

<p>In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, January 11, 2023 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.</p>	<p>COMMON COUNCIL REGULAR SESSION January 11, 2023</p>
<p>Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan Councilmembers present via Zoom: none Councilmembers absent: none</p>	<p>ROLL CALL [6:30pm]</p>
<p>Council President Susan Sandberg summarized the agenda.</p>	<p>AGENDA SUMMATION [6:31pm]</p>
<p>There were no minutes for approval.</p>	<p>APPROVAL OF MINUTES [6:31pm]</p>
<p>Smith wished everyone a Happy New Year.</p>	<p>REPORTS [6:32pm]</p>
<p>Volan concurred and noted Charlotte Zietlow's book.</p>	<p>COUNCIL MEMBERS [6:32pm]</p>
<p>Sims and Sgambelluri also wished all a Happy New Year.</p>	
<p>Piedmont-Smith, Rosenbarger, and Flaherty mentioned their upcoming constituent meetings.</p>	
<p>Rollo wished everyone a safe and Happy New Year.</p>	
<p>Deputy Mayor Mary Catherine Carmichael thanked council for the opportunity to reintroduce herself. She highlighted her experience with Parks Commissions and her employment with the city as the Communications Director with Mayor John Hamilton, and later the first Director of Public Engagement. She noted her experience including being a radio host, Director of Leadership Bloomington Monroe County, small business owner, former Board President of the Bloomington Economic Development Corporation (BEDC), Government Affairs Director at a local utility, and her volunteer work with children and the arts. She also enjoyed being a mother. She was the second female Deputy Mayor. Carmichael thanked city staff, colleagues, and Hamilton. She said it had been delightful to work with council, too.</p>	<p>The MAYOR AND CITY OFFICES [6:35pm]</p>
<p>John Zody, Director of Housing and Neighborhood Development, gave an update on the report on Public Input on use of HOME/American Rescue Plan Act (ARPA) Funding. He highlighted uses of funds, outreach, public comment opportunities, and the timeline.</p>	
<p>Sims asked how the public comment period would be publicized.</p>	
<p>Zody said there would be direct, and broad outreach to community organizations, as well as the notice in the newspaper.</p>	
<p>Sandberg commented on the Community Development Block Grants (CDBG) Social Services committee and the recent public hearing to hear from the thirteen applicants.</p>	<p>COUNCIL COMMITTEES [6:43pm]</p>
<p>Greg Alexander commented on a bicycle task force report, its goals, and the extension of the B-Line. He said a safe path program for schoolchildren was needed. He expressed frustration for Elm Heights residents disdain for traffic calming efforts in their neighborhood.</p>	<p>PUBLIC [6:44pm]</p>
<p>Eric Ost said that there was a lot of passion around transportation infrastructure in the community. The frustration for Elm Heights was unfair and there needed to be more objectivity.</p>	
<p>Marc Haggerty spoke about violence in the community and the importance of activities like basketball, especially as a deterrent for other bad options.</p>	

Rollo moved and it was seconded that Sue Sgambelluri be elected as President.	ELECTION OF OFFICERS [6:58pm]
Sgambelluri appreciated the nomination and thanked her colleagues for their work. She noted the previous year's work, and commented on scheduling.	Council discussion:
Volan said Sgambelluri was interested in the Special Committee on Council Processes (SCCP) and asked if, as president, she would address it.	
Sgambelluri said yes and that more engagement with the community was important. Councilmembers could report on their constituent meetings, as well as work with city boards and commissions more closely.	
Volan asked if she was interested in setting time limits for questions and answers, or public comments, per item.	
Sgambelluri said yes, and that was part of why she looked forward to SCCP.	
The motion received a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.	Vote to elect Council President [7:02pm]
Rollo moved and it was seconded that Isabel Piedmont-Smith be elected as Vice President.	
Piedmont-Smith stated she would be pleased to serve as Vice President.	Council discussion:
Volan asked Piedmont-Smith if she had specific ideas on addressing lengthy council meetings through time limits or other improvements.	
Piedmont-Smith said yes and that SCCP could address it.	
The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.	Vote to elect Council Vice President [7:05pm]
Sandberg moved and it was seconded that Dave Rollo be elected as Parliamentarian.	
Rollo stated that he would be happy to serve as parliamentarian and believed time limits were necessary.	Council discussion:
The motion received a roll call vote of Ayes: 7, Nays: 1 (Volan), Abstain: 1 (Rollo).	Vote to elect Council Parliamentarian [7:06pm]
Sgambelluri noted council's work and Sandberg's leadership over her tenure as Council President. She presented Sandberg with a gavel in honor of her work. Council applauded Sandberg.	
Sandberg handed the gavel to Sgambelluri who listed the new seating arrangement. Council President Sue Sgambelluri presided over the remainder of the meeting.	
Sgambelluri established the Special Committee on Council Processes (SCCP). Sgambelluri appointed the following councilmembers to the Special Committee: Flaherty (chair), Piedmont-Smith, Rollo, Sgambelluri	APPOINTMENTS TO COUNCIL COMMITTEES [7:10pm]
Sgambelluri appointed the following councilmembers to the Climate Action & Resilience Committee: Flaherty, Piedmont-Smith, Rollo (chair), Smith	
Sgambelluri appointed the following councilmembers to the Jack Hopkins Social Services Funding Committee: Sandberg (chair), Sims, Rosenbarger, Smith	
Sgambelluri appointed the following councilmembers to the Council Sidewalk Committee: Sandberg, Sims (chair), Rosenbarger, Volan	
Sgambelluri made the following assignments to the Board and Commission Interview Committees:	
<ul style="list-style-type: none">• Interview Team A- Smith, Sims, Rosenbarger• Interview Team B- Sgambelluri, Volan, Flaherty• Interview Team C- Piedmont-Smith, Rollo, Sandberg	

Sgambelluri announced that council appointments to boards and commissions would take place at the next Regular Session of the Council on January 18, 2023.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS
[7:13pm]

LEGISLATION FOR
SECOND READING
AND RESOLUTIONS
[7:13pm]

Rollo moved and it was seconded that Resolution 22-20 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis. Resolution 22-20 was adopted on December 14, 2022 with a vote of Ayes: 8, Nays: 1 (Rosenbarger), Abstain: 0 and was presented to Mayor John Hamilton on December 15, 2022. Resolution 22-20 was returned by Hamilton, unsigned, along with a statement of reasons for his veto.

Resolution 22-20 – A
Resolution
Responding to
Monroe County Board
of Commissioners
Ordinance 2022-46
[7:13pm]

Rollo moved and it was seconded that Resolution 22-20 be adopted.

Stephen Lucas, Council Attorney/Administrator, provided a brief history of Resolution 22-20. He provided options council could undertake that evening including a two-thirds vote overriding the veto and adopting the legislation.

Sandberg added that council had a tight deadline to support the county’s path forward as the Capital Improvement Board (CIB) as the mechanism for any expansion to the Convention Center using Food and Beverage Tax (FBT) funds. It was important to bring the legislation back to council, as a separate entity from the mayor, as well as showing support for moving forward.

Monroe County Commissioner Julie Thomas wished everyone a Happy New Year. She agreed that there had been a short timeline in December for council to decide to support the CIB or not. Resolution 22-20 would be non-binding because the deadline had passed. She stated that council’s vote that evening would send a message regarding the CIB. She gave a brief history of the FBT including the promise of working with the county by the city.

Monroe County Commissioner Lee Jones supported Thomas’s statements.

Sgambelluri acknowledged Mayor Hamilton’s statement with his veto.

Volan asked if the commissioners believed that the FBT should be repealed.

Council questions:

Thomas responded that she supported the FBT, especially if the CIB moved forward.

Sandberg had attended a recent legislative update where a question was asked about the possibility of the Indiana General Assembly (GA) eliminating the FBT. She asked what would occur if that happened.

Thomas said that without the administration’s support, the county would have to demonstrate to the GA the seriousness of using that tax. An agreement on the CIB structure would have to exist. She listed other concerns.

Deputy Mayor Mary Catherine Carmichael commented that the GA had attempted and failed to remove the FBT the previous year. She reiterated that the CIB was not the only mechanism to manage the expansion of the Convention Center.

Piedmont-Smith asked if the mayor intended to move forward with a 501c3 and if there was a requirement for the county to sign off on that.

Carmichael stated that it was the mayor’s intention to have a 501c3 and did not need the county to sign off.

Piedmont-Smith believed that the county council had to sign off on expenditures from the FBT.

Carmichael said that a 501c3 did not require the county’s approval, but did require county council approval for expenditures of the FBT.

Sims said that a 501c3 would separate the efforts from the city from the county regarding the Convention Center. He asked for clarification.

Carmichael clarified that there were many things that a 501c3 could do for the city that a CIB could not, such as managing other city owned properties like the Hopewell site or Waldron Arts Center. More information would come later in the week. She said there would be many opportunities to include the county as required and by choice. State funding primarily flowed through the county.

Sims asked for examples of other ways that progress could be measured, locally and at the state level.

Carmichael said that staff had been updating the GA on the progress including initial steps like design efforts.

Sims asked what would happen, or what the lobbyists would recommend, if the CIB was not formed, which he understood was a deal breaker for the county.

Carmichael clarified that the lobbyists would not advise, but would ask what the next steps would be.

Sims asked if next steps would be done along with county leadership.

Carmichael said the city would have to work with the county.

Smith asked why it was so important for the city to have control over the entity that managed the Convention Center.

Carmichael said that the city did not have any interest in managing the facility but did want it built expertly, quickly, and well. The city wanted the asset ready for the community in a timely fashion. She said there had been problems in working with the county, and could continue to slow the expansion.

Smith asked if there was a sunset for the 501c3.

Carmichael said that the 501c3 would encompass more than the Convention Center, but could have a sunset relating to the expansion.

Piedmont-Smith asked how the city envisioned working with the county, given that county government did not agree with the city having a 501c3.

Carmichael described ways that the city and county could collaborate including the use of the Innkeeper's Tax, with county appointed members.

Piedmont-Smith said the entities would be the Convention and Visitors Center Board (CVCB) and the FBT Advisory Committee (FBTAC).

Smith asked if the city would agree to binding arbitration.

Carmichael stated that had not been discussed so she did not know.

Volan asked if public comment was allowed on a veto-override vote.

Lucas said yes because it was considered to be normal course of business.

Christopher Emge, Greater Bloomington Chamber of Commerce, reaffirmed the business community's strong commitment to the CIB as the governance structure for the Convention Center expansion. He gave supporting reasons.

Public comment:

Geoff McKim thanked council for their diligence with decisions on the expansion of the Convention Center. Having the city and county partner together would result in greater success of the expansion. He urged council to support the CIB.

Mike Campbell, President of the Convention and Visitors Center Commission, said they were ready to partner with the city and move forward. There were some items that would need to be addressed with the 501c3.

Peter Iversen, Monroe County Council, urged councilmembers to support the CIB. It was important for growth, tourism, and bringing businesses to the community. He iterated that collaboration was important.

Julie Thomas thanked council and said that a 501c3 was not transparent and did not have to meet publicly. The Convention Center expansion should not be under the purview of a 501c3, and she would not support the FBT if the 501c3 was formed.

Tonda Radewan looked forward to more partnerships between the city and county. She said that 501c3s were less transparent and she, and the public, would like to know who would sit on the leadership board of that entity.

Resolution 22-20
(cont'd)

Public comment:

Dave Askins, BSquare Bulletin, asked about FBTAC approvals for expenditure of funds. He believed a majority vote was necessary and asked how that was put before the FBTAC. He believed it was council and not the administration.

Lucas read a comment from Sam Dove submitted via Zoom chat stating that the "council needed to pass the issue and vote again with the mayor [sic]."

Piedmont-Smith asked how a request for the expenditure of funds would be made to the FBTAC; from council or the mayor.

Council comment:

Lucas stated that council passed a resolution in 2020 regarding requesting a recommendation from the FBTAC on the expenditures of the FBT revenues, as directed by state statute §6-9-41-16.

Rollo commented that a CIB was the best means for an objective path forward, and was the county's preference. It ensured transparency and was subject to Public Access laws. It would be a collaborative approach to working with the county. He would support Resolution 22-20.

Volan understood and supported the utility of a 501c3 to oversee things in the city like the historic alcohol permits in the downtown area. He was agnostic about a 501c3 overseeing the Convention Center expansion but there had to be an entity to manage it. It appeared that the administration was holding off to ensure a majority power. Volan said that if it came down to encumbering the money or losing the FBT, then he would vote to end the tax, despite advocating for it. If a majority of the council believed that the CIB was adequate, then the administration should accept it, and if a 501c3 had a role, then the county should accept that too. Volan believed that the city should have a 501c3. The main point was about who would be in charge of the Convention Center, and a management scheme could be adequately designed for all stakeholders.

Sandberg clarified that the FBT was under the county council's purview. She hoped that the city and county could collaborate on the expansion and would support the CIB. She also did not believe that all the entities had been contacted regarding the duties of the 501c3. She reiterated that council was considering overriding the mayor's veto and standing with the county.

Flaherty stated that he did not find the mayor's veto offensive. It was a signal that he did not agree with forming a CIB. The county commissioner's ordinance said the CIB would take effect upon receipt of notification from the mayor and council agreeing with the terms. He would vote for Resolution 22-20 and reminded everyone that council had passed an amendment to the legislation which sought to address the administration's concerns and have greater balance between the city and county. He referenced community justice reform as analogous to the current issue of collaboration between the city and county.

Sims said that rescinding the tax was ludicrous. He referenced comments from county commissioners stating they would vote to rescind the tax if an agreement was not reached. He spoke about the city and county reaching an agreement despite vast differences. Council had supported the CIB via Resolution 22-20. He was not set on having a 501c3, though it could manage city-owned properties. He discussed the appointments to the CIB and to the 501c3. He wondered what the best option in the long term was. Sims supported Resolution 22-20.

Piedmont-Smith would rather not be discussing the Convention Center expansion considering local governments' responsibilities to the community. She was the only councilmember to abstain in voting on the FBT in 2017. The expansion was not a priority for use of tax monies. She noted climate crisis and the warming of the ocean; it was not ideal to expand a venue for people to arrive using fossil fuels. Conventions could be held online and should be. She expressed frustration on the

disagreement between county and city executives. She would support Resolution 22-20 because the CIB was the best solution. She reiterated that not everyone was thrilled about an expansion of the Convention Center.

Resolution 22-20
(cont'd)

Council comments:

Rosenbarger concurred with Piedmont-Smith and stated she would vote against Resolution 22-20 because she did not agree with the expansion. It was not about the CIB or 501c3. She discussed the overall increase of convention center spaces despite falling attendance and use of those spaces. She noted a survey of community members demonstrating that the expansion was not a priority.

Smith acknowledged the disagreement between the city and county. He believed professional help, such as a mediator or social worker, would help move the project forward. Smith stated that it was unknown if the state would take action and restrict Food and Beverage taxes. He would support Resolution 22-20.

Volan said that a 501c3 could manage city owned properties. He discussed the Buskirk-Chumley which was celebrating its 100th anniversary, as well as the Waldron Arts Center, which was formerly managed by Ivy Tech and had been returned to the city. He commented on the appointments to a 501c3 and said that compromise was necessary or the proposal would fail.

Rollo was mystified by the mayor's veto and indication to proceed with a 501c3 resulting in the county's rescinding of the FBT. He understood that the expansion would make the Convention Center a civic center. He would support Resolution 22-20.

The motion to adopt Resolution 22-20 received a roll call vote of Ayes: 8, Nays: 1 (Rosenbarger), Abstain: 0.

Vote to adopt
Resolution 22-20
[8:32pm]

Dave Askins stated that the temperature in the room was eighty degrees.

ADDITIONAL PUBLIC
COMMENT [8:32pm]

Dave Burnworth expressed interest in Volan's vote against Rollo for parliamentarian.

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE
[8:32pm]

Sgambelluri adjourned the meeting without objection.

ADJOURNMENT
[8:34pm]

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