

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, March 4, 2020 at 6:30pm, Council President Stephen Volan presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 4, 2020

Councilmembers present: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:31pm]

Council President Stephen Volan summarized the agenda.

AGENDA SUMMATION [6:31pm]

Piedmont-Smith moved and it was seconded to suspend the rules and consider the minutes from 2019 as they are placed on council agendas for regular or special sessions in the coming months. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:31pm]

Vote to suspend the rules
[6:35pm]

Rollo moved and it was seconded to approve the minutes of May 1, 2019 (Regular Session). The motion was approved by voice vote.

May 1, 2019 (Regular Session)

Rollo moved and it was seconded to approve the minutes of July 31, 2019 (Regular Session). The motion was approved by voice vote.

July 31, 2019 (Regular Session)

Rollo moved and it was seconded to approve the minutes of January 5, 2020 (Regular Session). The motion was approved by voice vote.

January 15, 2020 (Regular Session)

Rollo moved and it was seconded to approve the minutes of January 29, 2020 (Special Session). The motion was approved by voice vote.

January 29, 2020 (Special Session)

Flaherty reported an event at the Dimension Mill titled "Meeting at the Mill: A Conversation About a Sustainability Investment Fund" on March 5, 2020. Flaherty highlighted that the Climate Action and Resilience Committee would most likely be hosting a meeting on March 11, 2020.

REPORTS

- COUNCIL MEMBERS
[6:36pm]

Piedmont-Smith stated that there would be free food at the event on March 5, 2020.

Sgambelluri mentioned her first Saturday constituent meetings at 1:30 pm in City Hall, McCloskey room.

Sims thanked Shatoyia Moss (Safe and Civil City Director), Beverly Calendar-Anderson (Director, Community and Family Resources department), Donald and Nicole Griffin (sponsors of the Living Legend Awards), the Commission on the Status of Black Males, the Herald-Times newspaper, and that he hoped that there would be similar coverage of accomplishments of people of color, women, and other minority folks.

Volan urged the public to not become accustomed to getting free food at committee meetings.

Phil Stafford, Commission on Aging, gave a report on study committees, on the responsibilities of the commission, accomplishments from the past year, and goals for the following year. There was brief council discussion following the report.

- The MAYOR AND CITY OFFICES [6:41pm]

Beth Rosenbarger, Planning and Transportation, introduced Justin Shore, Lead Consultant, Wells & Associates, who provided an overview of recommendation for the Transportation Demand Management Plan. There was council discussion following the report.

There were no council committee reports.

- COUNCIL COMMITTEES
- PUBLIC

Greg Alexander commented on the sidewalk on the east side of Rogers St. in the Trades District.

Randy Paul spoke about an efficiency study done by the Board of Directors for Bloomington Transit, and accessibility concerns.

Sandberg moved and it was seconded that Babette Ballinger and Essence London be appointed to the Arts Commission. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Sgambelluri moved and it was seconded that A'ame Joslin, Rachel Frydman, and Nana Amoah-Ramey be appointed to the Commission on the Status of Women. The motion was approved by voice vote.

Smith moved and it was seconded that Duncan Campbell, Derek Richey, and Jenny Southern be appointed to the Historic Preservation Commission. The motion was approved by a voice vote.

Smith moved and it was seconded that Kelsey Haislip and Robert Deppert be appointed to the Commission on Aging. The motion was approved by a voice vote.

Rosenbarger moved and it was seconded to appoint Tracy Gates to the Urban Enterprise Association. The motion was approved by a voice vote.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:47pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-04 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation for Reasonable Conditions 03, 04, and 05, of Ayes: 4, Nays: 0, Abstain: 0, and with a Land Use Committee recommendation, including reasonable conditions, of do-pass of Ayes: 4, Nays: 0, Abstain: 0.

Ordinance 20-04 To Amend the City of Bloomington Zoning Maps by Rezoning Property from Business Park (BP) and Residential Single Family (RS) to join an existing Planned Unit Development (PUD) and to approve the associated District Ordinance and Preliminary Plan - Re: 1550 N. Arlington Park Drive (Trinitas, Petitioner)

Piedmont-Smith moved and it was seconded that Ordinance 20-04 be adopted.

Eric Greulich, Senior Zoning Planner, presented the legislation. Greulich described the location, zoning, and usage as well as the site history. Greulich also provided an overview of the petitioner's proposal.

Ordinance 20-04 (cont'd)

Kimberly Hansen, Manager of Design and Development, Trinitas Ventures, presented on the proposed development, including a description of the housing types, green space, parking, retail space, community amenities, and access points. Hansen also described the new bus route plan with Bloomington Transit.

Piedmont-Smith, Chair, Land Use Committee, reported on the committee's work with the petitioner, including discussing bike lanes, parking, and solar power. Piedmont-Smith described neighboring residents' concerns.

Rollo asked about the phases of completion for each section.

Council questions:

Greulich responded that parcel A would have to be completed with the first phase.

Volan asked about the expectation about parking and driveways.

Jeff Fanyo, Bynum Fanyo & Associates, stated that most lots would have alleyway access to garages, and that there would be some parallel parking on street.

Volan asked to clarify that there could be parallel parking on the street between areas A and B.

Volan asked if there would be driveways in that area.

Greulich responded that it was designed so that there would not be driveways on public streets, and that the driveway would be from the alley.

Smith asked about any concerns about flooding in the area.

Fanyo stated that there was no concern and that there would be a centralized retention water quality pond to control the storm water quality and runoff.

Flaherty asked about parking on the streets in parcel A, and if it was more desirable to have narrower streets with parallel parking on one side. Flaherty asked when that decision would be made.

Greulich responded that that would be decided at the final plan stage. Greulich also described other options that were possible.

Sims asked for how long the agreement was with Bloomington Transit route 10 and the petitioner.

Fanyo stated that that was a condition of the PUD and the only way it could be eliminated was to amend the PUD and that it would have to be approved by council.

Greulich stated that it was in perpetuity with the contract.

Rollo asked for clarification on the bike path and if it would connect to the multiuse path on 17th St. and if it connected east towards campus.

Greulich clarified that it would extend to the roundabout and that there were various sections that were installed on 17th St. but it was not connected.

Craig Shonkwiler, Traffic Engineer, Planning and Transportation, explained that there was a future project in the design phase for a side path on the north side of 17th St. all the way to Dunn St.

Rollo asked about the retail space.

Jeff Knable, Trinitas Development, stated that they had designed up to 1700 square feet of retail space.

Rosenbarger asked about the possibility for a dedicated space for a community garden in the green space.

Knable responded that the proposed development was densely planned but that if there were areas that were open that could be utilized for that, then the petitioner was open to that.

Ordinance 20-04 (cont'd)

Volan asked if there was room in a multifamily building for retail to expand.

Council questions:

Knable stated that the multifamily building housed the amenities for much of the community, but that there could be some reprogramming inside that multistory building.

Volan asked if there was a consideration was for putting in a hood for a restaurant.

Knable responded that it was first needed to see how successful the retail space was.

Flaherty moved and it was seconded to introduce Reasonable Condition 03. Flaherty presented on Reasonable Condition 03.

Reasonable Condition 03 to Ordinance 20-04

Reasonable Condition 03 Synopsis: This Reasonable Condition is sponsored by Cm. Flaherty. It addresses the Petitioner's commitment to fund transit services and sets forth the minimum frequency, days of operation per year, and hours of operation per weekday and weekends. It also establishes a minimum contribution each year to be adjusted to account for inflation. It allows for renegotiation with Bloomington Transit every three years and notes that any agreement is subject to Bloomington Transit Board of Directors approval. Lastly, it requires that the commitments run with the District Ordinance, be in writing, and be recorded.

Sims asked what the Bloomington Transit Board of Directors thought about this proposal.

Council questions:

Lew May, General Manager, Bloomington Transit, stated that generally speaking the board was supportive of the proposal, and of reaching an agreement with the petitioner.

Volan asked how many buses would need to be added to the fleet to accommodate the new route, and how much more capacity the Grimes Lane facility had.

May stated that the facility was at 90% capacity and could accommodate 7-8 more buses.

Randy Paul expressed gratitude for this proposal and the sponsor and petitioner.

Public comment:

Sgambelluri expressed her appreciation for Reasonable Condition 03 and encouraged Bloomington Transit to consider to connect with a grocery store on N. Kinser.

Council comment:

Piedmont-Smith stated that she appreciated the effort and detail in Reasonable Condition 03 and was happy to support it.

Volan commented that the current debate was on frequency and accessibility, and that the new route might be more effective to go to the Krogers by the transit station. Volan also commented that the project was very good and expressed support.

The motion to adopt Reasonable Condition 03 to Ordinance 20-04 received a roll call vote of Ayes: 9. Nays: 0, Abstain: 0.

Vote on Reasonable Condition 03 to Ordinance 20-04. [8:40pm]

Volan moved and it was seconded to introduce Reasonable Condition 04. Volan presented on Reasonable Condition 04.

Reasonable Condition 04 to Ordinance 20-04

Reasonable Condition 04 Synopsis: This Reasonable Condition is sponsored by Cm. Volan and was revised after action at the second hearing on February 26th. The first version oriented the townhomes along the main street in Area B toward the street in order to improve the street's residential character and was in the form of a written and recorded commitment. The second version added a second location in the southeast portion of Area B for the same treatment and was in the form of approval of the applicable portions of a Preliminary Site Plan submitted to the Council.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comment:

The motion to adopt Reasonable Condition 04 to Ordinance 20-04 received a roll call vote of Ayes: 9. Nays: 0, Abstain: 0.

Vote on Reasonable Condition 04 to Ordinance 20-04. [8:43pm]

Piedmont-Smith moved and it was seconded to introduce Reasonable Condition 05. Piedmont-Smith presented on Reasonable Condition 05.

Reasonable Condition 05 to Ordinance 20-04

Reasonable Condition 05 Synopsis: This Reasonable Condition is sponsored by Cm. Piedmont-Smith. Under the Sustainability Initiatives of the District Ordinance, the petitioner indicates that there would be a minimum of 2% or 8 plug-in ready parking spaces in Areas B-D for electrical vehicles. In elaboration, this provision also states that the petitioner intends to cover a total of 12 parking spaces with solar arrays sufficient to generate the electricity for those charging stations. This Reasonable Condition would hold the petitioner to those stated intentions and would require that the commitment be in writing and recorded.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comment:

The motion to adopt Reasonable Condition 05 to Ordinance 20-04 received a roll call vote of Ayes: 9. Nays: 0, Abstain: 0.

Vote on Reasonable Condition 05 to Ordinance 20-04 [8:45pm]

Piedmont-Smith moved and it was seconded to introduce Reasonable Condition 07. Piedmont-Smith presented on Reasonable Condition 07.

Reasonable Condition 07 to Ordinance 20-04

Reasonable Condition 07 Synopsis: This Reasonable Condition is sponsored by Cm. Piedmont-Smith. In discussions at both hearings, members of the Land Use Committee expressed interest in seeing more diversity of housing types in Areas B and D. The petitioner agreed to offer modifications in its site plan that would add more townhomes in Area "B" and some cottage homes in Area D. This Reasonable Condition identifies those changes in an amended site plan submitted by the petitioner as a condition of approval of this proposal.

Greulich expressed concern about there not being a more specific number attached to this reasonable condition.

Ordinance 20-04 (cont'd)

Knable stated that he wanted to keep the flexibility and not be locked into something that would not allow for improvements.

Council questions:

Sims asked if this issue had been addressed in previous Land Use Committee meetings.

Knable stated that it had been addressed and that the areas should not be homogenous, and that an amendment requiring a mixing of use in each parcel was acceptable

Piedmont-Smith stated that that seemed reasonable.

There were no public comments.

Public comment:

There were no council comments.

Council comment:

Piedmont-Smith moved and it was seconded to postpone further deliberation of Reasonable Condition 07. The motion was approved by a voice vote.

Vote to table Reasonable Condition 07 to Ordinance 20-04 [8:52pm]

Volan moved and it was seconded to introduce Reasonable Condition 08. Volan presented on Reasonable Condition 08.

Reasonable Condition 08 to Ordinance 20-04

Reasonable Condition 08 Synopsis: This Reasonable Condition is sponsored by Cm. Volan. During discussion of the Committee February 26th, the members requested the Petitioner to explore how the roadway and parking located between two rows of townhouses at the southeast corner of Area B could be changed to minimize its "parking lot" feel. The developer has submitted a modified Preliminary Site Plan that, among other changes, reduced the number of perpendicular parking spaces and added some parallel parking spaces at that location. This Reasonable Condition makes those changes to the Preliminary Site Plan a condition of Council approval for this proposal.

There were no council questions.

Council questions:

There were no public comments.

Public comment:

Flaherty stated that he appreciated the petitioner's, architect's, and engineer's work and that it no longer seemed like a parking lot.

Council comment:

Piedmont-Smith commented that she thought the revised plan was well done, and that she did not like the car focus feel of other townhomes.

Volan mentioned that because there is flexibility in the proposal, there were parking design options.

The motion to adopt Reasonable Condition 08 to Ordinance 20-04 received a roll call vote of Ayes: 9. Nays: 0, Abstain: 0.

Vote on Reasonable Condition 08 to Ordinance 20-04 [8:58pm]

Piedmont-Smith moved and it was seconded to take Reasonable Condition 07 off the table. Piedmont-Smith read the updated language and presented on the changes.

Reasonable Condition 07 to Ordinance 20-04

Rosenbarger asked if the areas mentioned are limited to areas B&D.

Council questions:

Piedmont-Smith stated that was correct and in the preceding sentence.

Flaherty moved and it was seconded to amend Reasonable Condition 07 in line with the modified version.

Motion to amend Reasonable Condition 07 to Ordinance 20-04

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments.

Council comment:

The motion to amend Reasonable Condition 07 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to amend Reasonable Condition 07 to Ordinance 20-04 [9:02pm]

There were no council questions.

Council questions:

There were no public comments.

Public comment:

There were no council comments

Council comment:

The motion to adopt Reasonable Condition 07 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Reasonable Condition 07 to Ordinance 20-04 as amended [9:02pm]

There were no council questions.

Council questions:

There were no public comments.

Public comment:

Piedmont-Smith thanked the Land Use Committee members for their work on the reasonable conditions and suggestions to improve the project. Piedmont-Smith also thanked the petitioner and city staff for their work on the proposal and also for the new bus route.

Council comment:

Sandberg acknowledged the Trinitas team and their work with the Plan Commission and stated that the proposal was well done.

Sgambelluri stated that the project was in her district and thanked Planning staff, Plan Commission, Land Use Committee, and neighborhood associations and residents.

Flaherty thanked the many folks who worked on this project and expressed how meaningful it was to have lots given to the city and the new bus route. Flaherty stated that he wanted to continue to brainstorm on large multifamily rental developments and planned to do so.

Volan stated that he trusted Planning and Transportation for area A streets, and commented that the project was the largest in Bloomington. Volan stated that the petitioners checked with residents and got buy in and were receptive to suggestions and council concerns.

The motion to adopt Ordinance 20-04 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 20-04 as amended [9:12pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

There was no public comment.

ADDITIONAL PUBLIC COMMENT

Stephen Lucas, Assistant Council Attorney, made recommendations to adjust the council schedule.

COUNCIL SCHEDULE [9:12pm]

Rollo moved and it was seconded to cancel the Committee of the Whole that was scheduled for March 4, 2020, and the Regular Session that was scheduled for March 11, 2020. The motion was approved by voice vote.

Piedmont-Smith moved and it was seconded to schedule a Special Session immediately followed by a meeting of the Utilities Committee for March 25, 2020 at 6:30pm and to grant the president the authority to cancel any unnecessary meetings for that evening including the previously scheduled Committee of the Whole. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to schedule a Special Session and Utilities Committee meeting [9:20pm]

Flaherty moved and it was seconded to suspend the rules under Bloomington Municipal Code 2.040.255 and 2.040.270 until September 1, 2020 to give the Council President, in consultation with the Vice President and the various committee chairs, the authority to approve the agendas and starting times for meetings of council standing committees. The president shall also have the authority to refer legislation to the appropriate committee before the meeting at which the legislation is introduced for first reading but such a referral may be changed by a motion approved by a majority of the council when the legislation is introduced for first reading. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to suspend the rules [9:24pm]

Dan Sherman, Council Attorney, stated that the minutes that were approved were incorrectly listed and should be corrected to January 15, 2020

Piedmont-Smith moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [9:26pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 21st day of October, 2020.

APPROVE:

ATTEST:

Stephen Volan, PRESIDENT
Bloomington Common Council

~~Nicole Bolden~~, CLERK
City of Bloomington

Sofia McDowell,
Chief Deputy Clerk