

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, July 31, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
July 31, 2024

Councilmembers present: Isak Nti Asare, Courtney Daily, Matt Flaherty, Isabel Piedmont-Smith, Kate Rosenbarger, Hopi Stosberg, Sydney Zulich

ROLL CALL [6:31pm]

Councilmembers present via Zoom: Dave Rollo (logged out at 6:33pm, logged back in at 6:36pm)

Councilmembers absent: Andy Ruff

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

AGENDA SUMMATION [6:32pm]

Stosberg moved and Zulich seconded to suspend the rules to consider the minutes for approval. The motion was approved by voice vote. (No councilmembers present via Zoom at this time).

APPROVAL OF MINUTES [6:37pm]

- December 14, 2022 (Regular Session)
- March 6, 2024 (Regular Session)
- April 9, 2024 (Special Session, State of the City Address)
- April 10, 2024 (Regular Session)

Stosberg moved and Zulich seconded to approve the minutes of December 14, 2022, March 6, 2024 (with corrections), April 9, 2024, and April 10, 2024 (with corrections). The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Rosenbarger reported that Indiana Avenue was under consideration for safety improvements. There was a survey for residents to provide feedback. She highlighted some concerns expressed by residents including feeling unsafe walking and biking there.

REPORTS

- COUNCIL MEMBERS [6:38pm]

Stosberg echoed Rosenbarger about the survey. She spoke about the East Longview greenway and an upcoming neighborhood meeting to discuss it. She reported on the recent Plan Commission meeting and described the petitions.

Zulich spoke about the Capital Improvement Board (CIB) meeting where contracts had been approved for the architect/engineer (Schmidt & Associates) and the construction manager as constructor (Weddle Brothers). The deadline for hoteliers might be extended since there were only four applicants.

Piedmont-Smith noted a complaint filed against council by Dave Askins, B Square Bulletin, on July 17, 2024, pertaining to an Open Door Law violation. Deputy Attorney/Administrator Ash Kulak had filed an appearance and a motion for an extension of time. The deadline for a responsive answer was August 09, 2024.

Stosberg moved and Zulich seconded to authorize Deputy Attorney Kulak to respond and represent the council in the pending litigation and to ratify all previous filings and actions taken to date.

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

Vote to authorize Deputy Attorney/Administrator [6:46pm]

Stosberg moved and Zulich seconded to authorize the Council President to attend any mediations or negotiations, if scheduled, on the council's behalf.

Vote to authorize Council President [6:47pm]

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

Shawn Miya, Assistant Director of Sustainability, Economic and Sustainable Development (ESD) department, presented the Climate Action Plan (CAP) update and implementation timeline. She gave a history of the 2021 Climate Action Plan, described the city's goals and funding for implementation, and highlighted the CAP dashboard on the city's website.

- The MAYOR AND CITY OFFICES [6:48pm]

Wes De Silvestro, Founder and Chief Executive Officer, ClimateNav, worked with staff to design and launch the dashboard. ClimateNav was a public benefit startup that worked with local governments to help reduce emissions and communicate goals and impacts on sustainability with the public. The dashboard was a culmination of three years' of work, and showcased ESD staff's good work. Bloomington was a national leader with sustainability efforts. He described the dashboard including education and outreach, transparency and accountability with the city's progress, resources for residents, and a toolbox for staff to make data-driven decisions.

Miya added information on several large action plans in the city including renewable energy on city facilities, grants for small businesses and nonprofits via the Solar, Energy Efficiency and Lighting program, as well as low income solar grants. There were energy efficiency projects citywide including data collection, decarbonization, in-depth energy audits of city assets like buildings, and identifying the most significant opportunities for energy efficiency improvements. There was federal and state funding for light-emitting diode (LED) lights for city properties, and energy efficiency and decarbonization projects at Buskirk-Chumley Theater. Other implementation projects included grants for energy audits and improvements, and revisions to the Bloomington Green Home Improvement Program to incentivize residents to use the program. She commented on climate resilience efforts like Stay Cool Bloomington which provided free entry to city pools when the heat risk rose to Category II, cooling stations, and more. She discussed Project 46, a regional alliance between Bloomington, Nashville, and Columbus. She thanked city staff and partners for their work.

Piedmont-Smith extended the time for Mayor and City Offices reports by ten minutes with no objection.

Rollo asked if there was funding for replacement of renewable energy components and maintenance.

Council discussion:

Miya said the solar power equipment was recently installed in 2017, and was functioning well. It was ideal to consider funding in the future. She said \$75,000 had been budgeted for operation, maintenance, and repairs, as needed.

Rollo urged staff to omit blue lights in outdoor spaces because of the negative impact on insects.

Stosberg asked if the public could access the dashboard for the solar energy production citywide.

Miya said she would check on a public login to that dashboard.

Asare asked how council could help facilitate the efforts.

Miya said it would be helpful for councilmembers to share the information; the dashboard, website, and resources.

Asare asked if there were any requests for legislation or funding.

Miya said council would see budget requests during the budget process. There were changes to lift up climate resilience. She noted there were state restrictions that made the legislative process difficult.

Piedmont-Smith appreciated the equity initiatives with the grant opportunities. She asked if there were other ways staff considered climate resilience and sustainability through an equity lens.

Jane Kupersmith, Director, ESD, said that she had worked with Miya for nearly eight months, and every effort considered equity, especially to support the most vulnerable residents.

Miya said there two other projects that pertained to equity; one on bus stops with no shelter or trees for shade and another for creating cool corridors where there were many pedestrians.

Stosberg stated that Stephen Lucas's, former Council Attorney/Administrator, last day was the previous Friday and the position was currently vacant. She reported on the Hiring Committee (HC) meetings including the timeline of the job posting, which had been posted twice. It was estimated that the job would be vacant for two months and an interim Council Attorney/Administrator was needed. The HC recommended appointing Deputy Attorney/Administrator Ash Kulak as interim. She provided details.

Stosberg moved and Zulich seconded to appoint Ash Kulak to serve as interim council attorney/administrator effective August 5, 2024, until the position was filled, at a salary of \$88,400 per year.

Asare asked about the job having been posted twice.

Stosberg stated that the goal was to have a robust applicant pool. The job had only been posted for two weeks, one of which was during the 4th of July.

Asare asked if there was a committee member who could properly evaluate the credentials of a lawyer.

Stosberg stated she had brought up the notion of having another councilmember on the committee.

Asare recommended either Flaherty or Rosenbarger for the committee or another lawyer. He expressed concerns about the job description.

There was brief discussion on a possible motion to appoint another councilmember.

Asare asked if appointing Deputy Attorney/Administrator Kulak as interim, and then hiring another individual, if Kulak would retain their previous position.

Piedmont-Smith stated that they would.

Stosberg clarified that she had spoken with Kulak about the interim role and they had affirmed interest.

Flaherty asked if the salary was under the guidance of Human Resources (HR).

Stosberg confirmed that it was and provided details.

Rosenbarger asked if it was possible to change the salary range. She provided reasons for the need to be competitive to attract more applicants. She asked if the attorney/administrator roles could be separated.

Stosberg asked that questions be held until after the consideration of the motion on the table.

Asare asked about administrative support during the interim time.

Stosberg said Corporation Counsel Margie Rice said the Legal department could assist with legal matters in the interim period. She noted that Colleen Williamson, Assistant Administrator/Legal Research Assistant, would still provide administrative support.

- The MAYOR AND CITY OFFICES (*cont'd*)

Council discussion:

- COUNCIL COMMITTEES [7:20pm]

Council discussion:

Clerk staff was also available to assist as needed to support council in the interim.

- COUNCIL COMMITTEES
(cont'd)

Rollo thanked the committee for their work and Kulak for being willing to accept the interim role.

Council discussion:

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

Vote to appoint interim Council Attorney/Administrator [7:33pm]

Kulak explained options for making appointments to the HC.

Council discussion:

Piedmont-Smith was in favor of making another appointment to the HC.

Zulich asked if councilmembers who were attorneys had expressed interested in serving on the HC.

Flaherty referenced city code that allowed the council president to name members to a special committee. He said he would be interested in being appointed.

Rosenbarger asked about revisiting the salary range and if council had that authority, and if it was at the higher end of the range.

Stosberg explained that the salary had already been budgeted for 2024. Council could address salary for 2025 and confirmed it was at the higher end of the range.

Rosenbarger asked about separating the position's roles.

Stosberg stated that the job description had carried over from previous years, and council would have to take action to make significant changes to it. She explained there was a sense of urgency because of council's upcoming schedule including budget. It was possible to explore separating the position at a later date.

Clerk Nicole Bolden said that her office was in the process of reclassifying and renaming jobs. HR had recently sent an update from the Workforce Evaluation and Realignment Committee (WERC). Council could use that process or, as a separate branch of government, take action on its own.

Rosenbarger said the position was in reality two positions and the work might be daunting, so reviewing that role would be useful.

Piedmont-Smith referenced what had been done in the past. Council would need to research if there could be a separate attorney and administrator.

Asare said that a job vacancy presented an opportunity to review its role and responsibilities.

Piedmont-Smith noted state code that listed what positions council could hire. She gave some details on what had been done before. It was important to balance timeliness with filling the position, and the possibility of restructuring the council staff positions.

Rosenbarger expressed interest in being appointed to the HC. She asked if the job posting could be edited because there was incorrect information like having to be on call 24/7.

Stosberg stated the previous Council Attorney/Administrator recommended keeping that in the description.

Zulich said expectations could be set like not demanding immediate responses or at odd hours. She noted Bolden's email signature which recommended responding when it worked best for the recipient.

Piedmont-Smith noted the importance of setting boundaries.

- COUNCIL COMMITTEES (cont'd)

Flaherty said councilmembers could have provided feedback to HC on their own, and in the future, committees could be intentional about inviting other councilmembers.

Council discussion:

Stosberg said that the meetings were publicly noticed. There were noticed executive sessions. She gave additional information and said it was possible to edit the job description and repost.

Daily supported reviewing the job posting in order to attract more well-suited applicants.

Asare said it was important to define what council's idea was of the best fit for that position.

Stosberg explained the process the HC undertook to define what a good candidate was. She was willing to read the qualifications the HC had identified.

Asare said the Council Attorney/Administrator was for all councilmembers and the job description needed to be adequate for all. He questioned the process.

Piedmont-Smith made a point of order that it appeared that Asare was attacking the work of the HC. She said committee members were responsive to feedback from councilmembers.

Asare clarified that he did not intend to assume ill will, but that it was the first time he had been able to provide feedback.

Stosberg reiterated the process the HC had taken, in public meetings that Asare could have attended. She was willing to read the list of qualifications at the meeting, or meet with Asare individually to share the information.

Flaherty suggested providing feedback to the HC in other ways.

Piedmont-Smith reiterated that the HC meetings were open and committee members encouraged other councilmembers provide their opinions. The HC would share the list of qualifications.

Greg Alexander commented on bicycle and pedestrian connectivity and the need for safe paths to schools. He expressed concerned that projects with low impacts had been prioritized. He noted actions the city had taken to improve paths but had not been sufficient.

- PUBLIC [8:02pm]

Abe Shapiro spoke about his time in Bloomington including helping those with disabilities and reporting via WFHB radio and Community Access Television Services (CATS). He appreciated initiatives taken by the city to make the city accessible. He thanked council and specifically Rosenbarger for inspiring to continue his work in supporting people with disabilities. He appreciated his time in Bloomington.

Stosberg moved and Zulich seconded to make to make the following appointment(s):

APPOINTMENTS TO BOARDS AND COMMISSIONS [8:11pm]

- For the Public Transportation Corporation Board of Directors - to reappoint Doug Horn to seat C1.

Flaherty asked if there were other candidates that were interviewed.

Council discussion:

Stosberg responded that staff had recommended Doug Horn's reappointment. Horn expressed interest in being reappointed and Stosberg referenced his completed application. She asked Bolden for additional information.

Bolden read an email from James McClary, Board Member, Bloomington Public Transit Corporation (BPTC), recommending

Horn’s reappointment because of regular attendance, participation, and contribution. John Connell, Director, BPTC, and other board members were copied on that email.

Flaherty was not intending to question Horn’s qualifications, but was being cautious with positions that had authority. He thanked all for their responses.

Piedmont-Smith noted that BPTC required parity between political parties.

Stosberg stated that since the interview committee met, there had been one additional application.

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

APPOINTMENTS TO BOARDS AND COMMISSIONS (cont’d)

Council discussion:

Vote to appoint [8:13pm]

LEGISLATION FOR FIRST READING [8:14pm]

Stosberg moved and Zulich seconded that Appropriation Ordinance 2024-02 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Appropriation Ordinance 2024-02 – To Additionally Appropriate Food and Beverage Tax Funds, General Fund Dollars, and ARPA State and Local Fiscal Recovery Fund Dollars for 2024 and to Approve of a Revised 2024 Budget for the Monroe County Capital Improvement Board of Managers [8:14pm]

Piedmont-Smith referred the legislation for a second reading on August 07, 2024.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [8:16pm]

There was no legislation for second reading.

Christopher Emge, Greater Bloomington Chamber of Commerce (GBCC), commented on Stephen Lucas’s excellent work during his tenure. He spoke about GBCC’s priorities and thanked Daily, Asare, and Stosberg for speaking with him.

ADDITIONAL PUBLIC COMMENT [8:16pm]

Piedmont-Smith reviewed the upcoming council schedule including the Consensus Building Activity to discuss street homelessness, specifically in the short term.

COUNCIL SCHEDULE [8:20pm]

Piedmont-Smith adjourned the meeting.

ADJOURNMENT [8:23pm]

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