennie’s was ambivalent about the closure, and that when he went to speak with the Bicycle Garage, it took him a half hour to find parking. It was ideal to not close the street there, and to have the city work on a shared street design.

Rollo asked if any restaurants other than Lennie’s used the closed street.

Council questions:

Mottinger said no and reiterated that Lennie’s would not do a parklet and preferred the street closure. Staff wanted feedback from all businesses near the closure. She discussed pedestrian-safe street closures as well as a sense of community vibrancy it provided. The benefits were not limited to economic revenues for businesses.

Bob Costello noted the increase in cost of supplies for restaurants. He said that it was important to drill down on the Food and Beverage Tax revenue because it included fast food restaurants.

Public comment:

Talisha Coppock stated that other businesses, like Urban Outfitters and Underground Printing were supportive of the closure. Noodles & Company, and Potbelly, were not in favor of the closure but were not adamant about it.

Pauly Tarricone agreed that Amendment 01 created a lack of continuity and spoke in favor of closing the street.

Bob Holahan, owner of the Bicycle Garage, and the only property owner other than Indiana University (IU) on the block, said that the street closures resulted in less flow of traffic, and cars brought people downtown. Blocking the street did not help his business and the alley in the back was sometimes blocked.

Rollo asked staff if Lennie’s were to want a parklet, then the city would facilitate that.

Council comment:

Mottinger said that was correct. They could apply like any other business.

Rollo said that the data could still be analyzed, block by block, and not closing the 500 block of East Kirkwood would not hurt the data.

Mottinger said that consistency also included community members' expectation of street closures and could confuse traffic patterns.

Amendment 01 to  
Resolution 23-04  
(cont'd)

Rosenbarger asked for clarification on Lennie's participation in the outdoor dining program.

Mottinger clarified that Lennie's would participate in outdoor dining only if the street was closed, and would not have a parklet.

Piedmont-Smith noted that City of Bloomington Utilities (CBU) planned to do work in the alley behind the Bicycle Garage in 2024, and she could not imagine blocking access during that time.

Mottinger agreed and staff would have a different recommendation the following year.

Rollo said it was compelling to vote for Amendment 01 and gave reasons in support. He noted that Lennie's was the only restaurant on the block that participated in the outdoor dining program.

Smith said he had hoped to have more data. He said that the Bicycle Garage had their business obstructed.

Flaherty stated that he was not considering Amendment 01 and Resolution 23-04, as restaurants versus other businesses, but rather as the use of public space. He said it was important to consider goals for the city as outlined in adopted plans like the Comprehensive Plan, Transportation Plan, and Climate Action Plan, which all called for focusing on pedestrian, bicycle, and transit uses above cars. Since there was not consensus, not everyone would be satisfied. There was not a place in the city better suited for closures than Kirkwood. It was ideal to have connectivity of multiple blocks of non-car spaces. He commented on plans for a shared street on all of Kirkwood. He commented on staff's efforts in working with businesses on concerns. He would vote against Amendment 01 and for Resolution 23-04.

Rosenbarger planned to vote against Amendment 01.

Sgambelluri would not support Amendment 01 and understood that 2023 would provide an opportunity to gather data on the street closure program.

Smith said that data was used to decide trends and one more year of data would not be enough to help inform decisions. He supported Amendment 01.

Volan spoke about access on a right of way, resident-only reserved parking program that was eliminated because it was supposed to be shared areas. The street closures turned a right of way into a market place. He questioned how to regulate it including the fees that restaurants paid for the outdoor dining program. He said it was important to revisit fees for parking across the city too. He would abstain on Amendment 01.

Piedmont-Smith appreciated the discussion, and agreed that there was not a consensus on the street closures. In the absence of consensus, it was important to use the adopted city plans to guide decision making. She would vote against Amendment 01.

Rollo believed that a permanent street closure of Kirkwood was never part of the plan. It had been advertised as a temporary program to address the public health emergency impact. Closures favored one business over another. He would vote in favor of Amendment 01.

Flaherty said that when roads were open to cars and traffic, then they were effectively closed to everyone else. City streets were overwhelmingly

dedicated solely to cars, with some streets not even having sidewalks. The status quo excludes many users.

Amendment 01 to Resolution 23-04 (cont'd)

Rollo clarified that he meant shared streets should be the goal.

The motion to adopt Amendment 01 to Resolution 23-04 received a roll call vote of Ayes: 2 (Rollo, Smith), Nays: 4 (Flaherty, Piedmont-Smith, Rosenbarger, Sgambelluri), Abstain: 1 (Volan). FAILED

Vote to adopt Amendment 01 to Resolution 23-04 [10:39pm]

Volan stated that data was useful and agreed that it had been difficult to get sufficient data. Current data showed that there was not a catastrophic effect from the street closures. He believed that there was an opportunity to work together to determine the best program to keep the downtown thriving. He commented on parking fees in the downtown area.

Council discussion:

Flaherty praised staff and the business associations for their work. He also praised the Orbit Room for building a ramp in order to be fully ADA compliant. He noted that businesses were not investing in beautifying the parklets because of the uncertainty with the continuation of the program.

Sgambelluri thanked staff, and council, and said she supported the closures on Kirkwood. She was less supportive of parklets as they currently were with the orange barriers. She looked forward to forthcoming data.

The motion to adopt Resolution 23-04 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to adopt Resolution 23-04 [10:47pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING [10:47pm]

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT [10:47pm]

Lucas reviewed the upcoming council schedule and reports.

COUNCIL SCHEDULE [10:48pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT [10:49pm]

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