

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, November 15, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
November 15, 2023

Councilmembers present: Matt Flaherty (arrived in person at 6:44pm), Isabel Piedmont-Smith, Dave Rollo, Susan Sandberg, Sue Sgambelluri, Ron Smith, Stephen Volan

ROLL CALL [6:37pm]

Councilmembers present via Zoom: Matt Flaherty (left Zoom at 6:39pm), Jim Sims

Councilmembers absent: Kate Rosenbarger

Council President Sue Sgambelluri summarized the agenda and Piedmont-Smith gave a land acknowledgment.

AGENDA SUMMATION
[6:38pm]

Rollo moved and Sandberg seconded to approve the January 25, 2023 minutes. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Flaherty left Zoom).

APPROVAL OF MINUTES
[6:42pm]

Smith encouraged all to be mindful of limited daylight and safety for bicyclists.

REPORTS [6:44pm]
• COUNCIL MEMBERS

Sandberg read from the letter to Mayor John Hamilton from Mayor-Elect Kerry Thomson concerning critical transition issues. Thomson urged Hamilton to not make last minute decisions, like moving public safety to the Showers West building and more.

Rollo noted there was no response from the administration regarding the request for more information on the appraisal of the 3rd Street building; the current Bloomington Police Department (BPD) headquarters.

Flaherty said that council and the mayor were elected for four-year terms and should not withhold doing their job. He noted that in December 2018, the previous council repealed and replaced Title 20, via the Unified Development Ordinance (UDO), in the final two weeks of their term. It was not legitimate to have done that and then call for non-action for the current administration.

Clerk's Note: Sims attempted to make a report but the Zoom audio was not functioning properly in Council Chambers. There was brief discussion on options for council to include Sims' report.

John Zody, Director, Housing and Neighborhood Development (HAND) department, presented the Housing Report, including affordable housing and new units since 2016. There were 5,600 units of which 1,386 were considered affordable. The 2020 Housing Study had called for 2,592 new units of housing by 2030 and 3,650 had been approved thus far. Of those, 645 were workforce/affordable rentals and about 215 were new single-family units. The Regional Opportunity Initiatives called for an additional 4,155 units needed in Bloomington, by 2035. He gave details on the location of affordable units, and the breakdown of the Area Median Income (AMI). He discussed the Kohr building, the Hopewell site, Summit District, Arlington Park, environmental reviews, and federal funding. Zody mentioned efforts to increase housing security, like working with Heading Home of South Central Indiana, Community Development Block Grant (CDBG), Jack Hopkins funding, and American Rescue Plan Act (ARPA). He discussed rentals, permitting, the Landlord Risk Mitigation Fund, and monitoring affordability compliance. He commented on homeownership efforts and assistance by the city like the Housing Development Fund.

• The MAYOR AND CITY
OFFICES [6:52pm]

There was brief council discussion on needed housing in the city, funding and building of new units, and the Landlord Risk Mitigation Fund.

There were no council committee reports.

- COUNCIL COMMITTEES [7:15pm]

Mary Morgan, Heading Home of South Central Indiana, thanked and praised Zody for his work in HAND.

- PUBLIC [7:17pm]

John Arnold spoke about the fiber optic cable company that recently hit a sewage line in the Gentry Estates, polluting ponds in the area. He thanked Vic Kelson and Holly McLauchlin for their quick response to the concerns.

Christopher Emge, Greater Bloomington Chamber of Commerce, discussed the Showers West building and public safety headquarters. He commented on the Resident's Police Academy.

Daryl Ruble complimented BPD for their assistance with his stolen car. He spoke against the unhoused population in Seminary Park.

Stephen Lucas, Council Attorney, read a statement submitted by Jim Shelton via Zoom chat, noting the upcoming Court Appointed Special Advocate (CASA) training.

There were no appointments to Boards and Commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:32pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:33pm]

Rollo moved and Piedmont-Smith seconded that Resolution 23-19 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis.

Resolution 23-19 – To Approve the Interlocal Agreement Between Monroe County, the Town of Ellettsville, and the City of Bloomington for Animal Shelter Operation for the Year 2024 [7:33pm]

Rollo moved and Piedmont-Smith seconded that Resolution 23-19 be adopted.

Virgil Sauder, Director, Animal Care and Control, gave a brief history on the interlocal agreement and its successes. The agreed upon funding was based on the previous year's expenses for animals.

Rollo asked if the facility space was adequate for all animal intakes.

Council questions:

Sauder said the shelter space was strained because of an increase in animal intakes.

Rollo asked if staff expected there being even more animal intakes.

Sauder stated yes and was happening around the country. He noted that Animal Care and Control had excellent and dedicated staff to ensure the best care for the animals.

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Resolution 23-19 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 23-19 [7:34pm]

Rollo moved and Piedmont-Smith seconded that Resolution 23-20 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Resolution 23-20 – To Approve an Interlocal Cooperation Agreement Between the City of

Rollo moved and Piedmont-Smith seconded that Resolution 23-20 be adopted.

Bloomington and Monroe County, Indiana – Re: Building Code Authority [7:39pm]

Beth Cate, Corporation Counsel, presented the legislation and provided details on the interlocal cooperation agreement. She highlighted updates from the previous year including usage of digital management systems for permitting and certificates of zoning compliance, for the county and city.

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 Resolution 23-20 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 23-20 [7:46pm]

Rollo moved and Piedmont-Smith seconded that Resolution 23-21 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Smith out of the room). McDowell read the legislation by title and synopsis.

Resolution 23-21 - To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regards to the 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) [7:47pm]

Rollo moved and Piedmont-Smith seconded that Resolution 23-21 be adopted.

Cate briefly described the interlocal agreement and the Justice Assistance Grant (JAG) and its requirements for the city and county to apply for funding. The amount of funding received was \$54,337.

Piedmont-Smith asked if BPD relied on JAG funding, or if it was extra. Cate stated that question was best answered by Chief Mike Diekhoff.

Council questions:

There was no public comment.

Public comment:

Piedmont-Smith noted areas of emphasis in the fact sheet by the Bureau of Justice Assistance for grant funding including advancing justice system reform efforts, advancing racial equity and support for underserved communities, preventing and combatting hate crimes, crime and violence reduction strategies, and community based violence intervention approaches. She was disappointed that the city’s and county’s grant proposal did not include any of the areas. She said justice reform was needed because the status quo was not working. Piedmont-Smith urged the grant applicants to consider the areas of emphasis next time.

Council comments:

The motion to adopt Resolution 23-21 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 23-21 [7:56pm]

Rollo moved and Piedmont-Smith seconded that Resolution 23-22 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Resolution 23-22 - To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana for the Operation of the Bloomington/Monroe County Capital Improvement Board and the Convention And Visitors Commission [7:56pm]

Rollo moved and Piedmont-Smith seconded that Resolution 23-22 be adopted.

Cate described the Capital Improvement Board (CIB) and the Convention and Visitors Commission (CVC). She thanked Greg Goodnight, former mayor of Kokomo, Indiana for his assistance in the negotiations as requested by Mayor Hamilton. She also thanked John Whikehart, President of CIB. She highlighted the history of the discussion on the Convention Center expansion between the city and county, the CIB, the interlocal agreement,

and funding. She explained the process and requirements that would be forthcoming including the formation of the City Building Corporation (CBC).

Resolution 23-22 (cont'd)

Smith asked about for clarification on the recent change to the interlocal.

Council questions:

Cate thanked Smith for the reminder and noted that the change corrected a typo in the interlocal agreement.

Piedmont-Smith thanked Cate, and the city and county legal departments for their work on the agreement. She asked for clarification on the CBC.

Cate said the City of Bloomington Capital Improvement (CBCI) entity existed, but the city was not contemplating it would be involved in the expansion. It would be a new entity that would issue the debt.

Piedmont-Smith said that the CBC would be the owner of the new, expanded Convention Center, and the city would be leasing the building.

Cate confirmed that was correct; CBC would hold the debt. Once the debt was paid off, using the Food and Beverage tax funds, the city would give ownership to the CIB, in twenty years.

Volan asked if the agreement was sufficient enough to eliminate the concern that the state might eliminate the Food and Beverage tax.

Cate said yes and gave reasons why.

Volan asked if Resolution 23-22 passed that evening, if the CIB would be contracting soon.

Cate believed so, but there were state requirements to consider, too. For example, there was a required report reflecting how the Food and Beverage tax funds would be spent in 2024. She gave additional details.

Volan expressed concern that unknown issues might not be resolved and could affect future plans.

Rollo asked how often the CIB's budget was reviewed by city council.

Cate said it would be when there was an expenditure of funds. She gave the example of paying the bonds by the Food and Beverage tax funds. Any appropriation would go before council.

Piedmont-Smith asked for clarification on a disagreement on the budget by the city and county and the deadline for reporting to the state. She asked if the CIB budget would be approved in council's regular budget process.

Cate stated she believed the dates in the agreement were set by the county. She explained how the city and county funding would be allocated, like for design, et cetera, and the management of the building. She would research the dates and follow up with council.

Piedmont-Smith asked about language in the agreement about the property not becoming available until after the 2024 election cycle.

Cate said that had been in the agreement from the start and was required by the county in order to ensure that property would be properly used. It was not to be available for use until after the election cycle.

Piedmont-Smith stated that it was where the early voting was located.

Cate confirmed that was correct, and why the language was included.

Christopher Emge thanked everyone for the work on the Convention Center expansion, and urged council to table the legislation until all councilmembers were in attendance and the audio was working well.

Public comment:

Lucas read a statement from Kate Wiltz, submitted via Zoom chat, stating that she appreciated the collaboration that went into the agreement. She thanked Sgambelluri and Piedmont-Smith. She said that the County Council would have the item on the agenda at the November 28, 2023 meeting.

Volan commented that the Convention Center expansion had been discussed his entire tenure on council. He said there had been acrimonious discussions between the city administration and county commissioners.

Council comments:

The process had taken far too long. He thanked everyone for their work on the agreement and noted that Bloomington was a destination spot in the state and needed an expanded Convention Center. He appreciated the composition of the CIB and spoke about the Food and Beverage tax.

Resolution 23-22 (cont'd)

Council comments:

Piedmont-Smith believed the legislation was a good step for the county and the city. She was pleased that work already done, like design studies, would be taken into consideration. She appreciated that the agreement included sustainability and environmentally-friendly practices in the expansion. She did not appreciate that the Convention Center would require more people to drive to the city, thus expanding the carbon footprint. She noted the commitment made that the tax to be used for the expansion. It was important to continue to explore transportation options.

Cate clarified that if the city and county did not agree on a budget, then the previous year's budget would then apply to the following year, as a default.

Rollo commented on the history of the collaborative effort on the expansion. He noted that the COVID-19 pandemic demonstrated the ability and importance of convening both virtually and in person. He said that there was hope to have a civic center in the expansion, and not just have it be a Convention Center.

Piedmont-Smith mentioned that there was language included to have the space be a civic center, too.

Sgambelluri expressed enthusiasm to support the legislation.

The motion to adopt Resolution 23-22 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 23-22 [8:38pm]

LEGISLATION FOR FIRST READING [8:39pm]

Rollo moved and Piedmont-Smith seconded that Ordinance 23-29 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 23-29 – An Ordinance Authorizing The Acquisition, Construction and Installation by the City Of Bloomington, Indiana, of Certain Extensions and Improvements to the City's Sewage Works Utility, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters [8:39pm]

Sgambelluri referred Ordinance 23-29 to the Regular Session on December 06, 2023.

Rollo moved and Piedmont-Smith seconded that Ordinance 23-30 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 23-30 - An Ordinance Concerning the Construction of Additions and Improvements to the Waterworks of the City of Bloomington, Indiana; the

Sgambelluri referred Ordinance 23-30 to the Regular Session on December 06, 2023.

Issuance of Revenue Bonds to Provide the Cost Thereof, the Collection, Segregation, and Distribution of the Revenues of Said Waterworks, the 3 Safeguarding of the Interests of the Owners of Said Revenue Bonds, Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, and Repealing Ordinances Inconsistent Herewith [8:40pm]

Adam Martinez supported traffic-calming efforts around the city.

ADDITIONAL PUBLIC COMMENT [8:42pm]

Mark Combs spoke about the contaminated pond in Gentry Estates.

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [8:45pm]

Sandberg moved and Rollo seconded to schedule a Work Session on Monday, December 04, 2023 at 12:00pm. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to schedule Work Session [8:49pm]

Piedmont-Smith adjourned the meeting without objection.

ADJOURNMENT [8:50pm]

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