

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 08, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 08, 2024

Councilmembers present: Isak Nti Asare, Courtney Daily, Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Andy Ruff, Hopi Stosberg, Sydney Zulich
Councilmembers present via Zoom: none
Councilmembers absent: none

ROLL CALL [6:30pm]

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION [6:30pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:34pm]

Daily mentioned Substance Abuse and Mental Health Services Administration (SAMSA). May was mental health awareness month. She discussed focuses on mental health in children and teens.

REPORTS

- COUNCIL MEMBERS [6:34pm]

Asare noted the expiration of the affordable connectivity program subsidized digital access. He had initiated conversations with community partners to bridge digital gaps.

Stosberg recognized Mother's Day which was a celebration as well as a difficult day for some individuals. She spoke about riding the city bus with Peter Iversen and their experience with other riders and more. Most riders were very pleased with the service.

Rollo appreciated city staff that planted and maintained native plants throughout the city. He noted Joanna Sparks' oversight as the city landscaper for focusing on native plants.

Ruff acknowledged all those who ran in the election the previous day and said it took a significant effort, time, and energy to run.

Piedmont-Smith reported on the Capital Improvement Board (CIB) meeting. She provided details on the presentation by Schmidt Associates with updates on the Convention Center expansion.

There were no reports from the mayor and city offices.

- The MAYOR AND CITY OFFICES [6:45pm]

There were no reports from council committees.

- COUNCIL COMMITTEES [6:45pm]

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke about voter turnout, the election the previous day, the Valor award recipients, and funding sources for projects in the city.

- PUBLIC [6:46pm]

Jami Sholl noted her service on boards in the community. She discussed the Peoples' Market and possible misuse of funds. She provided details on the concerns, an audit, and the cancellation of a grant for Black, Indigenous, and People of Color (BIPOC) farmers.

Piedmont-Smith moved and Asare seconded that the Council cancel the June 5, 2024 hearing on New Urban Station's tax abatement compliance and direct staff to notify the property owner of the cancellation. The motion was approved by a voice vote.

Vote to cancel Public Hearing [6:58pm]

Stosberg moved and Ruff seconded to appoint George Snyder to seat C-2 on the Housing Quality Appeals Board. The motion was approved by a voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:00pm]

Stosberg moved and Ruff seconded that Ordinance 2024-10 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:01pm]

Stosberg moved and Ruff seconded to adopt Ordinance 2024-10.

Ordinance 2024-10 – Amending Ordinance 23-25, which Fixed the Salaries of Appointed Officers, NonUnion, and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana for the Year 2024 - Re: To Add a Position to the Department of Public Works and to Revise Job Titles and Job Grades within the Office of the Mayor and the Department of Public Works to Adjust or Better Reflect the Nature of Those Positions [7:01pm]

Sharr Pechac, Director of Human Resources (HR), presented and summarized the legislation.

Asare asked about the roughly \$80,000 deficit in Public Works.

Council questions:

Pechac said it was likely unfilled positions and there would not be an additional appropriation.

Asare asked if the positions would be reposted or reclassified.

Pechac said they would be reposted but some would be eliminated with an effort to better align positions with the needs in the Office in the Mayor.

Deputy Mayor Gretchen Knapp said the individuals in the positions that would be eliminated were aware of the closure and could apply for the new positions or another position in the city.

Asare asked if the positions had to be reclassified or if those positions served by appointment by the mayor.

Pechac said department heads worked with HR to better align jobs, and that was what the mayor's office had done.

Piedmont-Smith asked if incumbents were given priority.

Pechac said all individuals had to meet the requirements for the position; there was no guarantee they would be prioritized.

There was no public comment.

Public comment:

There were no council comments.

Council comments:

Stosberg moved and Ruff seconded to adopt Ordinance 2024-10. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 2024-10 [7:09pm]

Stosberg moved and Ruff seconded that Ordinance 2024-08 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 2024-08 – To Enact Title 13 of the Bloomington Municipal Code Entitled "Stormwater" [7:09pm]

Stosberg moved and Ruff seconded to adopt Ordinance 2024-08.

Kat Zaiger, Interim Director of City of Bloomington Utilities (CBU), and Assistant Director for Environmental Programs, presented the legislation. She gave a detailed overview of the Municipal Separate Storm Sewer Systems (MS4) and stormwater regulation history,

Title 13 timeline, and its chapters and content, as well as additional highlights.

Ordinance 2024-08 (cont'd)

Liz Carter, MS4 Program Coordinator, detailed development standards, permitting, bonding, enforcement and fine structure, and post-construction in Title 13. This included green infrastructure requirements, payment in lieu fees, parking lot runoff management, regional detention option, vegetation standards, MS4 exemptions for Indiana University (IU) and the Indiana Department of Transportation (INDOT). She provided additional details.

Rollo asked for clarification on the green infrastructure requirement to handle 50% of a one-inch rain event. Council questions:

Zaiger stated that the goal was to treat 100% of the water quality volume with detention requirements, with half being treated through green infrastructure.

Rollo asked if rainfall first went through green infrastructure.

Zaiger said yes, but it depended on the design of the green infrastructure, such as a rain garden. She gave details on some examples and on redirecting overflow.

Piedmont-Smith asked if it was correct that one half of a one-inch rainfall would go through green infrastructure and the other, plus overflow, would go through other infrastructure. She asked about water detention, too.

Zaiger noted that green infrastructure was one option for water quality treatment. When considering treatment and detention, the one inch measurement was for treatment. She listed other types of water quality treatment options. The goal was to control runoff and release rates.

Asare asked about the timeline and projects already in process.

Zaiger clarified that the start date for CBU's review of projects was July 01. If a project was submitted prior to July 01, the old standards would apply.

Asare asked if permitting was currently with Planning.

Zaiger clarified that Planning permitted for grading. Going forward Planning and CBU would coordinate together.

Stosberg asked if the base rate was from Title 10.

Zaiger confirmed that it was.

Rollo asked if the vegetation standards were in perpetuity.

Zaiger said yes, that the post-construction chapter would address those requirements.

Rollo noted an area that had a native plant rain garden that had invasive plants move in, and the property owner had only mowed resulting in there being no native plants there. He wondered if that sort of problem would be addressed in Title 13.

Stosberg asked about the entities that were MS4 exempt.

Zaiger stated that they only had to follow the city's requirement if they were building in the city's MS4 area.

Carter reiterated that those entities were separate from the city's MS4 and no boundaries overlapped. The requirements were based on where construction was occurring.

Stosberg asked what happened when a construction project spread into the city's MS4.

Carter stated the city could not impose its requirements.

Asare said obtaining multiple city permits delayed projects and the associated financial cost would be passed on to individuals. He asked if there were ways to speed up permitting processes.

Zaiger stated that staff significantly considered the permitting process when developing Title 13. There were discussions with the Planning and Transportation and Engineering departments. The process would improve because the steps would be laid out in code whereas before, it was less clear. She described other components that streamlined the process.

Piedmont-Smith asked if the legislation improved stormwater and better protected the environment.

Zaiger said it absolutely did.

Piedmont-Smith moved and Stosberg seconded to adopt Amendment 01 to Ordinance 2024-08.

Amendment 01 Synopsis: This amendment fixes various typographical errors within the proposed Title 13.

There were no council questions.

There was no public comment.

There were no council comments.

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

Flaherty moved and Rollo seconded to adopt Amendment 02 to Ordinance 2024-08.

Amendment 02 Synopsis: This amendment was prepared by city staff and would add a stormwater management permit application fee and related language to the proposed Title 13. Indiana Code 36-9-23-25 requires the legislative body to establish just and equitable fees for services rendered by the sewage works. Staff have prepared this amendment so that the permit application fee language could be reviewed as part of the ordinance and included in the same, once adopted.

Chris Wheeler, Assistant City Attorney, presented Amendment 02 and council's role in the fees for permitting, per state statute.

Stosberg asked if each project had a different fee.

Ziager confirmed that was correct.

Stosberg asked if there was a minimum cost that applicants could expect.

Zaiger said the fee would be based on rounds of review, with the difference being primarily based on the size of the project.

Piedmont-Smith asked if there would be guidance for applicants.

Zaiger said that there would be and it would be in the rules and regulations or the design manual.

Piedmont-Smith asked about a precedence to the process.

Stephen Lucas, Council Attorney, stated there were other items that had established the manner for determining the fee process without identifying the actual fees.

Wheeler added that Amendment 02 satisfied the state statute and covered the service provided. It gave authority to the legislative body to determine the fee.

Ordinance 2024-08 (cont'd)

Council questions:

Amendment 01 to Ordinance 2024-08

Council questions:

Public comment:

Council comments:

Vote to adopt Amendment 01 [7:53pm]

Amendment 02 to Ordinance 2024-08

Council questions:

There was additional brief discussion on the process of setting the rates for permitting.

Amendment 02 to Ordinance 2024-08 (cont'd)

There was no public comment.

Public comment:

Stosberg commented that it was ideal to have guidance for developers to better understand and budget for permitting. It made sense to have a fee range in the manual.

Council comments:

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 02 [8:09pm]

Rollo asked what happened if a developer failed to bond appropriately and referenced the situation at Gentry Crest.

Council questions:

Carter clarified that the bonding that was not in place at Gentry Crest was a public improvement bond, held by the Engineering department. The erosion control bond, held by Planning, was current so CBU had been able to build part of the pond.

Rollo listed many issues with Gentry Crest, where the developer had gone bankrupt and had left many issues with the neighborhood. He asked if CBU required bonding for green infrastructure or more.

Carter explained that developments needed two types of bonds, one from Engineering for right of way which sometimes captured stormwater. The other was for erosion control and was managed by Planning and was specific to construction. She provided more details on what the bonding covered or not.

Rollo asked what cost the bonding covered.

Carter stated it covered the full estimate of the cost plus 25% contingency.

Ruff noted state preemptions, like the city's slope development regulations, and asked about mitigating potential erosion and sediment control via Title 13.

Zaiger explained that staff had looked at other ordinances around the state when developing Title 13, and there were some pieces that were more stringent and others that were not.

Ruff asked if it was possible to be more restrictive with sediment control.

Zaiger said it was possible but it was a balancing act between stormwater and promoting development and growth in the city.

Wheeler added that the state was inviting MS4 to be at least as strict as the general permit language. It was one example of Home Rule functioning very well.

Piedmont-Smith asked if the Unified Development Ordinance (UDO) would be updated.

Ziager stated that it would and CBU was working with Planning to identify those updates.

Christopher Emge, Greater Bloomington Chamber of Commerce, noted the importance of stormwater management and spoke about the permitting process being cumbersome to developers.

Public comment:

Asare said he was interested in helping CBU with stormwater management being used in creative ways. He was also interested in auditing the permitting process.

Council comments:

The motion to adopt Ordinance 2024-08 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 2024-08 as amended [8:22pm]

Stosberg moved and Ruff seconded that Ordinance 2024-09 be introduced and read by title and synopsis only. The motion was approved by a voice vote. (Rollo out of the room). Bolden read the legislation by title and synopsis.

Stosberg moved and Ruff seconded to adopt Ordinance 2024-09.

Wheeler presented the legislation which removed the language pertaining to stormwater in title 10.

There were no council questions.

There was no public comment.

There were no council comments.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Rosenbarger out of the room).

Stosberg moved and Ruff seconded that Ordinance 2024-11 be introduced and read by title and synopsis only. The motion was approved by a voice vote. (Rosenbarger out of the room). Bolden read the legislation by title and synopsis.

Rosenbarger moved and Stosberg seconded that Council staff be instructed to invite the Bicycle and Pedestrian Safety Commission to provide the Council with a formal recommendation on Ordinance 2024-11. The motion was approved by a voice vote.

There was brief discussion on sending legislation to commissions.

Stosberg moved and Ruff seconded that Ordinance 2024-12 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Jada Bee commented about the Peoples' Market, white supremacists at the city's Farmer's Market, and intersectional antiracism and food justice. She highlighted Peoples' Market's mission and grants the

Ordinance 2024-09 – To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” to Remove Stormwater Language [8:22pm]

Council questions:

Public comment:

Council comments:

Vote to adopt Ordinance 2024-09 [8:26pm]

LEGISLATION FOR FIRST READING [8:26pm]

Ordinance 2024-11 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Section 15.12.010 (Stop Intersections) to Remove Stop Intersections on Seventh Street from Schedule A and Add Multi-Stop Intersections on Seventh Street to Schedule B [8:26pm]

Ordinance 2024-12 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" Re: Amending Section 15.12.010 to remove one stop intersection on Constitution Avenue and Liberty Drive; Section 15.12.030 to add one signalized intersection on Constitution Way and Liberty Drive; Section 15.32.030 to replace pull in angle parking with back in angle parking on Sixth Street between Walnut Street and 35' west of Washington Street; and Section 15.32.080 to remove no parking zones on the north side of Atwater Avenue between Park Avenue and Faculty Avenue, and to codify and extend the no parking zone on the south side of Grimes Lane from Morton Street to 100' east of Palmer Avenue [8:31pm]

ADDITIONAL PUBLIC COMMENT [8:33pm]

organization had received with the effort of distributing free food to the community. She noted it was primarily efforts from Black, queer women.

Lauren McCallister was a local farmer and concurred with Jada Bee. She was most interested in the community being responsive to and reparative in addressing food insecurity. She gave some examples of food apartheid in the region and solutions.

Piedmont-Smith reviewed the upcoming council schedule. COUNCIL SCHEDULE [8:41pm]

Piedmont-Smith moved and Ruff seconded to schedule a Work Session on May 29, 2024 at 6:30pm. The motion was approved by a voice vote. Vote to schedule Work Session [8:42pm]

Piedmont-Smith adjourned the meeting. ADJOURNMENT [8:43pm]

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

FOR APPROVAL