

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 03, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 03, 2023

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

ROLL CALL [6:32pm]

Council President Sue Sgambelluri gave a land and labor acknowledgement and summarized the agenda.

AGENDA SUMMATION
[6:33pm]

Rollo moved and it was seconded to approve the minutes of May 04, 2022 and February 23, 2023. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF
MINUTES [6:35pm]
• May 03, 2022
(Special Session)
• February 23, 2023
(State of the City)

Volan thanked all who voted in the primary election as well as candidates.

REPORTS [6:36pm]
• COUNCIL MEMBERS

Sgambelluri mentioned her upcoming constituent meeting.

There were no reports from the mayor and city offices.

• The MAYOR AND
CITY OFFICES
[6:37pm]

There no reports from council committees.

• COUNCIL
COMMITTEES
[6:37pm]

Greg Alexander expressed his concerns with the Cascades path because it did not have connectivity.

• PUBLIC [6:38pm]

Christopher Emge discussed voting, the Special Committee on Council Processes, boards, and commissions.

Jim Shelton spoke about Court Appointed Special Advocates (CASA) and upcoming training.

Flaherty moved and it was seconded to appoint Patty Moon to seat C-3 on the Community Advisory on Public Safety Commission. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS
[6:45pm]

Flaherty moved and it was seconded to appoint Mitchell Owens to seat C-10, and Shannon Gayk to seat C-4 on the Environmental Commission. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

LEGISLATION FOR
SECOND READING
AND RESOLUTIONS
[6:47pm]

Rollo moved and it was seconded that Resolution 23-07 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 23-07 – To
Approve an Interlocal
Cooperation
Agreement Between
the City of
Bloomington and
Monroe County,
Indiana Regarding a

Rollo moved and it was seconded that Resolution 23-07 be adopted.

Beth Cate, Corporation Counsel, explained the process and reasoning for creating a joint city and county Human Rights Commission (HRC). She summarized Resolution 23-07 and explained the roles, responsibilities, and goals of the HRC.

Joint
Bloomington/Monroe
County Human Rights
Commission [6:47pm]

Piedmont-Smith asked for clarification on the funding of the Human Rights Director.

Council questions:

Cate said the county would pay half of the salary of the director for the time spent working on cases before the HRC.

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke in support of the collaboration of the joint HRC.

Public comment:

Piedmont-Smith believed the HRC was a good opportunity for city and county collaboration.

Council comments:

The motion to adopt Resolution 23-07 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt
Resolution 23-07
[6:59pm]

Rollo moved and it was seconded that Ordinance 23-09 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 23-09 - To
Amend Title 2 of the
Bloomington Municipal
Code Entitled
"Administration and
Personnel" Re: the
Creation of a Joint City-
County Human Rights
Commission [7:00pm]

Rollo moved and it was seconded that Ordinance 23-09 be adopted.

Cate said Ordinance 23-09 amended city code with minimal changes since the work of the HRC would not change. The HRC would be tasked with applying the relevant code provisions to cases.

Rollo moved and it was seconded that Amendment 01 to Ordinance 23-09 be adopted.

Amendment 01 to
Ordinance 23-09

Amendment 01 Synopsis: Local municipal code calls for enabling legislation to set forth the manner for achieving staggered terms for all newly-established boards, commissions, and councils. This amendment would add language to specify the initials terms for the seven members of the Bloomington/Monroe County Human Rights Commission.

Cate provided additional information on staggering seat terms.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Amendment 01 to Ordinance 23-09 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt
Amendment 01
[7:06pm]

Piedmont-Smith asked for an example of exceptions based on religion, sex, or national origin for a business or enterprise.

Council questions:

Audrey Brittingham, Assistant City Attorney, had not seen that situation arise and did not foresee it occurring.

Cate added that language was likely longstanding from federal guidance, and could be revisited. She noted that citizenship was not the same as national origin, and had different guidance.

Piedmont-Smith asked about references to only city code only.

Cate believed that was an oversight and should be corrected.

Stephen Lucas, Council Attorney, suggested adding language to include Monroe County code and not removing any language.

Piedmont-Smith asked for clarification on reducing an agreement to writing. She also asked about the exclusion of the term “asexuality.”

Cate stated that it required that agreements be put in writing. She would follow up with council regarding the term.

Piedmont-Smith asked about addressing discrimination in home appraisals and approvals of home loans. It appeared to her that the banking portion was excluded in the discriminatory housing violations.

Cate said that may need to be reviewed, and if it was the case that there was not adequate coverage, then the language or definitions should be updated. It was possible that type of discrimination may be covered by another governmental entity.

Piedmont-Smith moved and it was seconded that Amendment 02 to Ordinance 23-09 be adopted.

Clerk’s note: Amendment 02 added the following language to Appendix 1, Section 2.23.160 (4): “or relevant portions of Monroe County Code.”

There were no council questions.

There was no public comment.

There were no council comments.

The motion to adopt Amendment 02 to Ordinance 23-09 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Sims asked about data and reporting on hate crimes and how the data was used. He asked if there was not a conviction, if the hate crime was not counted.

Cate understood that a conviction was not required for the hate crime to be included in the data and reported.

Brittingham distinguished between self-reported bias incidents and hate crimes. Hate crimes did not require a conviction. The data was used by the city, HRC, and other entities.

Cate added that the data informed education needed in the community as well as tracked the numbers of hate crimes and bias incidents.

There was no public comment.

There were no council comments.

The motion to adopt Ordinance 23-09 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Rollo moved and it was seconded that Ordinance 23-08 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Rollo moved and it was seconded that Ordinance 23-08 be adopted.

Flaherty moved and it was seconded that the Council postpone consideration of Ordinance 23-08 to the May 10 Regular Session and that Council staff be instructed to invite the Bicycle and Pedestrian Safety Commission (BPSC) to provide the Council with a formal recommendation on the ordinance. Flaherty explained the reason for proposing the postponement of Ordinance 23-08. He noted that BPSC was going to consider Ordinance 23-08 at their next

Ordinance 23-09 as amended (*cont’d*)

Council questions:

Amendment 02 to Ordinance 23-09

Council questions:

Public comment:

Council comments:

Vote to adopt Amendment 02 [7:20pm]

Council questions:

Public comment:

Council comments:

Vote to adopt Ordinance 23-09 as amended [7:26pm]

Ordinance 23-08 - To Amend the Traffic Calming and Greenways Program Incorporated By Reference Into Title 15 (“Vehicles and Traffic”) of the Bloomington Municipal Code – Re: Amending the Traffic Calming and Greenways Program Incorporated by

meeting. He suggested that Rollo present Ordinance 23-08 to BPSC, as the sponsor.

Rollo stated that he did not object to postponing Ordinance 23-08 and noted that staff had presented the legislation to BPSC already.

Reference into
Bloomington Municipal
Code Section 15.26.020
[7:27pm]

Sims asked for clarification on the timeline of the legislation since council had been discussing that for months.

Flaherty said there was not a formal process for legislation to go to boards or commissions. He favored inclusion of boards and commissions.

Scott Robinson, Director, Planning and Transportation (PT) department, explained that most legislation proposed by PT staff went before a variety of boards and commissions. Ordinance 23-08 was drafted by a councilmember, and had not been up for consideration by a board or commission.

Council discussion:

Volan underscored the need for reviewing council processes. He believed that boards and commissions should be included in the consideration of legislation.

The motion to postpone consideration of Ordinance 23-08 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to postpone
Ordinance 23-08
[7:38pm]

LEGISLATION FOR
FIRST READING
[7:38pm]

Rollo moved and it was seconded that Ordinance 23-10 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 23-10 – To
Amend Title 20
(Unified Development
Ordinance) of the
Bloomington Municipal
Code – Re:
Amendments and
Updates Set Forth in
BMC 20.03 and 20.04
[7:38pm]

Sgambelluri referred Ordinance 23-10 to the Regular Session to meet on May 10, 2023.

Lucas read a comment submitted via Zoom chat from Sam Dove, on social media comments on bicycle and pedestrian paths and the police department.

ADDITIONAL PUBLIC
COMMENT [7:40pm]

Lucas reviewed the upcoming council and committee schedule.

COUNCIL SCHEDULE
[7:42pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT
[7:43pm]

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