

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, September 06, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
September 06, 2023

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

ROLL CALL [6:31pm]

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

AGENDA SUMMATION
[6:31pm]

Rollo moved and Piedmont-Smith seconded to approve the minutes of February 16, 2022 and September 21, 2022. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES
[6:34pm]

- February 16, 2022
(Regular Session)
- September 21, 2022
(Regular Session)

Piedmont-Smith reported on the Accelerate Indiana Municipalities (AIM) Ideas Summit including mental health impacts of the opioid epidemic, housing programs and incentives, sign ordinances and the first amendment, encouraging youth voices and engagement, public safety organizational development, minority and women owned enterprises, and build-operate-transfer for Public Private Partnerships.

REPORTS [6:35pm]

- COUNCIL MEMBERS

Clerk Nicole Bolden gave a background on AIM and its advocacy for Hoosier municipalities by collaboration with state legislators and corporate members for the benefit of all. They offered around one hundred trainings, workshops, and webinars for ongoing education, including Continuing Legal Education (CLE). She provided additional details including the sessions that she attended.

Volan said his trike had been stolen at the final budget hearing. He praised police officer Chad Dorman who recovered the trike the next day. He discussed comments at the podium including the administration and the public. Councilmembers reported from the dais. He commented on council process and components in meetings.

There were no reports from the mayor and city offices.

- The MAYOR AND CITY OFFICES [6:49pm]

There were no reports from council committees.

- COUNCIL COMMITTEES [6:49pm]

Daryl Ruble commented on speedbumps, the unhoused population, not having a new jail, and praised Judge Valeri Haughton, Sims, and Smith.

- PUBLIC [6:49pm]

Charlotte Zietlow spoke about democracy and appreciated council for their work. She urged council to support keeping the City Clerk's salary on par with the rest of the salaries in the city.

There were no appointments to boards and commissions.

APPOINTMENTS TO
BOARDS AND
COMMISSIONS [6:59pm]

LEGISLATION FOR
SECOND READING AND
RESOLUTIONS [7:00pm]

Rollo moved and Sims seconded that Resolution 23-16 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.

Rollo moved and Sims seconded that Resolution 23-16 be adopted.

Flaherty presented Resolution 23-16 which, but expressed support for increasing the salary of the City Clerk. He noted council's statutory authority to fix the annual compensation for elected officials. He commented on budget hearings. The City Clerk's office functioned very similarly to city departments under the civil city budget. Both the Common Council and the Office of the City Clerk operated as independent departments from the administration. The head of the City Clerk's office and Common Council should be thought of as department heads. Historically, those positions have been inequitably compensated. He provided additional details.

There were no council questions.

Rollo moved and Sandberg seconded to adopt Amendment 01 to Resolution 23-16. Rollo presented Amendment 01 and did not agree that the City Clerk was similar to a department head because it was an elected position and did not work for the mayor. He gave additional reasons including information from Human Resources (HR) and data from the salary study of peer cities.

Amendment 01 Synopsis: This amendment is co-sponsored by Cms. Sgambelluri and Rollo. It would reduce the intended 2024 salary increase for the position of City Clerk by expressing the intent of the Council to fix the salary at \$87,000.

Volan asked if Westfield and Columbus were second class cities. He asked how the high cost of living in Bloomington factored in.

Rollo stated no, but Columbus might be in the process. He said that Bloomington was only a few points higher than West Lafayette.

Volan asked Bolden for her input.

Bolden clarified that the cost of living varied in second class cities. Noblesville, Fishers, and Fort Wayne had rates as high as 9.5% difference. Westfield and Columbus had clerk treasurers and not clerks.

Volan said the legislation that fixed the salaries of elected officials was not an appropriation ordinance and asked if the salaries could be increased or if the request had to originate from the mayor's office.

Stephen Lucas, Council Attorney, responded that the request did not have to originate from the mayor's office. Council could amend the salaries but there were practical considerations like budget hearings, submitting the budget to the state, and more.

Volan believed that the difference of \$17,000, as proposed in Amendment 01, could be addressed with reversion funds. He asked why Bloomington should base its decisions on other cities' salaries.

Rollo said that the median range was \$76,000 and the proposal in Amendment 01 was at the high end of clerk salaries, at \$87,000.

Volan asked Rollo if council and clerk were part of the administration or separate.

Rollo said that council had normally followed HR recommendations.

Resolution 23-16 –
Calling for an Increase to the Salary of the City Clerk in the 2024 City Budget Synopsis: This resolution is sponsored by Councilmember Flaherty. It expresses the Common Council's intent to increase the salary for the City Clerk. In that regard, the resolution requests that the Mayor pursue any necessary and appropriate action to effectuate the increase as part of the 2024 city budget. [7:00pm]

Council questions:

Amendment 01 to
Resolution 23-16

Council questions:

Volan reiterated that the City Clerk's office and Common Council were equivalent to departments and should be appropriately compensated.

Rollo said it was quantitatively and qualitatively different.

Volan commented on salary of previous Common Councils.

Rollo believed that the City Clerk and Common Council were different from departments and provided reasons.

Amendment 01 to
Resolution 23-16 (cont'd)

Council questions:

Smith asked if council had ever set a salary before.

Rollo said yes, resolutions had been done in the past for police.

Smith asked if HR indicated they would do another salary study.

Rollo stated he did not know. Crowe & Associates were conducting the analysis but were not including elected positions.

Lucas concurred and said that the peer city salary information that was provided was not a recommendation from HR.

Rollo stated that he had spoken with Mayor John Hamilton who believed the matter should be objectively addressed. Rollo believed that the clerk had been undervalued historically and was in favor of an increase, as proposed in his amendment.

Charlotte Zietlow commented on data from around the state, Bloomington being a college city, the large work demand in the clerk's office, and high cost of living. She reiterated the Bloomington was different from other second class cities.

Public comment:

Jamie Sholl appreciated Flaherty for raising the concern, and to Clerk Bolden for her work. She said that it was ideal to keep the position in alignment with other, similar positions in the state.

April Hennessey spoke in favor of Resolution 23-16 as drafted, department heads and duties, and that Bloomington was unique. She said that it was important to have salaries that were commensurate with attracting talented and dedicated individuals.

Volan stated that the clerk's office was an independent check to both the administration and council. He noted the importance of the clerk's office as record keepers of council action and was a vital department of the city. Without clerk action, legislation could not be legally enacted. For too long, the clerk's office had not been seen as a separate department meriting compensation reflective of its duties. He noted Zietlow's comments. Previously, appropriately setting the clerk's salary had not been on council's radar. Clerks across the state needed to have a budget to hire staff and stay competitive in a difficult market. He mentioned the County Commissioners' salary based on attracting talented individuals willing to serve. It was also important to raise councilmembers' salary especially since five would not be serving another term. It would be for the benefit of future councilmembers. He questioned using the administration's HR department to establish salaries for separate elected offices like the City Clerk and Common Council.

Council comments:

Flaherty stated that he had not heard a compelling argument against the City Clerk's office being a department. He noted that benchmarking to existing salaries for clerk's enshrined an existing systemic inequity. The position was undervalued and historically undercompensated across the state. He could not support Amendment 01.

Sgambelluri supported Amendment 01 as a cosponsor. The discussion had centered on comparisons; cities, clerk salaries, and department heads. She said the clerk's role was important and agreed that the clerk was undercompensated. She supported a 34% increase. Her decision was informed by other clerk salaries in the state.

Volan had not fully realized that both the council and clerk acted as a department, separate from the administration, and should be compensated accordingly. He now understood that the Common Council and City Clerk were departments vital to the city's functionality. He urged council to not compound hypocrisy by voting for Amendment 01.

Amendment 01 to
Resolution 23-16 (cont'd)

Council comments:

Piedmont-Smith agreed with Flaherty and Volan and supported Resolution 23-16 as written. She explained that the large salary increase made up for decades of neglect with the compensation for the City Clerk. The salary should be at the level of department heads in order to attract well-qualified candidates. She agreed that benchmarking the salary perpetuated an inequitable system that undervalued clerks. She would vote against Amendment 01.

Bolden commented that state code mandated that the Common Council set the salary for elected officials. By consent, council had typically deferred to the mayor which left the clerk's office in a position of silence. She was disappointed by Amendment 01 and its sponsors and was concerned about the discussion. She appreciated the consistency with which Volan, Rosenbarger, Flaherty, Piedmont-Smith had approached the issue. She thanked councilmembers that had discussed the issue with her and answered her phone calls. She noted the awkwardness of discussing a salary matter in such a public setting. She reiterated that the clerk's office was a department with the City Clerk being the department head. She noted the immense learning curve for new clerks and said it was helpful to have experience beforehand, just like with department heads. She reminded council that she and her staff attended many more hours' worth of meetings than other clerks in the state.

The motion to adopt Amendment 01 to Resolution 23-16 received a roll call vote of Ayes: 5, Nays: 4 (Flaherty, Rosenbarger, Piedmont-Smith, Volan), Abstain: 0.

Vote to adopt
Amendment 01 [7:50pm]

There were no public comments.

Public comments:

Rollo acknowledged the awkward discussion and preferred that it be an HR matter with objective evaluation instead of a political discussion. He was shocked that the 33% increase seemed insufficient, which put Bloomington's clerk in the top tier. There were qualitative differences amongst clerks and clerk treasurers. He referenced the 2024 budget and questioned the duties of the clerk in comparison with the duties of other departments. He agreed that the clerk's office was important but wanted to see data showing that the clerk was similar to a department head.

Council comments:

Flaherty was disappointed by the passage of Amendment 01. He was struck by Rollo's request for data showing that the clerk's office was a department. He said that there was no data showing that it was not. The presumption that if one manages staff, and more, then they are a department head. The scope of responsibility in the clerk's office and the council office rose to the level of a department and the salary should be at the level of a department head.

Volan did not understand Rollo's request for data. Perhaps Rollo had not looked at departments in the city. Volan believed that councilmembers could do the research themselves. When elected officials were not adequately compensated, there was no incentive to do oversight. He noted that Bloomington had the longest meetings in the state. The point of the legislation was that the clerk's office was a coequal department of the city. The proposed salary in Resolution 23-16 would have been the lowest for a department head. He would vote against Resolution 23-16.

The motion to adopt Resolution 23-16 as amended received a roll call vote of Ayes: 7, Nays: 2 (Rosenbarger, Volan), Abstain: 0.

Vote to adopt Resolution 23-16 as amended [7:59pm]

LEGISLATION FOR FIRST READING [8:01pm]

Rollo moved and Sims seconded that Ordinance 23-20 be introduced and read by title and synopsis only. The motion was received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Ordinance 23-20 – To Amend Title 12 of the Bloomington Municipal Code Entitled “Streets, Sidewalks, and Storm Sewers,” Re: Establishing a New Section 12.04.130, Entitled “Obstructing the right-of-way” [8:01pm]

Sgambelluri referred this Ordinance 23-20 to the September 13, 2023 Regular Session.

Rollo moved and Sims seconded that Ordinance 23-21 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 23-21- To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic,” Re: Amending Section 15.32.150 to Remove the Four Hour Limit on All Accessible Spaces [8:02pm]

Sgambelluri referred Ordinance 23-21 to the September 13, 2023 Regular Session.

Christopher Emge thanked the mayor for the appointments to the Capital Improvement Board (CIB) and spoke about the Convention Center’s expansion.

ADDITIONAL PUBLIC COMMENT [8:03pm]

Jamie Sholl commented on the under compensation of councilmembers. She also discussed the unhoused population and some of their issues.

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [8:09pm]

Rollo moved and Volan seconded that a Council Work Session be held on Friday, September 8, 2023 at 12:00pm in order to hear a presentation by city administration about the progress of the Showers building expansion and redesign. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to schedule Council Work Session [8:11pm]

Sgambelluri adjourned the meeting without objection.

ADJOURNMENT [8:12pm]

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