

In the Council Chambers of the Showers City Hall on Wednesday, July 18, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
July 18, 2012

Roll Call: Mayer, Neher, Rollo, Ruff (8:02 pm), Sandberg, Sturbaum, Volan, Granger  
Absent: Spechler

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

Minutes for July 3, 2012 were approved by a voice vote

APPROVAL OF MINUTES

Dorothy Granger noted for citizens that her Resident's Breakfast co-hosted by Julie Thomas would not be held in July. She said the breakfast, held on the third Friday of the month at Rachael's Café would be held in August. She said the topic of that breakfast would be budgets.

REPORTS:  
COUNCILMEMBERS

Chris Sturbaum, referring to the high temperatures recently, said he would like the world to cool off a little bit.

Timothy Mayer reminded people to use water sparingly.

Laurie Ringquist, Director of Animal Care and Control, updated the council on the ASPCA \$100,000 challenge among animal shelters. She said Bloomington fared second in the country with online votes and was included in the fifty shelters to compete in the challenge. She said the August to October phase of the challenge would be to save 300 lives over the same three months of the previous year. She described the plan for increasing adoptions and sponsored adoption fees during the challenge.

MAYOR and CITY OFFICES

There were no reports from council committees at this meeting.

COUNCIL COMMITTEES

Mayer called for public comment.

PUBLIC INPUT

Daniel McMullen spoke about democracy, its history and the rhetoric surrounding democracy and its tenets.

Gabe Rivera spoke about ending the drug war.

There were no appointments for boards or commissions at this meeting.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that Ordinance 12-16 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0.

LEGISLATION FOR SECOND  
READING

It was moved and seconded that Ordinance 12-16 be adopted.

Ordinance 12-16  
TO AMEND TITLE 8 OF THE  
BLOOMINGTON MUNICIPAL  
CODE, ENTITLED "HISTORIC  
PRESERVATION AND  
PROTECTION" TO ESTABLISH A  
HISTORIC DISTRICT - Re: Elm  
Heights Historic District  
(Bloomington Historic Preservation  
Commission, Petitioner)

Nancy Hiestand, Special Projects Manager for the Housing and Neighborhood Development Office, explained relevant portions of the mission statement of the Historic Preservation Commission (HPC):

*'to maintain established residential neighborhoods in danger of having their distinctiveness destroyed, to enhance property values and attract new residents, and to insure construction of compatible new buildings where appropriate and the maintenance and assurance of compatibility in regards to style, form, proportion, texture and materials between historic buildings and those of contemporary design.'*

Hiestand showed the final map of the proposed Historic District, indicating that 263 properties were covered with 190 "contributing," 10 "outstanding," and 35 "notable." She gave the definition of a non-contributing property as "one that was too recently built, or so severely altered that the original intent of the builder was no longer discernable."

Hiestand noted that this proposed district met eight out of ten of the historic and architectural criteria for local designation. She reviewed the historic development of the area, highlighting the carved limestone objects, the traditional urban grid design, the distinctive landscape canopy, the development by limestone industry and home to both the immigrant workers and quarry owners, and its mix of modest homes with those of wealthy. She said it was illustrative of the culture of limestone in Bloomington.

Hiestand noted architectural features, outlined the chronology of the Historic Preservation Commission's interest in the area including the involvement of the residents of the area, development of design guidelines, establishment of a template for new construction, and a chronology of public meetings on the proposal.

Hiestand said that the Historic Preservation Commission voted unanimously to recommend the district for local status.

Volan asked about the concept of history and sustainability -- the addition of innovative and sustainable features to the buildings. He asked Hiestand about the addition of solar panels. Hiestand said that the basic purpose of a district was to preserve existing, significant architecture, and that would be the basis for decisions. She said a request for changes would be reviewed with an eye to materials and the project with the overarching goal being the best compromise possible. She said an obstacle was to preserve natural materials that were used in the early 20<sup>th</sup> century, certainly a sustainability goal. She also noted the removal of mature trees as an issue in adding solar panels. She said conflicts would be resolved with individual project reviews. They agreed that there was room for flexibility in these decisions without violating the intent or spirit of the Historic District.

Rollo asked if an asphalt shingle roof was considered historic. Hiestand said that more than half of the homes were built with that material, but was not durable. She said the historic look was of high concern and that another more durable material could replace asphalt shingles if it had the appearance of the district. Rollo asked if the aesthetic look was the hard and fast rule. She said the original material, the style of the change and the proposed material would all be taken into consideration.

Mayer asked Hiestand to discuss whether the 'hole' in the district map would become absorbed into the District with the passage of time. She said that the 17 structures might become contributing in time, but some had been modified so that they no longer looked like the builder intended. She said these structures might fit the criteria of a Secondary Area of a Historic District, or a Conservation District instead. Mayer said he had questions from citizens regarding that area.

Rollo noted a home in the district that had replaced a slate roof with an asphalt roof. He asked about a restriction on that. Hiestand said that there was another home that had an asphalt roof removed to return to the slate style that was original to the home. She reiterated that this was a case by case issue.

Ruff noted a home on Maxwell that had a metal roof. He asked Hiestand if there was metal roofing readily available and what the cost difference was. She said technology was developing quickly and that metal roofs were available, but didn't know the cost.

Jenny Southern, president of the neighborhood association said she lived within the boundaries of the proposed District. She said that she would like to include the fraternity and sorority houses in this district as well as other areas, but thought it was logistically difficult to do so. She noted the unique flavor and details of the residences in the District and said

Ordinance 12-16 (cont'd)

that there was nothing else like this in Bloomington. She said it WAS, in fact, Bloomington. She said there was a danger of losing the special historic features of this neighborhood and that she supported the district designation. Referring to the neighbors in attendance, she asked people to raise their hands if they were in support of the district.

Charlie Matson, 900 block of E. University Street, said he was only the second owner of his house. He said he supported the plan, although he realized that he was probably the most restricted under this plan. He said his clay tile roof would be challenging to replace and, noted his oak tree would need nurturing. He said a neighbor had put on a photovoltaic array, thought it was well done and didn't detract from the overall flavor of the area. He said that metal roofs would actually enhance some of the houses in the area.

Mark Webb represented David Jacobs who had purchased a series of lots centered at the corner of 2<sup>nd</sup> Street and Ballantine, which was included in this proposal. He said they did not oppose the concept of a Historic District, and that he lived in a Historic District in Indianapolis. He said that Historic Districts enhanced the quality of life for all who lived there. He said the important thing to him and Jacobs was that all the property within the neighborhood be treated similarly. He said for that reason he was concerned about the district, and referred to having a similar opinion as the Herald Times Opinion of that day. He said they were committed to working through their project, and believed that it would reach a point of accord with the neighborhood and would be allowed to proceed. He said that he hoped that the discussion of this Historic District would continue and would include the entire Elm Heights Neighborhood under the protection.

Julie Lawson, board member of the Elm Heights Neighborhood Association, said she lived outside the boundaries of the proposed district but was in favor of it, and would also be in favor of an expansion of it. She said the neighborhood should be preserved and that this was a starting point. She said she appreciated the way Mr. Jacobs had responded to neighbors' concerns, and said the latest designs for his house seemed more compatible with houses surrounding his property.

Carolyn Geduld said she lived near Hawthorne and 1<sup>st</sup> Street and helped write guidelines for reviewing issues related to the ordinance, and assured the council that that provision was in place.

Debbie Herbenick said she lived on 2<sup>nd</sup> Street in the district. She expressed her support for the district and said she believed the process would work for the benefit of all who desired to preserve the specialness of the neighborhood.

Tim Mueller said he lived on 2nd Street and noted that this effort was a long time coming. He said the committee grappled with many difficult issues, and they worked hard at this proposal. He urged the passage of this proposal and added that smaller issues could be resolved at a later time. He said if the council had reservations they should urge the HPC and neighborhood to solve issues that are problematic.

Betty Rose Nagle said she lived on South Park outside of the District. She talked about the canopy of trees protecting her back yard and the fact that the shade had prevented it from becoming brown in the hot, dry weather.

Rollo asked if the HPC would be open to design guideline modifications, specifically for sustainable technologies. Hiestand said that the guidelines were specific to the neighborhood, and so the

appropriate way to do that would be to approach the subcommittee and get the board to forward it to the commission. He asked if the non-contributing structures would be easier to get approval for modification. Hiestand said that the issue with non-contributing structure modification was with the scale of additions. She said that minor changes would not be reviewed.

Neher noted that the stabilization of the neighborhood was a key outcome in this type of proposal, and that included more owner occupied homes. He said studies had shown that property values increase by 5-20% in Historic Districts. He said that it would be hard to look at these outcomes unfavorably, and the guidelines were laudable. He noted aging in place issues were equally important to sustainability issues. He said the language of hiding ramps or putting them in the back of homes made him uncomfortable. He added that the council had been assured that the applications of the guidelines would be flexible, and he hoped that those who needed to or wanted to make their homes accessible would be able to under these conditions.

Granger said she appreciated the work that went into formulating the guidelines and believed that the designation would preserve the culture and history of the area and would support the proposal.

Rollo said he was 90% on board with this proposal, but that accessibility and evolving technologies for sustainability needed to be considered. He stated that he was happy to hear that the Historic Preservation Commission (HPC) would be open to consider some guideline modification on the basis of sustainable technology. He said the council was relinquishing any decision regarding this to the HPC and therefore hoped that the HPC would be open to those considerations.

Volan said that two-thirds of all residential housing in the city was rental property and that this proposal was a bulwark against housing units in core neighborhoods going mostly or completely to rentals. He also said the proposal was about preserving the century of housing styles and an older style of urban form. He cautioned against seeing landlords as the enemy, noting that some landlords want to retain the historicity of their property rather than razing established neighborhood blocks for high rises. He noted, too, that the co-existing of the university and the city should spring from the message that this district was sending with the proposal at hand. He added that the institution's decisions in accepting gifts of property, construction of buildings and regulating the size of the student population affect the entire community fabric.

Sturbaum commended the parties involved in the proposal for their civility in the process, and called it a good sign and a good step in making the neighborhood survive for generations. He added that there were excellent landlords who maintained historic property, and that they were good stewards of history. He noted that the guidelines were very good, and would guide the Historic Preservation Commission in their decisions.

Ruff said he supported the proposal and the concept of preservation involved. He said he lived in the area and had seen the hard work of the people who had brought this proposal forward, and added that their work would be a model for the community. He noted his concerns about non-historic reasons for a district, citing stability of population and other arguments made in a recent case before the Council. He said he also had concerns about sustainability and didn't like the idea that might make this effort more difficult. He said he hoped that the flexibility to allow a modification in guidelines in the future might be possible with this issue in mind.

Ordinance 12-16 (cont'd)

Sandberg said she supported this proposal, and added that she trusted that the neighborhood's discussions with regard to the Jacobs' property would continue to be respectful and be resolved to the benefit of all. She said she supported neighborhood stability, and noted that her own neighborhood was facing some issues that might encroach on their peaceful living. She thanked all for their work on the issue.

Rollo, referring to Volan's earlier comments, noted that sustainability sought to have a synthesis with a stable climate, a healthy planet for the next generation and social concerns, not just environmental concerns.

Mayer thanked Hiestand and HAND Director Lisa Abbot and the neighborhood for their work on the issue. He said he felt that the guidelines were comprehensive and forward thinking, and included historic preservation sustainability, environmental health, social well being, economic prosperity, alternative energy and other sustainability practices, care and maintenance, and procedures to amend the guidelines. He lauded the creation of these guidelines and the work on the proposal.

Ordinance 12-16 received a roll call vote of Ayes: 8, Nays: 0.

There was no legislation for first reading at this meeting.

There was no discussion of the council schedule.

There was no public comment at this part of the meeting.

The meeting was adjourned at 8:55 pm.

LEGISLATION FOR FIRST READING

COUNCIL SCHEDULE

PUBLIC INPUT

ADJOURNMENT

APPROVE:

ATTEST:

  
Timothy Mayer, PRESIDENT  
Bloomington Common Council

  
Regina Moore, CLERK  
City of Bloomington