

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

COMMON COUNCIL  
REGULAR SESSION  
February 01, 2023

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived 6:33pm)  
Councilmembers present via Zoom: none  
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 April 21, 2021 and September 01, 2021. The motion was approved by a voice vote.

APPROVAL OF  
MINUTES [6:32pm]  
• April 21, 2021  
(Regular Session)  
• September 01, 2021  
(Regular Session)

Volan noted the 100<sup>th</sup> anniversary of the Buskirk-Chumley theater marked by a gala.

REPORTS [6:32pm]

Smith thanked the Cubs Scout troop 100 for their attendance. He said that ReStore needed volunteers.

• COUNCIL MEMBERS  
[6:32pm]

Sims recognized the Cubs Scout troop too and said that he was an Eagle Scout. He said that day was also the start of the Black history month and recognized the city for its work on inclusion and for being welcoming. He thanked Beverly Calendar-Anderson and Shatoyia Moss for their work on Black History Month in the city. The theme for the month was Black innovation.

Rollo stated that there was low-level frequency vibrations coming from the Carlisle factory on Hillside Street and urged residents to reach out if they were affected.

Piedmont-Smith acknowledged the death of Tyree Nichols at the hands of the Memphis police. She read a statement from the Vice President of the United States of America, Kamala Harris.

Sandberg recognized the 100<sup>th</sup> anniversary of the Buskirk-Chumley theater and spoke about its history. She also mentioned the Waldron Arts center managed by Constellation, and noted she was a season ticket holder. She thanked the Cubs Scout troop for their participation.

Sgambelluri noted her upcoming constituent meeting.

Clerk Nicole Bolden spoke about Black History Month and noted the recent killing of two Black men. She quoted from Kareem Abdul Jabbar's publication stating that the killings did not celebrate the joys of Black History Month. She said that Black History Month was supposed to be about celebrating Black joy, and learning. She thanked County Councilor Jennifer Crossley, Judge Valeri Haughton, Councilmember Jim Sims, Councilmember Isabel Piedmont-Smith, and former Deputy Mayor Donald Griffin for their attendance at the recent kickoff. She noted that there were four more weeks of events that month and urged council and the public to attend when they could.

• The MAYOR AND  
CITY OFFICES  
[6:42pm]

There were no reports from council committees.

• COUNCIL  
COMMITTEES  
[6:46pm]

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke about civility, the makeup of council, the Community Revitalization Enhancement District (CRED), and the beautification of the city.

• PUBLIC [6:46pm]

Kathryn Rock, Dispatcher at the Monroe County Emergency Dispatch Center, noted employees' goals for unionization with the Communication Workers of America (CWA). They wanted to be treated as first responders, have more diversity in the dispatch center, more consistency with scheduling, and a more robust pay scale that accounted for the stress of the job as well as the decades of experience of some dispatchers. She urged council to support their efforts.

Stephen Lucas, Council Attorney and Administrator, read a statement from Sam Dove, submitted via the Zoom chat, regarding an upcoming rally for the Asian and Asian American and Pacific Islander community.

Daryl Rubel commented on protestors, vandalism, justice, and arresting violent protestors around the nation. He also commented on the Bloomington Police Department (BPD) and commended their efforts.

Eric Ost said that how people treated each other was important, as was language. He said the council were somewhat shepherds of the community and needed to be mindful.

Stephanie Hatton noted ReStore's good efforts in the community. It was also nice to have seen the Cub Scouts, and hoped that the council provided opportunity for them. She spoke about civility and respect.

Piedmont-Smith moved and it was seconded to reappoint Duncan Campbell to seat C-1, to appoint Kirsten Hawley to seat C-2, and Ernesto Castaneda to seat C-3 on the Historic Preservation Commission. The motion was approved by a voice vote.

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS  
[6:57pm]

Piedmont-Smith moved and it was seconded to reappoint Randy Cassady to seat C-1 and Deborah Myerson to seat C-2 on the Redevelopment Commission. The motion was approved by a voice vote.

Piedmont-Smith moved and it was seconded to appoint Reyes Javier Rosales to seat C-2, Raquel Anderson to C-3, and Marlo Libel to seat C-5 on the Commission on Hispanic and Latino Affairs. The motion was approved by a voice vote.

Piedmont-Smith moved and it was seconded to reappoint Gerard Pannekoek to seat C-4 and Nia Carlsgaard to seat C-5. The motion was approved by a voice vote.

Piedmont-Smith moved and it was seconded to appoint Regina Moore to seat C-2 on the Parking Commission and to reappoint Tatiana Peters to seat C-4 on the Commission on the Status of Children and Youth. The motion was approved by a voice vote.

Rollo moved and it was seconded that Greg Alexander be removed from the Traffic Commission for the following cause: posting obscene and inappropriate statements, including statements directed at and antagonizing members of the public, that are unbecoming of an appointed member of a public body, which has diminished Mr. Alexander's ability and fitness to be an effective member of the Traffic Commission, and to represent the best interests of the City.

Volan moved and it was seconded that the question of removal be postponed until the Special Committee on Council Processes (SCCP) reviewed and reported back to the Council at the March 22, 2023, Regular Session.

Volan said that there was not a process for council to remove a commissioner. He spoke about censuring and critiquing politics, council, or community members. Residents of Elm Heights had privileged access to councilmembers, and one resident had been allowed to present without any time limit. That was not the case for other community members. Volan discussed committees, unprecedented council action, and postponement of the motion.

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

Council discussion:

Flaherty supported the motion to refer the discussion to the SCCP, and said that Volan had brought up valid points including the for-cause removal of a commissioner. There were legal issues to consider.

Rollo said that Lucas recommended that the motion be postponed so that Mr. Alexander could be notified and given the opportunity to submit comments. It was important for the motion to be considered by all councilmembers and not just the committee.

Volan explained that it was sufficient to have the committee do preliminary work and then have the full council discuss afterward. He gave reasons in support of the committee and then deliberating.

Sandberg stated that if the committee could work quickly then she had no issue with establishing a process. Harm had already been done, and using a formal process was best. It was ideal to determine a process to remove commissioners for reasons other than non-attendance.

There was a brief council discussion on the timing of meetings.

Sims asked if the committee would return a recommendation to remove, or not remove, Mr. Alexander.

Rosenbarger stated that the goal of the committee was to devise a process for removing commissioners for causes other than non-attendance.

Flaherty added that the committee would investigate the concerns and then determine if there was a recommendation to put forth to the full council.

Rollo asked for Lucas's input on timing.

Lucas stated that his recommendation was that council not take action that evening because city code only referenced absenteeism as a cause for removal. That would allow time to notify the commissioner, and allow them a chance to respond. Afterwards, it was up to the council how to proceed.

Rollo commented that Volan inferred that he could not make a fair decision because there was animosity between Rollo and Mr. Alexander, therefore, he would step down from the SCCP.

Volan clarified that what he had said was that there were political statements that might be offensive, using profanity and obscenity, but there needed to be a process for removing a commissioner for non-absentee reasons. It was not to focus on feelings, but to agree on a course of action.

Sandberg noted that as public servants, councilmembers may be targeted or called names, et cetera. She said the issue was that there was a commissioner who had made statements that caused the community to feel unsafe coming before council without being harassed. Commissioners had responsibilities and this was a unique issue. She said it was not a free speech issue but rather unbecoming conduct by a commissioner.

Rosenbarger pointed out that the goal was to objectively determine a process for issues when they arose. She commented on the Supreme Court of the United States' consideration of obscenity in the 1960s. There was not a set of parameters or rules to guide decisions of what was considered obscene. Presently, council did not have an objective process in place. In regards to community members not feeling safe speaking at council meetings,

Rosenbarger stated it was also not useful for a councilmember to say that a public speaker ruined the meeting, as had been done recently.

APPOINTMENTS TO  
BOARDS AND  
COMMISSIONS (cont'd)

Rollo said that council needed to distinguish between political speech and bullying behavior, as described by residents. He had brought forth the motion because the residents resided? in his district. The residents described bullying behavior, intimidation, harassment eluding to sexual violence.

Council discussion:

Smith commented that the manner of speech was threatening and council needed a process to address those concerns. He agreed that a standard needed to be attained, and believed Mr. Alexander should be removed.

Volan asked what would prevent other community members from stating that they felt threatened. He said that no matter how self-evident statements may be, there was not a standard and processes were necessary. It was important to follow legal processes and not unduly unseat a commissioner, and gave additional reasons in support of having a process in place. Volan stated that Mr. Alexander said that the residents were the bullies so the sentiments were subjective and the process needed to be objective.

Sandberg stated that she had not heard of any commissioners being so offensive to members of the public, ever. It was an unprecedented situation, and was important to have time to vet the situation and determine a process.

Sgambelluri thanked council for the discussion. She understood there was an acute situation where members of the public felt threatened and unable to participate in their government, and that needed to be addressed in a timely manner. It would likely not be the last time and a process was needed that allowed for clarity and integrity. She would support referring the investigation to the SCCP.

Volan amended and it was seconded to have the Special Committee on Council Processes report back to the Council at the March 1, 2023, Regular Session. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to refer to motion to committee [7:46pm]

LEGISLATION FOR  
SECOND READING  
AND RESOLUTIONS  
[7:47pm]

Rollo moved and it was seconded that Ordinance 23-02 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 23-02 – 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) [7:47pm]

Rollo moved and it was seconded that Ordinance 23-02 be adopted.

Beth Cate, Corporation Counsel, presented the legislation and thanked council staff for their work on it. She highlighted key points including more efficient use of city resources and an expansion of education and programming efforts. She thanked former city attorney Barbara McKinney for her work, and for achieving high scores on the municipal equality index for eight years, with a perfect score. Cate noted there would be continued legal input and support on human rights cases in 2023 with a transition in 2024. She introduced Audrey Brittingham who had taken over McKinney’s role in the Legal department in supporting the Human Rights Commission (HRC) and Human Resources (HR). She mentioned that there were some stylistic updates to city code in the proposal, as well as the future possibility of a merger with the Monroe County Human Rights Commission.

Beverly Calendar-Anderson, Director of the Community and Family Resources department (CFRD), said that moving the HRC to CFRD fit well with the

ongoing work already being done in CFRD including diversity, equity, and inclusion, and community accessibility and justice. She noted some changes that would be made with staff to enable a smooth and successful transition.

Ordinance 23-02  
(cont'd)

Volan asked if the proposal was an expansion for human rights across the city, as a result of the change.

Council questions:

Michael Shermis, Special Projects Coordinator in CFRD, looked forward to a full transition of the HRC. He said that there would be additional time for staff to provide education and outreach to the community.

Volan asked specifically if there would be more personnel hours devoted to the efforts.

Calendar-Anderson stated that it would be about 50% of Shermis's time. She explained that along with other commissions under CFRD, there would be a holistic view of human rights in the city.

Audrey Brittingham, Assistant City Attorney, clarified that her time with human rights concerns would be around 25% and that including HR issues, like Affirmative Action, it would be closer to 40% of her time.

Volan asked for further clarification regarding the Legal department's time with human rights issues in the city.

Cate explained that previously, McKinney was responsible for all the duties including education, investigations, and providing additional legal advice to the HRC. The proposal shifted the administration responsibilities of the Human Rights Director to CFRD with support from the Legal department.

Sims asked what was anticipated for staff's time with having the city review cases in the unincorporated parts of the city.

Cate clarified that would be addressed only if the merger with the county was done. Staff did not know what the potential case load would be, and part of the discussion with the county included its' participation and support of the city's HRC efforts.

Sims asked for examples of educational outreach that would be done.

Shermis stated that there would be more opportunities for outreach at schools and civic groups in an effort to publicize what the HRC did.

Sims appreciated the proposal.

There was no public comment.

Public comment:

Volan was encouraged by Ordinance 23-02 and discussed the creation of the Commission on the Status of Children and Youth. He noted McKinney's heroic work during her tenure and appreciated that the large workload would be spread across two departments and its personnel. He would support Ordinance 23-02. He also welcomed Brittingham to the city.

Council comment:

The motion to adopt Ordinance 23-02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt  
Ordinance 23-02  
[8:06pm]

There was no legislation for first reading.

LEGISLATION FOR  
FIRST READING  
[8:07pm]

Greg Alexander spoke about empty parking garages, over-engineered car facilities, under-engineered areas for pedestrians and bicycles, storm drains, greenway projects in the city, and sidewalks. He apologized for making people feel threatened. He did not regret using vitriolic language to describe destructive conduct by elected officials, and if showing respect to elected officials when they were causing harm was a requirement for being a commissioner, then he would not have applied. He said there was a select group of residents with the ability to bypass commissions and overrule staff. They were allowed to speak longer and more often than other public speakers. He concluded by saying that a Twitter user had initiated contact with him, and

ADDITIONAL PUBLIC  
COMMENT [8:07pm]

impugned his motives. He urged the city to aggressively pursue greenways across the city.

ADDITIONAL PUBLIC COMMENT (cont'd)

Natalia Galvan commented that it was a failure of city council leadership, especially those who had served for multiple terms, that there was not a process in place to remove commissioners. Council had received information of Alexander's egregious comments on social media in November 2022, well before his reappointment in January 2023. Using rape terms, or threatening, and stalking terms was always wrong. She urged council to reach out to the Indiana Coalition to End Sexual Assault and Human Trafficking for more education. She felt that leadership failed the community.

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [8:14pm]

Rollo moved and it was seconded to cancel the Regular Session on February 8, 2023. The motion was approved by a voice vote.

Vote to cancel Regular Session [8:15pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT [8:15pm]

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