

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, March 08, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 08, 2023

Councilmembers present: Isabel Piedmont-Smith, Dave Rollo, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived at 6:36pm)
Councilmembers present via Zoom: Matt Flaherty
Councilmembers absent: Kate Rosenbarger

ROLL CALL [6:30pm]

Council President Sue Sgambelluri gave a land and labor acknowledgement and summarized the agenda, noting that one set of minutes included for approval were on the agenda by mistake.

AGENDA SUMMATION
[6:30pm]

Rollo moved and Smith seconded to approve the minutes of April 14, 2021, May 19, 2021, August 04, 2021, August 11, 2021, August 31, 2021, September 15, 2021, and September 22, 2021. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

APPROVAL OF
MINUTES [6:33pm]

Smith reported on petitions discussed at the recent Plan Commission meeting.

REPORTS [6:34pm]

- COUNCIL MEMBERS

Sims spoke about the upcoming primary election and noted the importance of voting. He encouraged community members to attend candidate forums.

Piedmont-Smith mentioned her upcoming constituent meeting.

Sandberg attended the world premiere of the Anne Frank opera presented by the School of Music at Indiana University (IU). She noted the security that was present include searching of bags as well as scanning for metal objects.

Flaherty spoke about his upcoming constituent meetings which changed days.

Vic Kelson, Director of the City of Bloomington Utilities (CBU), presented a report on CBU location changes to the Winston Thomas plant. He discussed concerns about polychlorinated biphenyls (PCBs), the current facility, and storage issues.

- The MAYOR AND
CITY OFFICES
[6:43pm]

Adam Wason, Director of Public Works (PW), spoke about the department's facilities across the city. He gave details on the locations of facilities for street division, fleet maintenance, and the need to have a central site where staff were located. He said the idea was collocating PW staff at the facility that CBU currently occupied.

Kelson added that a master plan was complete but needed to be updated to account for construction and market changes as a result of the pandemic, and more. Bonds through Water Works required approval by the Utilities Service Board (USB), council, and the Indiana Utility Regulatory Commission (IURC). He noted the timeline and process.

Sims asked if PCB testing was done regularly to ensure there was no leaking, and about revenue and rate increases. He asked about the spaces that PW would leave when moving.

Council discussion:

Kelson said CBU did not regularly test and he would confirm about the testing. It was investigated by the Environmental Protection Agency. There would be a water rate case in 2024 to go into effect in 2025. Debt service would be paid out of the current rate. He gave additional details.

Wason said there was much that was still to be determined with the space. He gave details on the structures and said some would need improvements.

Sims asked what the largest structure was.

Wason stated he was not sure and would research and let council know.

Rollo asked what the total estimated cost for the project was and if there were other bonds or funds to be used. He asked for details on the Miller Drive location.

- The MAYOR AND CITY OFFICES (cont'd)

Kelson said it was \$38 million including demolition, cleanup of the current site, and restoration of it to pre-construction state. The work would proceed regardless if a new facility was built because the site was decaying. Staff would seek grant funding, there would be a transfer of funds from PW that would help offset the cost to the utility rate payers, and staff would also seek low interest rate loans. He reiterated that PW would move into the facility.

Piedmont-Smith asked what resources would be used to pay to move PW.

Wason stated that there would be an agreement for the transfer of the property, and that PW would use what was there. The location would be great for PW because of conference rooms, and more. The master plan would determine much of the details, like the cost of moving. He said the goal was to keep the cost to a minimum and bonding or budget approval would go through council. Also, staff was seeking grant funding opportunities.

Piedmont-Smith asked if the transfer of assets from CBU to the city, which were technically separate, required that the city pay for it.

Wason explained that would have to be negotiated with the administration and the USB and may require an interlocal agreement.

Kelson said that the Controller's office was having the facilities on Miller Drive appraised as a starting point for the discussion.

Sgambelluri extended the time for reports without objection.

Volan asked if the new facility would be in city limits and joked that if not, if CBU would opt into annexation. He asked about the water tanks and garages.

Kelson stated it was all in city limits. The water tanks would remain, because the Monroe plant emptied into them and helped maintain pressure in the distribution system. The garages would be for storage of heavy vehicles.

Volan said the current CBU property was owned by rate payers, and would be owned by tax payers when it became PW. He asked about selling the property to the city and that it was not a simple transfer of funds between departments. He asked what was needed for administration at the Winston Thomas plant.

Kelson said the office facilities and garage would be larger, and the laboratory would be new.

Volan asked if the building could be easily added onto in the future.

Kelson said yes and gave some examples.

Rollo asked about service expansion relating to annexation.

Kelson said that CBU had outgrown its current facility and would have to accommodate service expansion as the city grew. There were paper records that needed to be kept and were located at 423 S. Washington Street. He said that property could be used for other activities other than paper storage. He gave additional examples of making better use of spaces that CBU owned.

Rollo commented on the recent Showers West purchase, and asked if the existing space could be used to accommodate CBU and/or PW.

Kelson said that CBU preferred to be collocated and referred to when CBU was inefficiently separated in Showers and Miller Drive. He spoke about the importance of having adequate storage for things like large trucks and pipes. Currently they were uncovered.

Wason said that Showers West was not ideal or feasible for PW and noted the importance of collocating. The Winston Thomas plant and the move for PW to Miller Drive was a great opportunity for both entities to modernize.

Wason presented the pilot program to document scooter parking violations in the downtown area. He noted community partners that were considering the renewal of agreements with the scooter companies. That would be before council in the near future. He discussed temporary staffing that monitored

scooter parking in the pilot program areas. There were six hundred and five total violations from October to December; Bird had two hundred and seventy, Veo had two hundred and forty, and Lime had ninety five. He summarized the violations by company, and type of violation like four hundred and seventy nine violations that blocked sidewalks or American with Disabilities Act (ADA) ramps. He said that nearly all of the violations was done by the user of the scooters and not the companies.

- The MAYOR AND CITY OFFICES (cont'd)

Sims asked about corrective actions for the companies and how many violations were acceptable.

Council discussion:

Wason said that staff took a picture of the violation, got the serial number, documented it in the T2 parking system, and then moved the scooter. Corrective actions for companies were not in the pilot program. He said that no violations were acceptable. The goal of the pilot program was to gather the data, as well as unblocking a sidewalk or ramp, for example.

Sims asked why the companies would not monitor and make corrective actions, like the city had done in the pilot program.

Wason said that was a potential requirement.

Rollo asked if funds for the pilot program and staff had come from city funds. He asked why scooter were not impounded and why the companies were allowed to operate under an expired contract and if the city was liable.

Wason said it was paid by the fees paid to the city by the scooter companies. Impounding was a possibility and could be discussed further. He believed that it was the administration's decision to allow the companies to operate despite the expired contract. Staff from the Legal department could best answer the liability question.

Sandberg noted IU's recommendations to further restrict the operating hours and asked if that was considered. She said IU was impounding scooters and asked how the city could do the same.

Wason noted that the discussion that evening was regarding the pilot program and that additional information was being drafted on things like impounding, time limits, and more. He believed there would be adjustments to operating hours.

Volan asked how many scooters per company were authorized in the city. The relevant information was the number of rides taken per scooter. He asked about data, tracking, and violations.

Wason said staff was gathering that information and believed that Lime had the highest number of deployments, then Bird, and last was Veo. There was not data prior to the pilot program. He believed there were many more violations that were not seen.

Volan said scooters could be under the purview of the Parking Commission (PC) and could participate in tracking data. He asked about scooters not being allowed to park in car spaces.

Wason would follow up with council.

Smith asked if staff had a cost estimate for addressing the violations and about requiring scooter companies to pay the city the cost of monitoring and correcting violations.

Wason responded that the ideal next step was to determine how to best mitigate the violations including the scooter companies.

Sgambelluri thanked Wason for the presentation, and asked who had the right to terminate the contract with the scooter companies, and on what grounds.

Wason believed it was the Board of Public Works (BPW) but would confirm. Sgambelluri asked what else was being explored by the city and its partners. Wason stated that was an ongoing discussion and he could not specify.

Volan asked if there were any councilmembers in the discussion. He said it was not ideal to bring an ordinance before council on changes to the scooters in the city, and then expect a quick turnaround.

Wason understood.

There were no council committee reports.

Paul Post, President of the Fraternal Order of Police (FOP), Lodge 88, updated council on the project for the police and fire headquarters and the FOP's participation. He provided examples of FOP's exclusion from meetings.

Chuck Livingston spoke about his experience in the city with scooter violations. He provided pictures of violations like blocking sidewalks.

Ash Kulak, Deputy Attorney/Administrator, read a statement from Sam Dove submitted via Zoom chat regarding the county's participation in a statewide tornado drill.

Eric Ost discussed scooter violations and said that specific data should have been provided by the companies.

Sgambelluri recommended the appointment of Doris Sims to the City of Bloomington Capital Improvements (CBCI) 501c3 board.

Volan noted that the CBCI had already held a meeting where they created bylaws and selected officers, without waiting for the council appointment.

Sims agreed with Volan and added that only having one council appointment was not ideal. If the council appointment resigned, then the CBCI board would make a new appointment and it would not be council's decision. He did not agree with that process.

Rollo said that the council president could make the appointment which did not require a vote. He agreed with Volan and Sims, and questioned the types of projects funded by the group. He wondered if it would diminish council's role. Rollo questioned the funding, scope, property transfers, and whether the CBCI could enter into contracts. He noted his great respect for Mrs. Sims.

Sandberg believed the entire process had lacked transparency and needed public debate. She said that it was privatization, in a nonprofit manner, to take over decision-making on city assets, like Hopewell and Trades. She was most concerned about arts venues like the Waldron and said that the entities currently managing those venues had not been included in the discussions. She noted her confidence in Doris Sims, but she could not agree with the recommendation because she disagreed with the CBCI's existence. She believed it was a violation of the public's trust.

Piedmont-Smith agreed that the process had not been transparent. She wondered why concerns from councilmembers had not been raised earlier, in council meetings or directly to the administration. She had great confidence in Doris Sims and noted Sims' experience. Piedmont-Smith commented on the bylaws, which could be revised, and the process for ad hoc vacancies.

Sandberg commented that she had been ill and could not attend council's previous meeting. She believed that the CBCI had been decided long before council's opportunity for input.

Volan disagreed that it was privatization but understood Sandberg's sentiments. He noted mayoral actions from previous mayors. He believed it

- The MAYOR AND CITY OFFICES (cont'd)

- COUNCIL COMMITTEES [7:36pm]

- PUBLIC [7:36pm]

- APPOINTMENTS TO BOARDS AND COMMISSIONS [7:46pm]

Council discussion:

was reasonable to have wanted more collaboration. He discussed the composition of the members. He spoke about council’s role in approving plans like Hopewell and questioned the legality of council’s exclusion. Volan believed a nonprofit was better than having a mayor make unilateral decisions.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS (cont’d)

Sims supported Sgambelluri’s recommendation of appointing Doris Sims. He supported the CBCI though he had concerns.

Smith also supported Doris Sims’ appointment. He was disappointed with the administration’s process with the CBCI as well as the Showers purchase.

Flaherty shared his support for Doris Sims’ appointment and concurred with the expressed concerns. He did not believe it was necessary to withhold council’s appointment.

Volan commented on council’s option of not making an appointment, or doing so that evening.

Piedmont-Smith had attended the first meeting of the CBCI. She noted that the CBCI did not schedule a second meeting in order to wait for the council appointment. She referenced the bylaws and amendments. She believed a vacancy should be filled by the appointing entity. She commented on the appointments term lengths.

Sims commented on the Monroe County Democratic Party’s inclusion of Black history in the weekly newsletter. He noted Doris Sims’ expertise and willingness to serve on the CBCI. He said she would not be used as a pawn.

Sgambelluri thanked everyone for their discussion. She discussed actions that council could take that evening. There was brief council discussion on the potential actions and their impact and council’s concerns.

The appointment received a roll call vote of Ayes: 6, Nays: 0, Abstain: 2 (Sandberg, Rollo).

Vote to appoint
[8:17pm]

There was no legislation for seconding reading or resolutions.

LEGISLATION FOR
SECOND READING
AND RESOLUTIONS
[8:17pm]

There was no legislation for first reading.

LEGISLATION FOR
FIRST READING
[8:18pm]

Dave Shapiro reminded everyone that the month was the Disability Month. He eulogized an influential advocate, Judy Hughman, who became the first wheelchair bound teacher in New York. He noted her accomplishments, including civic protests, and participation in advocating for Section 504.

ADDITIONAL PUBLIC
COMMENT [8:18pm]

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE
[8:20pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT
[8:21pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2024.

APPROVE:

ATTEST:

Isabel Piedmont-Smith, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

FOR APPROVAL