

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 10, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 10, 2023

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

ROLL CALL [6:31pm]

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

AGENDA SUMMATION
[6:32pm]

Rollo moved and it was seconded to approve the minutes of May 18, 2022. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF
MINUTES [6:34pm]
• May 18, 2022
(Regular Session)

Piedmont-Smith mentioned her upcoming constituent meeting.

REPORTS [6:34pm]
• COUNCIL MEMBERS

Sims wished all the mothers in the community a Happy Mother's Day.

• The MAYOR AND
CITY OFFICES
[6:35pm]

Virgil Sauder, Director, Animal Shelter, Public Works, noted that there would be updates from his department including the restriction on feeding deer. He explained how to report conflicts with wildlife.

Public Works, Animal
Shelter Report

Piedmont-Smith asked for clarification on the negative impact of feeding deer. Sauder stated that it increased access to food out of normal travel patterns.

Council questions:

Rollo asked about bird food, and if enforcement would be complaint driven. Sauder said it would be complaint driven. Bird feeders attracted deer too.

Rollo asked if the ban would include salt licks, and a count of the number of deer. He noted the health concerns with ticks, too.

Sauder responded that the primary focus was in neighborhoods. There would be an assessment on other impacts of deer.

Sims agreed that it was a public health issue, and asked if public backlash was anticipated.

Sauder said staff was preparing education materials for the public, should the ban pass.

Smith asked how many people were feeding deer and where it was occurring.

Sauder stated that it was happening more frequently than staff knew about, mainly on the southeast side of town. There had been six reports so far.

Jackie Scanlan, Development Services Manager, Planning and Transportation (PT) department, reported on the requirement, per Ordinance 21-23, for an update on plexes and Accessory Dwelling Units (ADUs). She described the inquiries for plexes, and ADUs, as well as applications and approvals, and noted the website containing information on ADUs.

Planning and
Transportation,
Accessory Dwelling
Unit Report

Volan asked about the cap placed on ADUs, and buffer spaces. He referenced the deep concern in 2021 that duplexes would overrun the city, but in reality only one per year had been requested so far. He asked where they were.

Council questions:

Scanlan confirmed there were few and noted where they were in the city.

Volan asked if the rules were too restrictive and why more were not built.

Scanlan said staff did not believe the cap would be reached and that more were not being built because of the restrictions. She gave examples of requests and inquiries staff received.

Volan said there were about five ADUs, and one plex, per year.

Scanlan confirmed that was correct.

- The MAYOR AND CITY OFFICES (cont'd)

Volan moved and it was seconded to extend the time limit for reports from the mayor and city offices to 7:10pm. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to extend time limit [6:55pm]

Rosenbarger asked if the Unified Development Ordinance (UDO) allowed the cap to roll over to the following year, and if the plexes that had been approved were new-builds or conversions.

Council questions:

Scanlan said the cap did not roll over and it was fifteen per year, every year. She believed two were new-builds but was uncertain about the third.

Rollo asked for clarification that the restrictions were too restrictive.

Scanlan said it was largely based on what was seen with ADUs which were conditional to begin with, and increased when they became by right.

Flaherty said conditional use added more time to the process. He asked if the uncertainty of approval also deterred requests.

Scanlan believed it was uncertainty and not knowing the process.

Flaherty appreciated the ADU website. He asked about the architecture firms listed there and what the guidance for residents was.

Scanlan said that a request for proposals had been done for architectural firms to design models for residents to consider as options.

Sims asked what other reasons contributed to the low numbers.

Scanlan said there were financial barriers and gave examples.

Rollo asked if staff had evaluated the plexes that had been approved.

Scanlan said no because only one had been permitted but was not built.

Flaherty understood that staff would support revisiting the restrictions. He asked if fears about outside developers coming to Bloomington to purchase many homes to tear down for plexes was unfounded. He noted the missing middle housing.

Scanlan responded that the interest was primarily from local realtors, developers, architects, and residents. She believed that allowing the use by right, with restrictions, could help with the lack of missing middle housing.

Volan asked if it was possible to identify how many applicants from outside of Monroe County there were.

Scanlan explained that could be included in future reports.

Rosenbarger noted that some residents had misconceptions that an eight unit structure would be built next to their home, which was actually not allowed in the district. She asked about other misconceptions.

Scanlan said that people generally did not know what was allowed. Staff guided community members on the allowed uses in their specific district.

Flaherty said that it was important to be cautious with the narrative around the data on who was building housing in the city. He discussed construction of and conversion to single family homes, and vice versa leading to loss of housing and specifically affordable housing.

Scanlan said that reporting on plexes and ADUs was to inform decisions on uses and standards. Staff would present data as requested by council, though it might not be ideal to report on one type, and not another.

Volan said there had been concerns about out of state developers, and from his experience, it was mainly local developers.

There were no reports from council committees.

• COUNCIL COMMITTEES [7:11pm]

Greg Alexander spoke about a bicycle or pedestrian connector trail to Bloomington High School North (BHSN). He discussed the options, and his concerns, near BHSN to Fritz Terrace, Kinser Pike, and more.

• PUBLIC [7:11pm]

Daryl Ruble discussed utilities, roadways, recent damage to his car, and the difficulty in discovering what company caused the damage to his car. He commented on the unhoused population, Bloomington Police Department (BPD), and his concerns with the border.

Stephen Lucas, Council Attorney, briefly summarized the amendment to the bylaws for the City of Bloomington Capital Improvement (CBCI).

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:22pm]

Sandberg moved and it was seconded that the Council approve of the amendment to CBCI bylaws as proposed by the board of directors at the April 19, 2023 meeting of that organization.

Volan asked if there was a statute by which the the bylaws were created.

Council discussion:

Beth Cate, Corporation Counsel, said it was the Indiana Nonprofit Corporation Act.

Piedmont-Smith asked for clarification on a vacancy temporarily filled by a director for the remainder of the term.

Cate clarified that it would not preclude that person to serve a full term.

Volan asked about confusing language regarding the change.

Cate said the change was to Article 5 Section 7, empowered by Article 11.

Sims preferred having three appointments made by the administration and two appointments made by council.

Volan agreed with Sims and provided reasons in support.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Volan).

Vote to approve [7:30pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:31pm]

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. Clerk Nicole 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 [7:31pm]

Rollo moved and it was seconded that Ordinance 23-10 be adopted.

Scanlan described Ordinance 23-10 and its positive recommendation from the Plan Commission (PC). She noted the annual update, changes to parking maximums based on site use, and upcoming discussions between PC members and staff. There would also be an amendment pertaining to chicken flocks. She provided reasons for the recommendations as well as examples of changes to the site-use parking maximums. The goal was to encourage greenspace while still allowing area for vehicle parking especially in undeveloped areas. She

clarified how the recommendations fit well with the Comprehensive Plan. There was always opportunity for annual updates or on a case by case basis.

Ordinance 23-10
(cont'd)

Piedmont-Smith asked about the variances that were considered or approved, regarding parking maximums at fitness centers.

Council questions:

Scanlan explained that a storage center was going to be built on S. Walnut, near an existing fitness center that was built under old regulations. With new construction, it needed updated and would lose parking. The property owners conducted a parking study, requested by staff, and reached a compromise.

Volan asked if staff discussed the parking study with the Parking Commission. He was concerned with raising parking maximums and asked for reasons why.

Scanlan said staff had not met with the Parking Commission, but analyzed data. Businesses could demonstrate that more parking spaces were needed. Staff kept track of that data, and also knew there were competing interests.

Volan noted concerns with increasing parking, and provided examples.

Scanlan clarified how staff analyzed uses including things like no street parking, shared parking, proximity to highways, et cetera. She said that staff looked to other cities and their uses too. Staff understood Volan's concerns and believed the compromised parking maximums were reasonable.

Rosenbarger said the Parking Commission should have been included. She asked about stadiums and noted the staff memo listing allowed maximums of 25% of the seats, but that industry added only about 1-2% seating.

Scanlan clarified that was a typo in the table, and explained the corrections. She said that the parking maximum was not required, nor was it being done. There were other restrictions in the UDO that would also come into play.

Volan asked Lucas on the process for amending something from PC.

Lucas said that any amendments that evening needed to be in writing and if passed, would then return to the PC. He explained the timelines including returning amendments to the PC with a forty-five day timeline for that body.

Piedmont-Smith asked for clarification on parking at stadiums. She struggled with allowing so much surface parking.

Scanlan said the feedback was to have no maximum parking at parking lots. Staff looked at comparable communities and guidance from the American Planning Association. Staff was not opposed to lowering the maximum parking.

Christopher Emge, Greater Bloomington Chamber of Commerce, and Parking Commission member, spoke in favor of increasing restaurant parking maximum and gave reasons in support.

Public comment:

Katie Yoder expressed concern about increasing the maximums for parking.

Volan asked Smith if he had anything to add, as a member of the PC.

Council comments:

Smith noted some initial concerns and summarized the discussion and resulting compromise on parking maximums.

There was brief council discussion on concerns on increasing parking maximums.

Volan moved and it was seconded to postpone consideration of Ordinance 23-10 to the meeting on June 07, 2023.

Motion to postpone:

Piedmont-Smith asked if there was a Parking Commission meeting prior to June 07.

Council discussion:

Volan stated there was.

Flaherty spoke about presenting legislation to boards and commissions. The PC was the designated body for Ordinance 23-10 since the changes related to

the UDO. He asked for staff’s perspective on sending legislation to overlapping boards or commissions.

Scanlan believed that updates to Title 20 were not sent to the Parking Commission.

Volan referenced previous legislation that had been sent to the Parking Commission that amended the code. He gave reasons in support of presenting legislation to, for example, the Parking Commission.

Sims discussed the need for parking in the city and the positive recommendation from the PC.

Volan urged council to reconsider the word “need” in regards to parking.

Rollo asked staff’s feedback on the motion.

Scanlan said staff wanted to get the updates right, so if amending the legislation was proper, that was fine. Parking was definitely a land use issue and was within the purview of the PT department. Staff preferred the recommendation from the PC and staff be approved that evening.

Piedmont-Smith agreed that council should have a process for having relevant boards and commissions review legislation. She supported the delay in order to explore amendments, and gave examples.

Lucas noted that a motion to table was more appropriate than to postpone.

Volan briefly explained his reasoning for including the Parking Commission. He asked for clarification from staff on including commissions.

Beth Rosenbarger, Assistant Director of the PT department, explained that legislation pertaining to Title 20 was sent to the PC because it had statutory authority. It had broad land use expertise and staff relied on it. She explained the difficulty with sending legislation to multiple boards or commissions.

There was discussion on sending legislation to boards and commissions.

Volan moved and it was seconded that council table consideration of Ordinance 23-10. The motion received a roll call vote of Ayes: 6, Nays: 2 (Sandberg, Smith), Abstain: 1 (Sims).

Ordinance 23-10
(cont’d)

Council discussion:

Vote to table
Ordinance 23-10
[8:24pm]

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.

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 Reference into Bloomington Municipal Code Section 15.26.020
[8:25pm]

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

Rollo presented Ordinance 23-08 and said it would reinstate council in the traffic calming and greenways program that was initiated by residents. It was ideal for council to be involved as a check and balance. He gave reasons in support like the fiduciary duty as an elected body.

Beth Rosenbarger, said that staff did not support the proposed change. She reiterated that the traffic calming and greenways program did not identify what was a neighborhood greenway. They were identified via the Transportation Plan (TP) process and adopted by council. Staff looked to the TP and amending it was the best process. She described the staff-led, and resident-led, programs and gave an example of a contentious greenway, Hawthorne, with lots of feedback. Most were thankful for the improvements in the proposal. Residents not in favor of the greenway simply did not want it in their neighborhood. Beth Rosenbarger discussed funding, requests, and working with engineers. There were no other infrastructure projects in the city where council had final approval after the design was complete. She described the timeline and process that projects underwent. She highlighted

challenges and concerns with the proposed legislation including changes very late in the process. She described possible solutions and compromise.

Ordinance 23-08
(cont'd)

Rollo responded that there were many uncertainties and that updating council was ideal. He did not believe that only involving council at the start was the best process. He asked Lucas if all Title 15 projects were approved by council.

Lucas said that amendments to Title 15 were reviewed by council, and previously traffic calming projects were codified in that title.

Rollo reiterated that Ordinance 23-08 reestablished council's involvement in the process.

Beth Rosenbarger clarified that council did review Title 15 projects, but rarely at the design stage. This included Sidewalk Committee projects. She explained that greenways were very cost effective, especially in comparison with sidewalks or other city infrastructure like parking garages. Title 15 mainly consisted of traffic regulations.

Kate Rosenbarger noted suggestions from staff like earlier approvals and perhaps having more than one councilmember write a letter in support. She asked if staff had talked with the sponsor about the recommendations and if staff supported them.

Council questions:

Beth Rosenbarger said that the sponsor had not spoken with staff about the recommendations. Staff was open to the recommendations but would like to hear from residents.

Volan asked if council was in charge of roadways in subdivisions, given the fiduciary duties of council.

Rollo believed roadways to be more predictable so council was minimally involved. The Hawthorne greenway already existed and the proposed changes were not needed.

Volan said that greenways were more complex than roads, and believed that improving them for non-automobile transportation was useful.

Rollo said that greenways could be done in a variety of ways. He believed it was important to include the council in the approval process.

There was additional discussion on the process the Hawthorne greenway underwent, including meetings with residents.

Flaherty explained that it was possible that residents misunderstood the process.

Beth Rosenbarger stated that she did not have enough information to know. She explained the adopted process that staff followed.

Flaherty asked for clarification on what a greenway was.

Beth Rosenbarger read the definition from the Transportation Plan.

Piedmont-Smith asked for the feedback from the Bicycle and Pedestrian Safety Commission (BPSC).

Beth Rosenbarger said that BPSC had voted unanimously in opposition of Ordinance 23-08.

Piedmont-Smith referenced the previous process and council's vote to replace it with the new process.

Beth Rosenbarger stated the previous process required residents to vote and submit ballots which resulted in nearly no new greenways.

Rollo said the proposal did not require a threshold of resident votes.

Smith said the discussion was confusing, and asked if there already was a greenway on Hawthorne.

Beth Rosenbarger stated there were only markings on the road, and marked-way signs, but there were no traffic-calming structures.

Smith asked Rollo what his constituents wanted.

Rollo said that around 90% believed it was not necessary because the street was already low traffic and marked. It did not seem appropriate to make the

greenway given the city's limited funds. He forwarded a resident's email regarding the concern.

Ordinance 23-08
(cont'd)

Sgambelluri reminded everyone that the proposed changes were for a process and not just for the Hawthorne project. She asked about changes to the project that staff made in response to resident feedback.

Beth Rosenbarger explained the process including meeting with residents about specific concerns in their neighborhood or potential improvements. Some examples were to have enough space between speed bumps to allow bicycles with trailers to go through, and more.

Sgambelluri asked when staff has declined suggestions from residents.

Beth Rosenbarger said that inevitably there were opposing sides for projects, like the Hawthorne greenway. There were residents both in favor and against the connection.

Sandberg was concerned about the assumption that since council had approved the TP that was the end of council's role.

Beth Rosenbarger clarified that staff fully agreed that council could approve a plan and then amend it. Staff's role was to use the plans as guidance. She provided examples including the 17th Street multiuse path that was before council during the budget process. Council had voted to support the project through that process. It was not before council in the design process.

There was additional discussion regarding roles pertaining to planning, funding, designing, and constructing a project.

Piedmont-Smith asked about the importance of connectivity with greenways in the city.

Beth Rosenbarger said greenways were similar to streets because they were part of a network that served the purpose of connecting the city. An entire community could use a greenway and not just those individuals who lived near it.

Kate Rosenbarger asked about public input and the potential to have too many meetings.

Beth Rosenbarger said meetings were not the only way to give feedback to staff, like emails. There were challenges and barriers with multiple meetings, especially for working parents with limited time. More meetings made the process more difficult because people may not know which meeting to attend, or if they had to attend them all, et cetera.

Volan said there had not been a referendum on the Hawthorne greenway. He asked if Rollo had feedback from residents who did not live in his district, given council's obligation to constituents.

Rollo said yes, and referenced equity needs elsewhere in the city as opposed to a street that was already calm and bike-able.

Volan asked if all residents had been represented in the neighborhood meetings that were held regarding the Hawthorne greenway.

Rollo reiterated that the Hawthorne greenway was a misplaced investment for the city.

There was additional discussion on contentious issues in the city, public meetings, equity, and council's role in representing constituents.

Beth Rosenbarger clarified that an email regarding a project going to bidding was sent in error and was conflated with another project on Maxwell Drive. She apologized for the error.

Jack Wanninger opposed Ordinance 23-08 and supported greenways, and gave reasons in support and against additional approvals in the process. Public comment:

Carol Canfield urged council to vote in favor of Ordinance 23-08 and provided reasons why.

Tracy Bee expressed the desperate need for sidewalks especially in neighborhoods like Maple Heights. She spoke against Ordinance 23-08.

Ordinance 23-08
(cont'd)

Mark Stosberg referenced his 2020 sidewalk audit which showed the building of sidewalks was not equitable. He opposed Ordinance 23-08.

Public comment:

Katie Yoder spoke strongly against Ordinance 23-08 and gave robust reasons for including her participation in the greenway program.

Former councilmember Chris Sturbaum voted in favor of greenways planning but believed that having council oversight was needed to avoid errors.

Pauly Tarricone discussed the difficulty he had faced providing input on the legislation which highlighted the barriers for resident participation. He spoke against Ordinance 23-08 and dangers of bicycling and walking.

Matt Pelte commented against Ordinance 23-08 and provided reasons why.

Greg Alexander spoke about sidewalks, connectivity, greenways, and funding. He discussed problems with equity, and listed problems with projects.

Paul Kern believed the process was important and spoke in favor of council's oversight, and in favor of Ordinance 23-08.

Steve Layman was in favor of Ordinance 23-08 for fiduciary reasons.

Joan Middendorf appreciated the 7-Line, and said that more people needed to be biking and not using cars. She spoke about traffic calming in her neighborhood and against Ordinance 23-08.

Wai Wai Han used greenways every day and was thankful for them. He believed Ordinance 23-08 was in response to only the Hawthorne greenway but would impact all future ones. He urged a no vote.

Paige Anderson was properly consulted about the greenway in her neighborhood. She spoke in favor of planners designing greenways and against Ordinance 23-08.

Eric Ost asked council to approve Ordinance 23-08 and said that it was not politicking. It restored council involvement in the programs.

Volan asked staff to respond to the public comments.

Council comments:

Hank Duncan, Bicycle and Pedestrian Coordinator in the PT department, wanted to have councilmembers more involved in the programs and would enjoy educating council on the ongoing projects. He referenced the East Morningside Drive neighborhood greenway and its process including mailers, opportunities to provide feedback, and shared experiences of neighbors. He gave examples of interactions with residents in areas identified for greenways.

Beth Rosenbarger reiterated that the greenway designs were detailed, but were not done at the first meeting with residents. The first meeting was for staff to listen to residents and walk the corridor, and more.

Sandberg said that having councilmembers attend public meetings would help with future plans. She asked how Public Works (PW) and Public Safety (PS) were included in the process.

Duncan said that typically the Engineering department worked with PW and PS. Every project included input from the Bloomington Fire Department (BFD), Bloomington Police Department (BPD), and Emergency Medical Services (EMS) for their approval.

Beth Rosenbarger said there was interdepartmental coordination.

Sgambelluri was concerned with at the timing for resident participation. She asked for clarification on the process.

Ordinance 23-08
(cont'd)

Beth Rosenbarger described the process for recent projects. It was not limited to two or three meetings, and could include boards and commissions. At the second meeting, staff would present a design and receive feedback from residents. There was always opportunity for additional feedback even after a third meeting. Three out of four recent projects had only needed two meetings.

Council comments:

Rollo saw no harm in having council oversight because it helped ensure public involvement.

Kate Rosenbarger said that resident meetings were useful for councilmembers to attend. Especially since some might not know what a greenway was. She asked about having equity in the rubric for the prioritization of projects.

Beth Rosenbarger asked for clarification on how council would evaluate equity in the design of a project. Staff preferred set criteria for projects.

Rollo said that council would be included in the dynamic process and would have the final say. It could include equity in the criteria.

Kate Rosenbarger noted that it would be a level of oversight not done with any other infrastructure in the city. She asked if there were other greenways that upset residents, other than Hawthorne.

Beth Rosenbarger said that four greenway projects were done, and staff had heard positive feedback, and not complaints about the process. Staff heard requests for more traffic calming. She added that the city paid for design and construction.

Piedmont-Smith asked what the fiscal impact was for Ordinance 23-08 as required per council's own guidelines. She asked if there was no fiscal impact statement with the legislation.

Rollo said it was a policy change to include council so there was no fiscal impact statement.

Piedmont-Smith clarified her question, accounting for the fiscal impact of staff's time, resident's time, and more. For example, if half of the proposed projects were not approved by council, then staff's time could be wasted.

Rollo stated that he did not concur and did not draft a fiscal statement for the legislation.

Lucas added that there was a note in the memo that there was no expected direct cost for the legislation.

Piedmont-Smith noted that it would result in indirect costs.

Volan asked if Title 15 was updated when a greenway was created.

Beth Rosenbarger said they were not in Title 15.

Volan asked what recourse a councilmember had to reverse or stop a project.

Lucas stated that council could reduce appropriations, could amend the Neighborhood Traffic Safety Program (NTSP), traffic calming devices and/or location, and more.

Beth Rosenbarger added that the best process was to amend the TP because it identified which streets would become greenways. Things like bicycle lanes and more were not codified.

Volan asked if amending the TP required that it go to the PC. He asked if a stop-work order was needed.

Beth Rosenbarger said yes, it would go to the PC.

Lucas stated that he was not aware of any stop-work orders for previous, staff-led projects. He gave some examples on process.

There was additional discussion on the process and potential projects.

Piedmont-Smith said council approved the TP in 2019 which listed greenways, and funding during the budget process. She asked if the TP could include designs for greenways, since that appeared to be part of the concerns.

Beth Rosenbarger said that could be added with more clarity.

Rollo said some greenways were simply shared roads.

Flaherty thanked Rollo for the proposal but would not support it. Greenways were inexpensive, and created safe bicycle and pedestrian infrastructure, whereas sidewalks were very expensive. He noted the purpose of the TP. Adding council oversight created veto power at the last minute of the process and was not ideal. It nullified the countless hours that staff and residents had spent on the project. BPSC had not been included in the drafting of Ordinance 23-08 and had later unanimously voted against it. He discussed funding, and believed it was not useful to return to a previous process that had been improved, for a reason. It was a disservice to not involve engaged community members currently serving on boards and commissions. Flaherty worried about the micromanagement of staff and their expertise. He provided comparable examples involving council's role. Council had already been involved through the development of things like the TP. Council's role was to set the policy direction of the city and allow staff to implement projects. The programs sought safety for the most vulnerable users of roads, bicyclists and pedestrians. He highlighted that the programs used data to inform decisions including crash data, and more.

Ordinance 23-08
(cont'd)

Council comments:

Sims wondered why there was such opposition to council engagement. He believed it was important to include council. He had no intention of stopping a greenway after design. He referred to a recent project at Ralston and commented that there had been very few residents in attendance. He discussed resident feedback and the process that project undertook.

Piedmont-Smith said council engagement was necessary and important. A council vote at the end of a data-based process was not engagement. Involving council during the process regarding a resident-led, or staff-led, greenway was ideal. Having staff spend hours meeting with residents, then developing a design, then meeting with the residents again and tweaking the design, and then going before the BPSC prior to presenting to council for a vote was not engagement. That process was for veto power, since council would only be able to vote for or against, and that was fiscally irresponsible. She said that revisions to the TP was the proper process, and could include options for greenways. She would not support Ordinance 23-08.

Sandberg supported Ordinance 23-08 because it restored a balance that had been lost. She referenced the UDO discussions and the attempt to minimize the responsibilities of council, as an elected body with fiduciary responsibilities. The goal was not to kill good projects but rather to have intentional council involvement on fiscal and policy decisions. She believed council would not be as concerned had they not heard from many residents. A fiscal impact statement was not needed but that council's input was necessary.

Rollo was shocked with the hesitancy about council oversight, especially on projects that would change streets. It was not about having veto power for council, and it was important to have council involvement throughout processes. It was in the interest of staff to update council on projects. He wanted a better process than the current one. He discussed his involvement with BPSC and the Hawthorne greenway which had been added to the agenda. He had attended the meeting where residents expressed concerns. Involving council, as the elected body, expanded the process and democracy, and provided a balance between council and the administration, and provided a better product in the end. He said that Flaherty indicated that Rollo had not attended BPSC meetings though he had. He believed Flaherty had gone to BPSC regarding Ordinance 23-08 in order for the commission to draft a resolution against the legislation. It behooved staff to present a good project to council for approval. Finally, he commented on equity and said that he respected but disagreed with Mark Stosberg's sidewalk study because it was selective. Rollo said that two years' worth of Sidewalk Committee funding had

been spent on one project between the bypass and Union Street. He said equity was important and discussed recent projects like the stop sign at Sheridan and Maxwell.

Ordinance 23-08
(cont'd)

Council comments:

Smith planned to support Ordinance 23-08 because of the strong mayor system in the city. He referenced the closing at Cascades Park. He believed council oversight was necessary and without it, the public did not have anyone to reach out to. Council had fiduciary oversight and including council in the greenway program would not negatively affect it.

Volan said that when the NTSB was created in 1999, engineering was a function of Public Works, before moving to the Planning department, and then finally becoming its own department. He commented on the evolution of street design as well as the debate on how much oversight council should have. He said that Rollo believed the legislation was the only way to stop what he thought was a bad project. He commented on public meetings, engagement with staff, and resident-inspired political concerns resulting in an overreaction by their representative. Rollo, as parliamentarian, knew the rules and options available. Returning to the previous process was not ideal, and Volan provided examples of council oversight on projects. He commented on staff's time, process, time limits, debate limits, and on other council processes. He could not support Ordinance 23-08.

Kate Rosenbarger thanked everyone for their comments. She would consider changes to the program, but did not believe Ordinance 23-08 was the proper way. It gave council too much oversight, too far in the process, and at high cost to the city. Council engagement did not result from veto power but rather from involvement throughout a process. Staff appreciated council involvement in greenways and traffic-calming projects. The legislation wasted resources and would make greenways a conditional use, thus stalling projects, and creating safety issues for residents moving throughout the city. It was important to have resident-led projects in their neighborhoods, like the recent one in Crestmont. Safer streets was a very urgent need in the city. She read a note from a resident near the Hawthorne greenway who did not want it because they did not want lower income residents using their street, near their yard. Streets belonged to all community members and safety was a priority. She commented on council's role, and empowering residents in their community. Power-hoarding was a characteristic of white culture which was damaging because they were used to be norms or standards. It was not ideal to have council's final approval at the end of a long process.

Sgambelluri appreciated the discussion but felt conflicted. She considered what was compelling, or not, and did not believe that having council oversight was politicizing nor power-hoarding. Staff used adopted plans as guides; and obtained feedback from residents. She separated the Hawthorne greenway from the legislation, and saw there was disconnect in the communication to residents. She was encouraged that staff would engage councilmembers early on. The process was not fundamentally flawed because it included residents in the process. Equity and connectivity were important. New opportunities for public engagement was needed. She would not support Ordinance 23-08.

Flaherty had asked the BPSC for their input on the process for Ordinance 23-08 and learned that Rollo had not asked to present on it. Rollo attended that meeting and did not present, but spoke during public comment. Flaherty's motion at a previous council meeting encouraged Rollo to present to BPSC. Flaherty commented on policy priorities and disappointment with council's ability to cancel safety projects. He spoke about his experience with danger while bicycling in the city.

Rollo said that he too had been hit while riding his bicycle. He commented on dangerous areas in the city, including 7th Street. Elm Heights was the safest

place to bike, according to the Transportation Plan. There were other places in the city that should be prioritized, especially in areas with lower means. He did not believe it was necessary to impugn anyone’s character.

Ordinance 23-08
(cont’d)

Council comments:

Volan commented on other areas that also were dangerous, like East 3rd Street.

Flaherty iterated that he had only commented on policy and had referenced a quote by Rollo.

The motion to adopt Ordinance 23-08 received a roll call vote of Ayes: 4 (Rollo, Sandberg, Sims, Smith), Nays: 5 (Flaherty, Piedmont-Smith, Rosenbarger, Sgambelluri, Volan), Abstain: 0. FAILED

Vote to adopt
Ordinance 23-08
[11:52pm]

LEGISLATION FOR
FIRST READING
[11:53pm]

Rollo moved and it was seconded that Appropriation Ordinance 23-04 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.

Appropriation Ordinance 23-04 – To Specially Appropriate from the General Fund, ARPA State and Local Fiscal Recovery Fund, Parks and Recreation General Fund, and Motor Vehicle Highway Street Fund, Expenditures Not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2022 for Unmet Needs in 2023)
[11:53pm]

Sgambelluri referred Appropriation Ordinance 23-04 to the Regular Session to meet on May 17, 2023.

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT [11:54pm]

Lucas reviewed the upcoming council and committee schedule.

COUNCIL SCHEDULE [11:54pm]

Sgambelluri adjourned the meeting with no objections.

ADJOURNMENT [11:55pm]

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