

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 5, 2020 at 6:30pm, Council President Stephen Volan presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 5, 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 [6:33pm]

Council President Stephen Volan summarized the agenda.

AGENDA SUMMATION [6:33pm]

Piedmont Smith motioned and it was seconded to suspend the rules and to approve the minutes of November 27, 28, 29, 2006 and December 04, 07, 11, 13, 14, 2006.

APPROVAL OF MINUTES [6:34pm]

Special Sessions to Adopt Unified Development Ordinance (UDO) in 2006

November 27, 2006
November 28, 2006
November 29, 2006
December 04, 2006
December 07, 2006
December 11, 2006
December 13, 2006
December 14, 2006

The motion to approve minutes received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Smith).

Vote to approve minutes [6:36pm]

Sandberg spoke about the passing of Peter Jacobi.

REPORTS

- COUNCIL MEMBERS [6:40pm]

Smith thanked constituents who talked to him about a building development on 103 Pete Ellis Drive.

Flaherty spoke about Indiana Open Door Law and how the council utilizes caucus meetings.

Piedmont-Smith also spoke about Indiana Open Door Law and the Mayor's proposal of a Local Income Tax increase.

Volan spoke about the passing of Peter Jacobi. He also discussed speaker time limits.

Mayor John Hamilton spoke about climate change and the achievements Bloomington made in sustainability.

- The MAYOR AND CITY OFFICES [6:53pm]

Lauren Travis, Assistant Director of Sustainability, gave the annual progress report on sustainability.

There was brief council discussion.

There were no Council Committee reports.

- COUNCIL COMMITTEES

Greg Alexander spoke about a bus route change and the need for more sidewalks.

- PUBLIC

There were no appointments to Boards or Commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:20pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-03 be introduced and read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of 0-8-0.

Ordinance 20-03 To Amend Title 4 of the Bloomington Municipal Code Entitled "Business Licenses and Regulations" - Re: Adding Chapter 4.32 (Non-Consensual Towing Businesses)

Piedmont-Smith moved and it was seconded that Ordinance 20-03 be adopted.

Piedmont-Smith moved and it was seconded to structure deliberations on Ordinance 20-03.

The motion to structure deliberations on Ordinance 20-03 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to structure deliberations on Ordinance 20-03 [7:24pm]

Sims presented the legislation to the council.

There was brief council discussion.

Council discussion:

Jordan Evans, Monroe County Apartment Association, suggested that Ordinance 20-03 have the following language added "If a parking lot is permitted, a vehicle parked there without a permit is deemed to interfere with business operations of the lot, and may be towed without notice."

Public comment:

Jacob Padawan, Owner of Tow Time, wanted the administrative fee to be an amount that could cover hiring an employee to do the work. He also stated that he believed the max pricing should have some exceptions.

Martin Poteet stated that he believed the towing companies were being unfairly characterized as villainous.

Ken Parrish, Ken's Westside Towing, stated that he supported Ordinance 20-03 but he believed it still needed more work. He also said that Towing companies have a problem with people not paying to get their car back.

Scott Oldham, Operations Captain for Bloomington Police Department, explained how the police department could order a towing company to release a car without payment.

There was additional council discussion.

Council discussion:

Sims moved and it was seconded to refer Ordinance 20-03 to Committee of the Whole, to meet on February 12 and (if necessary) February 26 to consider and report back on the legislation.

The motion to refer Ordinance 20-03 to Committee of the Whole received a roll call vote of Ayes: 7, Nays: 2 (Rosenbarger, Volan), Abstain: 0.

Vote to refer Ordinance 20-03 to Committee of the Whole [8:26pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-01 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of 4-0-0.

Ordinance 20-01 To Amend the City of Bloomington Zoning Maps by Rezoning a 3.2 Acre Property from Commercial Limited (CL) to a Planned Unit Development (PUD) and to Approve a District Ordinance and Preliminary Plan - Re: 105 S. Pete Ellis Drive (Curry Urban Properties, Petitioner)

Piedmont-Smith moved and it was seconded that Ordinance 20-01 be adopted.

Vote to structure deliberations on Ordinance 20-01 [8:31pm]

Piedmont-Smith moved and it was seconded to structure deliberations on Ordinance 20-01. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Jackie Scanlan, Development Services Manager, presented the legislation to the council.

Tyler Curry, Curry Urban Properties, thanked the council for their work.

Piedmont-Smith moved and it was seconded that Reasonable Condition 01 to Ordinance 20-01 be adopted.

Reasonable Condition 01 to Ordinance 20-01

Reasonable Condition 01 to Ordinance 20-01 Synopsis: This Reasonable Condition is sponsored by Cm. Piedmont-Smith. It is intended to address concerns about noise and light pollution affecting the neighbors by: (1) prohibiting the use of sound amplification that can be heard beyond the site in violation of BMC 14.09 (Noise Control); and, (2) prohibiting light trespass or glare beyond the site in violation of the newly adopted (but not yet implemented) UDO.

Piedmont-Smith presented Reasonable Condition 01.

There was brief council discussion.

Council discussion:

Connie Cook-Glen spoke about her concerns with an amphitheater being made on the property.

Public comment:

There was additional council discussion.

Council discussion:

The motion to adopt Reasonable Condition 01 to Ordinance 20-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Reasonable Condition 01 to Ordinance 20-01 [9:02pm]

Rosenbarger moved and it was seconded that Reasonable Condition 03 to Ordinance 20-01 be adopted.

Reasonable Condition 03 to Ordinance 20-01

Reasonable Condition 03 to Ordinance 20-01 Synopsis: This Reasonable Condition is sponsored by Cm. Rosenbarger. It is intended to improve the visual appeal of the exterior of the parking garage by requiring an artistic or green screening.

Rosenbarger presented Reasonable Condition 03.

There was no council discussion.

Council discussion:

There was no public comment.

Public comment:

There was no additional council discussion.

Council discussion:

The motion to adopt Reasonable Condition 03 to Ordinance 20-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Reasonable Condition 03 to Ordinance 20-01 [9:04pm]

Flaherty moved and it was seconded that Reasonable Condition 04 to Ordinance 20-01 be adopted.

Reasonable Condition 04 to Ordinance 20-01

Reasonable Condition 04 to Ordinance 20-01 Synopsis: This Reasonable Condition is sponsored by Cm. Flaherty. It requires the developer to record a written commitment to cover at least 70% of the roof with "cool" or vegetative material as set forth in the sustainability provisions of the recently adopted (but not yet implemented) UDO (Ordinance 19-24). However, this percentage of roof surface may be reduced to accommodate the installation of solar voltaic cells.

Flaherty presented Reasonable Condition 04.

There was no council discussion.

Council discussion:

Steve Avers stated he would like to see solar panels added on to the buildings.

Public comment:

There was additional council discussion.

Council discussion:

The motion to adopt Reasonable Condition 04 to Ordinance 20-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Reasonable Condition 04 to Ordinance 20-01 [9:08pm]

Rosenbarger moved and it was seconded that Reasonable Condition 05 to Ordinance 20-01 be adopted.

Reasonable Condition 05 to Ordinance 20-01

Reasonable Condition 05 to Ordinance 20-01 Synopsis: This Reasonable Condition is sponsored by Cm. Rosenbarger. Decoupling the cost of rent from the cost of a parking space should help reduce the Vehicle Miles Traveled (VMT). The developer has orally agreed to do this. This Reasonable Condition requires that the commitment be put in writing and recorded.

Rosenbarger presented Reasonable Condition 05.

There was no council discussion.

Council discussion:

There was no public comment.

Public comment:

There was no additional council discussion.

Council discussion

The motion to adopt Reasonable Condition 05 to Ordinance 20-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Reasonable Condition 05 to Ordinance 20-01 [9:10pm]

Flaherty moved and it was seconded that Reasonable Condition 06 to Ordinance 20-01 be adopted.

Reasonable Condition 06 to Ordinance 20-01

Reasonable Condition 06 to Ordinance 20-01 Synopsis: This Reasonable Condition is sponsored by Cm. Flaherty. Following discussions with the developer, it proposes the installation of solar panels and at least 10 EV charging stations, sets a minimum power capacity for the solar panels, and calls for the design of the garage to allow retrofitting for more EV charging stations in the future.

Flaherty presented Reasonable Condition 06.

Reasonable Condition 06 to Ordinance 20-01 (cont'd)

Tyler Curry stated he would work with Alex Crowley to fine tune the commercial space.

There was brief council discussion.

Council discussion:

Steve Akers stated he felt good about Curry's pledge for installing solar panels.

Public comment:

There was additional council discussion.

Council discussion

The motion to adopt Reasonable Condition 06 to Ordinance 20-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Reasonable Condition 06 to Ordinance 20-01 [9:20pm]

Piedmont-Smith moved and it was seconded that Reasonable Condition 07 to Ordinance 20-01 be adopted.

Reasonable Condition 07 to Ordinance 20-01

Reasonable Condition 07 to Ordinance 20-01 Synopsis: This Reasonable Condition is sponsored by Cm. Piedmont-Smith. It requires a written and recorded commitment from the developer to pay for a signal at Pete Ellis Drive and Longview in the event the traffic study, required by the Plan Commission as a Condition of Approval, shows the need for one.

Piedmont-Smith presented Reasonable Condition 07.

Tyler Curry stated he disagreed with this reasonable condition.

There was brief council discussion.

Council discussion:

Steve Akers stated he believed this reasonable condition was necessary for the safety of people in the neighborhood.

Public comment:

Greg Alexander said that he felt that the reasonable condition was an automobile subsidy.

Connie Cook-Glen spoke about parking spaces and wondered if the City could split the cost of installing a traffic light with the developer.

There was extensive council discussion.

Council discussion:

Piedmont-Smith moved and it was seconded to move consideration of the Reasonable Condition 07 until after Reasonable Condition 10.

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

Vote move consideration of Reasonable Condition 07 to Ordinance 20-01 [9:44pm]

Volan moved and it was seconded that Reasonable Condition 08 to Ordinance 20-01 be adopted.

Reasonable Condition 08 to Ordinance 20-01

Reasonable Condition 08 to Ordinance 20-01 Synopsis: This Reasonable Condition is sponsored by Cm. Volan. It assures that the rooftop mechanicals are not visible from the ground-level as required by the recently adopted UDO.

Volan presented Reasonable Condition 08.

There was brief council discussion.

Council discussion:

There was no public comment.

Public comment:

There was no additional council discussion.

Council discussion:

The motion to adopt Reasonable Condition 08 to Ordinance 20-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Reasonable Condition 08 to Ordinance 20-01 [9:50pm]

Volan moved and it was seconded that Reasonable Condition 10 to Ordinance 20-01 be adopted.

Reasonable Condition 10 to Ordinance 20-01

Reasonable Condition 10 to Ordinance 20-01 Synopsis: This Reasonable Condition is sponsored by Cm. Volan. The Land Use Committee heard concerns that the new building would overwhelm the apartment units to the north. To address the concern about the height on the north side and the high parking space to bedroom ratio, this Reasonable Condition opens up the possibility of redesigning the building to meet those purposes.

Volan presented Reasonable Condition 10.

There was extensive council discussion.

Council discussion:

Volan moved and it was seconded to amend Reasonable Condition 10.

Motion to amend Reasonable Condition 10 to Ordinance 20-01

Greg Alexander stated he was confused by the discourse over the amendment to the reasonable condition.

Public comment:

Connie Cook-Glen stated she was also confused by the discourse over the amendment to the reasonable condition.

There was brief council discussion.

Council discussion:

The motion to amend Reasonable Condition 10 received a roll call vote of Ayes: 4 (Sgambelluri, Rosenbarger, Volan, Flaherty), Nays: 5, Abstain: 0.

Vote to amend Reasonable Condition 10 to Ordinance 20-01

Piedmont-Smith moved and it was seconded to amend Reasonable Condition 10.

Motion to amend Reasonable Condition 10 to Ordinance 20-01

There was brief council discussion.

Council discussion:

The motion to amend Reasonable Condition 10 received a roll call vote of Ayes: 5, Nays: 4 (Rollo, Sims, Smith, Sandberg), Abstain: 0.

Vote to amend Reasonable Condition 10 to Ordinance 20-01

Greg Alexander spoke about how Planning Departments tend to overestimate how much parking is needed for apartment complexes.

Public comment:

Connie Cook-Glen thanked everyone involved in the development of the property.

There was additional council discussion.

Council discussion:

The motion to adopt Reasonable Condition 10 as amended to Ordinance 20-01 received a roll call vote of Ayes: 3 (Volan, Piedmont-Smith, Rosenbarger), Nays: 6, Abstain: 0. FAILED

Vote to adopt Reasonable Condition 10 as amended to Ordinance 20-01 [9:50pm]

Piedmont-Smith moved and it was seconded to amend Reasonable Condition 07.

Motion to amend Reasonable Condition 07 to Ordinance 20-01

Tyler Curry stated he believed the installation of a traffic light was a big ask.

There was brief council discussion.

Council discussion:

Greg Alexander stated that the City was to be blamed for the traffic in the area of the development.

Public comment:

There was extensive council discussion.

Council discussion:

The motion to amend Reasonable Condition 07 received a roll call vote of Ayes: 5, Nays: 4 (Rollo, Sims, Smith, Sandberg), Abstain: 0.

Vote to amend Reasonable Condition 07 to Ordinance 20-01

There was council discussion.

Council discussion:

Greg Alexander stated that traffic signals do not inherently make the area safer for pedestrians.

Public comment:

Steve Akers said he believed a traffic study needed to be done.

There was no additional council discussion.

Council discussion:

The motion to adopt Reasonable Condition 07 as amended to Ordinance 20-01 received a roll call vote of Ayes: 0, Nays: 9, Abstain: 0. FAILED.

Vote to adopt Reasonable Condition 07 as amended to Ordinance 20-01 [10:57pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-01 as amended be adopted.

There was brief council discussion.

Council discussion:

Steve Akers spoke about the proposed performance plaza.

Public comment:

There was additional council discussion.

Council discussion:

The motion to adopt Ordinance 20-01 as amended received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Rollo left the meeting)

Vote to adopt Ordinance 20-01 as amended [11:06pm]

LEGISLATION FOR FIRST READING [11:06pm]

Piedmont-Smith moved and it was seconded that Ordinance 20-04 be introduced and read by title and synopsis only. The motion was approved by voice vote.

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 referred to the Land Use Committee on February 12 at 5:45pm, with the Committee of the Whole to follow.

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. (Rollo left the meeting)

Vote to refer Ordinance 20-04 to Land Use Committee [11:10pm]

Dan Sherman, Council Attorney, reviewed the upcoming schedule. COUNCIL SCHEDULE [11:11pm]

Volan cancelled the Work Session for February 7, 2020.

Piedmont-Smith moved and it was seconded to hold a Special Work Session on February 14, 2020.

The motion was approved by voice vote.

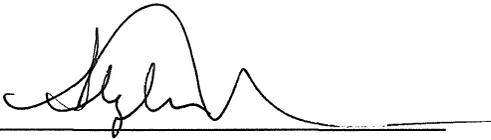
Vote to hold Special Work Session [11:12pm]

Piedmont-Smith moved and it was seconded to adjourn. The motion was approved by voice vote. ADJOURNMENT [11:13pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 18th day of NOVEMBER, 2020.

APPROVE:

ATTEST:



Stephen Volan, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington