

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, October 09, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
October 09, 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 [6:32pm]

Stosberg moved, and Zulich seconded that Appropriation Ordinance 2024-05 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title, noting that there was not a synopsis, and the do-pass recommendation was 8-0-1.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[6:35pm]

Appropriation Ordinance 2024-05
- An Ordinance for Appropriations and Tax Rates (Establishing 2025 Civil City Budget for the City of Bloomington) [6:35pm]

Stosberg moved and Ruff seconded to adopt Appropriation Ordinance 2024-05.

Jessica McClellan, City Controller, presented the legislation to the council. She thanked the council for the time they spent working on the budget, and said she was available for any questions.

Piedmont-Smith asked what the total budget was, for the total in the general fund, and for the property tax rates.

Council discussion:

McClellan said the total Department of Local Government Finance (DLGF) reviewed budget was \$115,128,135 and the home rule funds total was \$36,545,054, for a total of \$151,673,189. For property tax rates, the advertised high rate was 1.0414%, and the DLGF review of the city's net assessed value and property tax adopted levy would determine the final tax rate at the end of the year.

Piedmont-Smith clarified that the 1.0414% was the amount paid on \$100 of assessed value.

Stosberg moved, and Asare seconded that during the agenda item, the council extend the limits of debate to include a discussion on the taxpayer objection petition immediately following the presentation of the appropriation ordinance by the City, to give the petitioner 10 minutes to present its petition, the Capital Improvement Board (CIB) 5 minutes to present a response, followed by a period of council questions, a period of public comment, and a period of council comment before a vote on the statutorily required findings.

Taxpayer Objection Petition to
Appropriation Ordinance 2024-05

Motion to structure debate

The motion received a roll call vote of Ayes: 7, Nays: 2 (Zulich, Ruff), Abstain: 0.

Vote to structure debate [6:38pm]

Joe Davis attended on behalf of the filed Petition and presented an updated petition with changes since the original petition was filed with the city on October 03, 2024. He reiterated objections to the use of city funds for the 2025 CIB budget and cited an unknown survey with what he believed was 82% of residents did not want a new convention center. He believed there were more pressing issues of crisis in the Bloomington community, including the

Taxpayer Objection Petition to
Appropriation Ordinance 2024-05

unhoused population. Davis said the new convention center would not be utilized by a vast majority in Bloomington. He stated the existing civic center already served the public. He believed the formation of the CIB was suspect with regard to the delegation of authority to it. Davis did not want to subsidize the project in perpetuity with taxpayer dollars. The request was to give away the public's land and for the city to become a partner in ownership with the hotel. He said it was public land and questioned why the city was giving away public land central to the heart of downtown when he believed the space could be used for other city uses. He stated that if council passed the budget and approved the appropriation and allocating almost \$1,000,000 of taxpayer monies to the CIB, then the petitioners would file a class action against the city and county governments, as well as the CIB and Redevelopment Commission. Along with the Findings, Davis stated that the petitioners demanded that each councilmember disclose if they were going to profit from the project.

Taxpayer Objection Petition to
Appropriation Ordinance 2024-05
(cont'd)

Jim Whitlatch attended on behalf of the CIB. He believed the petition had defects, including timeliness, lack of signatures, and only one petitioner present at the Adoption Meeting. He requested that council include the defects in the Findings. He noted that the CIB was appropriately formed by County ordinance in July 2023 with the authority to create it under I.C. §36-10-8. Since it had been formed, Whitlatch stated the CIB had complied with requirements of state statute and local agreements with the city and had held public meetings. He stated that the CIB had representatives from both city and county. Whitlatch further stated that no public lands had been turned over to CIB and that the CIB held no lands. He said that state statute required that money from Food and Beverage (FAB) Tax be used for constructing and renovating a convention center and that it could not be used for other purposes. He stated that the convention was expanding east and not to the Bunger & Robertson property as stated in the Petition. He requested that council not consider the updated petition, filed much later than the statutory deadline, and reiterated his belief that the original petition was also untimely.

Stosberg noted the end of the petition listed items that were more important to spend money on, including the unhoused, mental health issues, unmedicated?, affordable housing, and other social equity or justice needs. She asked if the tax funds could be spent on those items instead of the convention center.

Council discussion:

Whitlatch noted that they were all worthy expenditures and things to think about but could not be addressed by using the FAB Funds, under state statute.

Zulich asked for confirmation that the convention center was not expanding towards the Bunger Robertson property and that it was expanding to the east. She asked who owned the east location.

Whitlatch confirmed that it was expanding to the east and not towards Bunger and Robertson. He said the location was primarily owned by the county, but the city owned two lots.

Flaherty asked if the FAB Tax allowed other uses, perhaps related to tourism expenditures, and if the county had spent portions of its FAB Tax allocation on items that were not the convention center.

Whitlatch said that expenditures had to be related to the convention center, and that other items could include tourism but had to be related to and supportive of the convention center.

Piedmont-Smith asked Davis if he could provide any verification about the other nine taxpayers listed on his petition.

Davis said they were all taxpayers who resided in Bloomington, and that he had their names and addresses on his notepad and on his phone; received via text message. He said they chose not to add the names to the petition for fear of malicious bad actors who might cause mayhem. He said that all of the petitioners gave him power of attorney and it was all received before the deadline. Davis said he would provide the documentation.

Piedmont-Smith said that if he had that documentation, it should have been submitted with the petition.

There was no public comment on the petition.

Stosberg asked if council staff would be keeping track of a Findings document for the council.

Ash Kulak, Deputy Council Attorney/Administrator, said they were taking written notes on the testimony.

Lisa Lehner, Council Attorney/Administrator, opined that the petition distributed that evening was not timely filed and should not be considered. The petition emailed was the subject of discussion, the Indiana code did not require signatures, and council staff was not able to independently verify the other individuals listed in the petition. Lehner said those issues could also be included as findings.

There was brief discussion on the specific findings that would be included in council's response.

Asare moved, and Zulich seconded, that the Council adopt the Findings on the Taxpayer Objection Petition and Testimony Presented (attached) at that night's Adoption Meeting.

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

Stosberg moved, and Zulich seconded to adopt Amendment 01 to Appropriation Ordinance 2024-05.

Amendment 01 Synopsis: This amendment is sponsored by Cm. Flaherty and would reduce the Parking Meter Fund (#2141), Category 3 (Other Services and Charges) in the Community & Family Resources Department budget, by \$250,000. The intent behind this reduction is to align any disbursements from the Parking Meter Fund with the purposes enumerated in Bloomington Municipal Code 15.40.015, in line with state code. The proposed use (Downtown Outreach Grants) does not fall within allowed uses under this provision. This amendment is meant to indicate that any such grant program for 2025 should be funded out of a different fund within the Community and Family Resources Department rather than out of the Parking Meter Fund.

Flaherty presented the amendment to the council.

McClellan noted that the administration did not have an objection to the amendment.

Taxpayer Objection Petition to Appropriation Ordinance 2024-05
(cont'd)

Council discussion:

Public comment:

Council discussion:

Vote to adopt the Findings on the Taxpayer Objection Petition and Testimony Presented [7:36pm]

Amendment 01 to Appropriation Ordinance 2024-05

Ruff asked if there was any gray area in funding the program or if it was clear that the funding should not be used for that purpose.

McClellan said there was not much gray area in this case, and the funding should not be used for the program.

Stosberg asked for clarification on what would happen to the \$250,000.

McClellan explained that the money would go back into the parking meter fund for 2025.

Stephen Volan, Chair of the Parking Commission, spoke about the parking meter fund and said the city had not thought deeply enough about what the appropriate use of those funds should be.

Flaherty encouraged his colleagues to review the code to see the list of allowable expenditures. He noted his ongoing desire over the years for council to consider the path from revenue source to populating a fund, and then to expenditures.

Stosberg thanked Flaherty for his attention to detail.

The motion to adopt Amendment 01 to Appropriation Ordinance 2024-05 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

There were no questions from the council.

There were no comments from the public.

Piedmont-Smith thanked the administration for their hard work and for listening to the council. She was pleased with the budget. She noted that council voted unanimously to move towards outcome-based budgeting and the city would continue to progress towards that.

The motion to adopt Appropriation Ordinance 2024-05 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Stosberg moved and Ruff seconded that Appropriation Ordinance 2024-06 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Stosberg moved, and Ruff seconded to adopt Appropriation Ordinance 2024-06.

Gretchen Knapp, Deputy Mayor, noted that the Utilities Director could not be present that evening but Knapp would answer questions about the legislation on behalf of the Utilities department.

Piedmont-Smith noted the total water utility budget was \$22,656,000.00 and the waste water utility budget was \$33,820,000.00.

There were no questions from the council.

Joe Davis read several names of people that he said he represented.

Piedmont-Smith said that he was out of order and asked him to step away from the podium. She asked the sergeant-at-arms to

Amendment 01 to Appropriation Ordinance 2024-05 (cont'd)

Council questions:

Public comment:

Council discussion:

Vote to adopt Amendment 01 to Appropriation Ordinance 2024-05 [7:48pm]

Council questions:

Public comment:

Council discussion:

Vote to adopt Appropriation Ordinance 2024-05 as amended [7:51pm]

Appropriation Ordinance 2024-06 -An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2025 [7:52pm]

Council questions:

Public comment:

remove Davis from the podium.

Appropriation Ordinance 2024-06
(cont'd)

Piedmont-Smith reminded the public that the budget had been previously discussed, which was why there were not any questions that evening.

Council questions:

The motion to adopt Appropriation Ordinance 2024-06 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 2024-06 [7:59pm]

Stosberg moved, and Ruff seconded that Appropriation Ordinance 2024-07 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title, noting that there was not a synopsis, and the do-pass recommendation for the legislation was 9-0-0.

Appropriation Ordinance 2024-07
- Appropriations and Tax Rates for
Bloomington Transportation
Corporation for 2025 [8:00pm]

Stosberg moved, and Ruff seconded to adopt Appropriation Ordinance 2024-07.

John Connell, General Manager of the Bloomington Transit, requested the adoption of the legislation. He noted the proposed budget was \$32,632,634.00 with a proposed tax levy of .0403.

Council questions:

Stosberg asked for more information with regard to staffing and schedule changes.

Connell said that driver shortages continued to be an issue and if everyone stayed healthy, they could service the full schedule. He explained the priority system for periods when there was staff shortages. The goal was to have the least amount of inconvenience and impact to the riding public.

Stosberg asked about methods of communication with the public.

Connell said they used several methods, including phone, app, social media, and bus announcements.

Stosberg asked if Connell wanted to take time to make a pitch for more drivers.

Connell gave information about becoming a driver and said there were vacancies.

Piedmont-Smith asked about the collaborative program for ride-share service, and if there were options for people who did not own a smart phone to get a ride.

Connell said they could call the dispatch office who would then facilitate the ride. He explained how the rides and vouchers worked for people with limited access to technology.

Piedmont-Smith asked how late the phones were answered.

Connell said dispatch was open until 11:00pm.

There were no comments from the public.

Public comment:

Zulich was looking forward to supporting the budget and thanked Connell for his rapid response to a constituent.

Council comments:

The motion to adopt Appropriation Ordinance 2024-07 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Appropriation Ordinance 2024-07 [8:09pm]

Piedmont-Smith reviewed the upcoming council schedule.

COUNCIL SCHEDULE [8:09pm]

Asare stated that he, Zulich, and Daily wanted to have an Executive Session in order to be briefed on pending litigation.

Piedmont-Smith asked for the suggested date and time and asked if that worked for clerk and council staff.

Piedmont-Smith set an Executive Session to be held at 6:00pm on October 30, 2024.

COUNCIL SCHEDULE (cont'd)

Bolden reminded councilmembers that they needed to sign the legislation passed that evening.

Piedmont-Smith adjourned the meeting.

ADJOURNMENT [8:14pm]

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