

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, August 09, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
August 09, 2023

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Kate Rosenbarger, Dave Rollo (left at 9:38pm), Susan Sandberg Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan (arrived at 6:33pm)
Councilmembers present via Zoom: none
Councilmembers absent: none

ROLL CALL [6:30pm]

Council Vice President Isabel Piedmont-Smith gave a land and labor acknowledgement and Council President Sue Sgambelluri summarized the agenda.

AGENDA SUMMATION
[6:31pm]

There were no minutes for approval.

APPROVAL OF MINUTES
[6:33pm]

Sandberg spoke about the upcoming budget hearings, Showers West purchase, Fraternal Order of Police (FOP), and concerns with moving the Bloomington Police Department (BPD).

REPORTS [6:33pm]
• COUNCIL MEMBERS

Rollo expressed concerns with moving BPD to the Showers West building.

Piedmont-Smith noted her upcoming constituent meeting.

Shawn Miya, Assistant Director of Sustainability, Economic and Sustainable Development (ESD) department, summarized Bloomington's greenhouse gas (GHG) emissions inventory from 2008-2022. She discussed what GHG were, and global warming potential which measured types of GHG contribution to warming the Earth. She also gave information on common sources of GHG and their impact, and on Project 46, a regional program.

• The MAYOR AND CITY
OFFICES [6:41pm]

Stephanie Hayes Richards, Gnarly Tree, provided information on the GHG inventory in the city and its history per year since 2008. The total emissions in the city had varied but it had been decreasing, especially during the COVID-19 pandemic. She summarized the emissions by type of contributor, or sector, including residential energy, commercial energy, transportation, industrial energy, solid waste, government energy, and other types. She discussed the city's population, electricity consumption, sector-specific emissions, and emission reduction goals.

McKaylyn Lynch, Sustainability Program Coordinator, ESD, spoke about the city's sustainability goals, action plans, and goals including the Sustainability Action Plan (SAP) of 2018, Climate Action Plan (CAP) of 2021, and the Economic Development Local Income Tax (EDLIT) dedicated to CAP. She noted city programs like Bloomington Green Home Improvement Program, the Compost Up Down Town, Solar Energy Efficiency Lighting (SEEL), and Zero in Bloomington. Additional ways the city supported GHG reduction was having public Electric Vehicle (EV) charging stations, solar power, electric-powered equipment, and hybrid and EV fleet vehicles. She listed resources at the city that community members could access or participate in.

Volan moved and Rollo moved to extend reports for 10 minutes for questions and to postpone the second report until the next week.

There was brief council discussion on process and time limits.

The motion received a roll call vote of Ayes: 3 (Rollo, Smith, Volan), Nays: 6, Abstain: 0. FAILED

Vote to extend time limit
[7:14pm]

	<ul style="list-style-type: none">• The MAYOR AND CITY OFFICES (cont'd)
Flaherty moved and Piedmont-Smith moved to extend reports for 20 minutes. The motion was approved by voice vote. (Volan voted no)	Vote to extend time limit [7:17pm]
There was council discussion on how students were counted, that emissions were focused on building and electricity usages, and the city boundaries of the data.	Council discussion:
Matt Caldie, Environmental Commission member, presented the Air Quality Report. He discussed environmental injustice and inequity, Environmental Protection Agency (EP) standards and the World Health Organization (WHO) guidelines, air monitoring in the city, ozone monitoring, climate impacts like wildfires and extreme heat, and additional options for monitoring air quality.	Air Quality Report
There was council discussion on air quality standards in the city and citywide air quality network sensors and the cost for implementation.	Council discussion:
There were no reports from council committees.	<ul style="list-style-type: none">• COUNCIL COMMITTEES [7:36pm]
Paul Post, FOP Lodge 88, spoke about the union's concerns with moving the BPD to Showers West. He gave specific reasons for the concerns and noted that the union supported a moratorium on the move.	<ul style="list-style-type: none">• PUBLIC [7:37pm]
Stephen Lucas, Council Attorney, read a comment submitted via Zoom chat from Sam Dove regarding applications for art for the Black y Brown festival.	
Jim Shelton discussed Court Appointed Special Advocates (CASA) for children and upcoming training.	
There were no appointments to boards or commissions.	APPOINTMENTS TO BOARDS AND COMMISSIONS [7:44pm]
	LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:44pm]
Rollo moved and Piedmont-Smith seconded that <u>Ordinance 23-14</u> be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.	<u>Ordinance 23-14</u> – To Amend Title 6 of the Bloomington Municipal Code Entitled “Health and Sanitation”- Re: Updating and increasing fees for service and harmonizing Chapters 4 and 5 of Title 6 of the Bloomington Municipal Code [7:44pm]
Rollo moved and Piedmont-Smith seconded that <u>Ordinance 23-14</u> be adopted.	
Adam Wason, Director, Public Works (PW), summarized the legislation including the proposal to adjust service fees.	
Flaherty moved and it was seconded to adopt Amendment 01 to <u>Ordinance 23-14</u> . Flaherty presented Amendment 01.	Amendment 01 to <u>Ordinance 23-14</u>
Amendment 01 Synopsis: This amendment is sponsored by Cm. Flaherty. It removes the escalating solid waste disposal service fees that would otherwise apply on January 1 of each year from 2025 to 2029. The amendment would leave in place a proposed increase to the solid waste disposal service fee that would apply starting on January 1, 2024.	

Wason said staff preferred a longer period of time to reduce the General Fund subsidy. He reiterated that the purchase of a new truck was essential.

Amendment 01 to Ordinance 23-14 (cont'd)

Volan asked if cost of living could have been included in the service fees.

Council questions:

Flaherty said that could be included. He noted that future action the following year adjust the fee schedule and include cost of living.

There was brief discussion on the possibility of amending Amendment 01 to include cost of living in the calculation.

Volan moved and Piedmont-Smith seconded to amend Amendment 01 to Ordinance 23-14.

Amendment A to Amendment 01

Amendment A to Amendment 01 Synopsis: Am A to Am 01 was adopted 7-2 (Sims, Smith) and added "Fees listed below shall increase 3% each year on January 1st, beginning January 1, 2025." before the fee schedules listed in 6.04.090(1)(A)(i)-(iii).

There was brief council discussion on the language in Amendment A and the implementation of the cost of living percentage.

Council discussion:

There was no public comment.

Public comment:

There was brief clarification on Amendment A to Amendment 01.

Council comments:

The vote to adopt Amendment A to Amendment 01 as amended to Ordinance 23-14 received a roll call vote of Ayes: 7, Nays: 2 (Sims, Smith), Abstain: 0.

Vote to adopt Amendment A to Amendment 01 [8:06pm]

There were no council questions.

Council questions:

Christopher Emge supported Amendment 01 as amended.

Public comment:

Piedmont-Smith supported Ordinance 23-14 as written. She would support Amendment 01 as amended and provided reasons for the compromise.

Council comments:

Sandberg supported Amendment 01 as amended as a compromise. She believed that the General Fund subsidy was important because sanitation services was a public good.

Sims appreciated Amendment 01 as amended. He commented on the Public Safety Local Income Tax (PSLIT) and funding for essential city services. It was difficult for Sims to support Amendment 01 as amended.

Smith believed Amendment 01 as amended was a good compromise.

Sgambelluri appreciated Amendment 01 as amended.

The vote to adopt Amendment 01 as amended to Ordinance 23-14 received a roll call vote of Ayes: 8, Nays: 1 (Sims), Abstain: 0.

Vote to adopt Amendment 01 as amended to Ordinance 23-14 [8:19pm]

Betty Rose Nagle spoke against Amendment 01 as amended.

Public comment:

Volan discussed households that did not generate enough waste to put their carts out weekly. He believed those households should be rewarded. He spoke about increasing PW staffing, and the city budget.

Council comments:

Sims asked what incentives had been considered for rewarding a reduction of waste. He mentioned his time with United Way where he learned that

almost half of the fixed-income population was close to the poverty line. It was difficult for some households to afford the increased fees.

Ordinance 23-14 as amended (*cont'd*)

Volan said that the General Fund subsidy could have been used to hire more staff at PW, to reward those who did not produce much waste, and for assistance for those unable to afford the fees. But instead the subsidy was for single family homes.

Council comments:

Flaherty highlighted that the General Fund was paid into by all residents but about half of those households did not benefit from sanitation services which was inequitable. He explained research he had done on households and taxes collected from all residents but the benefit was only given to one group. The group not getting sanitation services, partially funded by the subsidy, was disproportionately renters, people of color, and lower income residents. There was data that demonstrated deep racial and social inequity in policies. Flat rates were also inequitable and more income-based programs to assist with paying bills was needed.

Sims commented that there were always racial and class disparities.

The vote to adopt Ordinance 23-14 as amended received a roll call vote of Ayes: 8, Nays: 1 (Sims), Abstain: 0.

Vote to adopt Ordinance 23-14 as amended [8:39pm]

Rollo moved and Piedmont-Smith seconded that Ordinance 23-15 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 23-15 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel”- Re: Amending 2.76.040 Entitled “Boundaries” to Expand the Service Area of the Bloomington Public Transportation Corporation [8:39pm]

Rollo moved and Piedmont-Smith seconded that Ordinance 23-15 be adopted.

Volan presented Ordinance 23-15 noting the expansion of bus routes. He provided a local history of transit legislation, the change in boundary was only operational and not the taxing boundary, and strategic plans. He noted the city’s and county’s growth, and that the expansion of boundaries did not guarantee service. He said that the interlocal would need to be negotiated and the legislation gave Bloomington Transit (BT) to ability to negotiate.

John Connell, General Manager, Bloomington Public Transportation Corporation (BPTC) was requesting that services be offered outside of the city. He gave some additional detail on routes, rapid transit system, feasibility studies, and the legal capacity to offer those services.

James McLary, Chair, Public Transportation Corporation board, commented on the strategic plan and provided information on the need to operate outside of city limits.

Smith asked for clarification on the Bloomington urbanized area.

Council questions:

Connell stated that point-to-point transit rides would no longer be allowed in the urbanized area. Point-to-point rides were, for example, transporting an elderly resident to and from their doctor, and there were approximately thirty trips per day. The goal was to provide service to those individuals, especially those in rural-to-urban points.

Smith asked if it was correct that the urbanized area was based on the census and if there would be services outside the urbanized area that might overlap with Rural Transit.

Connell explained that the goal was to provide the rides for those residents and noted legal discussions with the state. The goal was to allow BPTC to adapt to the changes in the city and county.

Flaherty asked if it was correct that there were residents that currently used Rural Transit that would no longer be able to legally use the service,

because both the points of origin and destination were within the urbanized area. He asked if the goal was to provide the service as Rural Transit did.

Ordinance 23-15 (cont'd)

Connell confirmed that was correct, and would be a service improvement for those individuals as an on demand, next day service. Currently it was limited to those qualifying for American with Disabilities Act (ADA) and required three day notice. Service would be provided by BT Access with a \$3 fare.

Council questions:

Flaherty asked where that would be available.

Connell said the ultimate goal was to implement a hybrid microtransit system for individuals that were not near a regular route.

Sims asked what limitations BT would have and if new buses would be needed.

Connell stated that currently, BT was limited to city limits. If the legislation passed, then BT would be legally permitted to operate in Monroe County. New buses would not be immediately needed.

Volan asked for further clarification on services outside the city.

Connell said that BT wanted to be the mobility provider for the county. He referenced the memo submitted to council highlighting environmental and economic benefits.

Volan asked if a fixed route to Ellettsville would be created and if park-n-ride options were possible.

Connell said that a fixed route to Ellettsville would eventually be part of the fixed routes. Park-n-rides were identified as an option in the strategic plan. He gave examples.

McLary said that the state was ending funding for Rural Transit. They would not be able to provide that service.

There was more discussion regarding park-n-rides and Rural Transit.

Piedmont-Smith asked about the funding that Rural Transit would be losing.

Connell explained that the funding was for rural transportation and the trips that were no longer rural would no longer be allowed. The funding was still there but some services were no longer permitted.

Piedmont-Smith asked if the ability to operate outside of the city allowed for more funding opportunities for BT.

Connell said yes, and gave examples like federal carbon reduction funds to establish a park-n-ride.

Flaherty asked for clarification on what was equitable and fair regarding funding with other government units via interlocal agreements.

Connell spoke about funding like the LIT and BPTC's taxing authority. There were a variety of ways to assess what was equitable and Connell gave examples.

There was additional discussion on considerations to make the funding equitable and fair and buy in from all stakeholders.

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke in favor of the proposal.

Public comment:

Dave Askins, Be Square Bulletin, commented on the map of the urbanized area, the decision of Indiana Department of Transportation's (INDOT) to enforce the rule of not allowing certain point-to-point rides.

Flaherty believed that the city retained the legal authority to adjust boundaries in the future.

Council comments:

Lucas said that if council wanted to make changes, there would need to be an ordinance.

Piedmont-Smith thanked Volan, Connell, and the board of BT for their work.

Smith thanked everyone for their work. He commented on Rural Transit and individuals needed that service.

Ordinance 23-15 (cont'd)

Council comments:

Volan appreciated the discussion. He said that voting for Ordinance 23-15 was a vote for a more urban Monroe County due to city and county growth. He commented on businesses that purposely located outside of the city to avoid paying taxes, for example, Walmart. He said that Monroe County was a metropolitan area.

Rosenbarger thanked Volan and Connell. She expressed some concern for future funding of new routes outside of the city. It might be ideal to rename BT because it implied that the city was responsible for funding.

The motion to adopt Ordinance 23-15 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 23-15 [9:30pm]

LEGISLATION FOR FIRST READING [9:30pm]

Rollo moved and Piedmont-Smith seconded that Ordinance 23-16 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 23-16 - To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" - Re: Updating and Harmonizing Chapters 01, 26, 40, 54 and 56 of Title 7 of the Bloomington Municipal Code [9:31pm]

Sgambelluri referred Ordinance 23-16 to the Regular Session to meet on August 16, 2023.

Dave Askins, Be Square Bulletin, commented on residents in the urbanized area and services.

ADDITIONAL PUBLIC COMMENT [9:32pm]

Betty Rose Nagle commented on bicycles in the city.

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [9:36pm]

Sgambelluri adjourned the meeting without objection.

ADJOURNMENT [9:39pm]

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