In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 14, 2017 at 6:30pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 14, 2017

Roll Call: Sturbaum (arrived 6:33pm), Ruff, Chopra, Granger, Sandberg, Mayer, Piedmont-Smith (arrived 6:32 pm) Volan (arrived 6:33 pm)
Members Absent: Rollo

ROLL CALL
[6:30pm]

Council President Susan Sandberg gave a summary of the agenda.

AGENDA SUMMATION
[6:31pm]

Councilmember Tim Mayer moved and it was seconded to approve the minutes of May 17, 2017 and May 31, 2017. The motion was approved by voice vote.

APPROVAL OF MINUTES
May 17, 2017 (Regular Session)
May 31, 2017 (Regular Session)
[6:34pm]

REPORTS

- COUNCIL MEMBERS [6:35pm]

Councilmember Isabel Piedmont-Smith commented on the increased police presence in Peoples Park and on Kirkwood Avenue. She said she had heard concerns about whether the increased presence was an effective way to deal with the issues some people were experiencing in those areas. She noted that the taskforce studying the issue was scheduled to present its report the next day. She suggested that policing might be part of a bigger strategy. She said the heightened police presence was only addressing symptoms, not the underlying problems. She said that social service agencies should receive support and that people experiencing homelessness or addiction needed help, not to be arrested.

Councilmember Allison Chopra reported on progress on the East Morningside Drive sidewalk project, which was near completion.

- The MAYOR AND CITY OFFICES [6:38pm]

Annual Tax Abatement Report

Alex Crowley, Director, Economic & Sustainable Development (ESD), presented the 2016 Annual Tax Abatement Report. He first provided background on the statutory authority that authorized municipalities to abate certain taxes. He explained that the existing law allowed for abatements ranging from one year to 10 years. He explained other details on how abatements were applied and the reason a city might use abatements as incentives. He detailed the process of a tax abatement. He explained that ESD monitored the tax abatement projects. ESD collected state-mandated forms to ensure compliance with any conditions on the abatements. He presented a number of slides that detailed the economic impacts of the city's abatements. The slides compared proposed new investment with actual new investment, detailed jobs and salaries created, and compared original assessed values and current assessed values of the properties in question. He noted there were only four ongoing abatements. He presented details of each abatement and provided an update on the status of each project. He recommended that the Council find each project to be in substantial compliance with the conditions of the abatements. He then detailed a number of projects in progress, providing various details for each project. He asked if the Council had any questions.

Council Questions:

Councilmember Dorothy Granger asked about the progress of The Foundry project.

Chopra relayed an update she received from the realtor, noting the project was ongoing, on schedule, and for sale.

Annual Tax Abatement Report (*cont'd*)

Piedmont-Smith asked what was located at the B & L Rentals site before that project was constructed. She asked if Crowley had before and after numbers for the assessed value of the property.

Crowley said he did not know what had been at that site before and said he could follow up and provide the AV information.

Piedmont-Smith verified that there had been three tax abatements for Cook Pharmica.

Crowley confirmed that was the case.

Councilmember Andy Ruff asked if there was a reason for the discrepancy between the projected salaries created and the actual salaries created, wondering if the proposals were just extremely conservative.

Crowley said that discrepancy was largely a function of the Cook Pharmica abatement. He said it was also difficult to separate out metrics from an aggregate report when the submission of a request or proposal was targeted at a specific incentive. He said it may just be a function of the difficulty in separating out various measurements.

Motion to approve the Annual Tax Abatement Report [6:59pm]

Mayer moved and it was seconded to approve the Annual Tax Abatement Report. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Sturbaum out of room).

Granger explained she was employed by Shalom Community Center, and, as such, had recused herself from discussing Jack Hopkins Social Service funding as it related to that organization. She also explained she would be recusing herself from voting on that funding later in the meeting.

Motion to accept disclosure of conflict of interest form from Councilmember Granger [7:02pm]

Mayer moved and it was seconded to accept the disclosure of conflict of interest form from Granger. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Sturbaum out of room).

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Appropriation Ordinance 17-02 - To Specially Appropriate from the General Fund, Parks General Fund, Motor Vehicle Highway Fund, Parking Facilities Fund, Parking Meter Fund, and Vehicle Replacement Fund Expenditures Not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2016 for Unmet Needs in 2017)

Mayer moved and it was seconded that Appropriation Ordinance 17-02 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Stephen Lucas read the legislation by title and synopsis, giving the committee Do Pass recommendation of 7-0-1.

Mayer moved and it was seconded that Appropriation Ordinance 17-02 be adopted.

Jeffrey Underwood, Controller, explained the purpose of the ordinance, which was a request to appropriate a portion of the amounts reverted from various departments. He highlighted some of the noteworthy requests from each department. He noted the amount of funds requested in each fund category. He said there could be an additional request later in the year for further spending from the reversions.

Council Questions:

Granger asked Underwood to explain why vehicles for parking enforcement were being purchased out of the parking meter fund when her reading of Bloomington Code did not authorize such capital expenditures out of the fund.

Underwood said that, after consultation with the Legal Department, he believed the purchase was authorized by code.

Granger said she wanted to ensure the fund was only used for authorized purchases.

Underwood assured Granger that he was a strict steward of the fund and looked at all expenditures out of the fund to make sure those expenditures were qualified.

Appropriation Ordinance 17-02 (*cont'd*)

Piedmont-Smith asked if the $40,000 category three expenditure was related to the parking study that had been proposed.

Underwood confirmed it was. He said the other $40,000 for that study was coming from the parking facilities fund.

Piedmont-Smith asked about funds for the Unified Development Ordinance work. She asked whether that money was for amendments to the current ordinance or whether it was for work to take place after the new Comprehensive Plan was passed.

Underwood explained that the expenditure would allow staff to begin working on UDO amendments as the Comprehensive Plan approval process moved forward.

Piedmont-Smith asked whether that was to occur out of the Mayor's Office budget or the Planning and Transportation Department budget.

Underwood said it was to be taken from the Planning and Transportation budget.

Councilmember Steve Volan asked if the $80,000 for the parking study was just for the study called for by the Parking Commission or if those funds encompassed more than that.

Underwood said the administration wanted to ensure there were sufficient funds for the study, as they had not yet developed the scope of services yet.

Volan and Underwood had discussion clarifying the timeline for amendments to the UDO and work on the Comprehensive Plan.

Volan asked when the second reversion ordinance would be proposed.

Underwood estimated August at the earliest.

Public Comment:

Jim Blickensdorf, Chair of the Parking Commission, spoke about recent efforts of the Commission and about concerns related to the appropriation proposed for parking vehicles.

Council Comment:

Volan said he was pleased to see the request for the parking study. He agreed with Blickensdorf that clarification might have been needed in Bloomington Code to address concerns raised by Granger about expenditures from the parking meter fund. However, he supported the proposed appropriation ordinance.

Granger said she was still concerned about the appropriation for the parking vehicles but would be supporting the proposal.

Piedmont-Smith said it was nice to have reversions that the city could use to fill some needs. She was glad to see money for the UDO revisions, but wanted to be sure those revisions did not occur before the Comprehensive Plan was passed. She did appreciate the forward thinking of planning for those revisions, as they were the mechanism through which the City implemented the vision laid out in the Comprehensive Plan. She was also glad to see the allocation for the parking study.

Volan clarified what he thought Blickensdorf meant during his earlier comment.

Vote on Appropriation Ordinance 17-02 [7:22pm]

The motion to adopt Appropriation Ordinance 17-02 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Mayer moved and it was seconded that Resolution 17-27 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read the legislation by title and synopsis.

Resolution 17-27 – Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2017 and Other Related Matters

Mayer moved and it was seconded that Resolution 17-27 be adopted.

Mayer moved and it was seconded to divide the question as follows: "I move that the Council consider Resolution 17-27 in two parts. Part I will separate out Section 1 and Section 2 (q) and (r) for vote. Part II will consider Sections 2 (a)-(p) and (s)-(v), 3, and 4. This division will allow Councilmember Granger, an employee of the Shalom Community Center, to remove herself from consideration of any funding for Shalom while providing for her consideration of allocations for all other agencies recommended for funding and other related matters."

Motion to divide the question o: Resolution 17-27

The motion to so divide the question on Resolution 17-27 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on motion to divide the question on Resolution 17-27 [7:25pm]

Volan moved and it was seconded to limit speakers on Resolution 17-27 to no more than two minutes per speaker and to limit the public comment period to no more than 40 minutes total.

Motion to limit speakers and to limit the public comment period on Resolution 17-27

The motion to so limit speakers and the public comment period received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Granger out of room).

Vote on motion to limit speakers and to limit the public comment period on Resolution 17-27 [7:27pm]

Mayer presented the resolution to the Council. He spoke about the process of the Jack Hopkins Social Services Funding Committee and about the history of the funding. He named the members of the committee and noted the committee had $295,000 to allocate. He explained that meetings of the committee were open to the public, and the committee had invited public comment before funding recommendations were made. He spoke about the process of disbursing the funds, and noted the Council would like to see a non-reverting fund established in the event that not all funds were allocated.

Granger read the allocation list for Part I of the resolution.

Piedmont-Smith commended the requests from the Shalom Community Center and LIFEDesigns.

Council comment:

Sandberg said the city was making a significant contribution to the Shalom Center to help that agency address issues of homelessness. She thought it was worth commending the housing-first model that the Shalom Center and LIFEDesigns collaboration put forward.

Mayer said the contribution to the Shalom Center for the Friends' Place initiative was a joint effort between the city and county, which helped keep that initiative alive.

The motion to adopt Part I of Resolution 17-27 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1.

Vote on Part I of Resolution 17-27 [7:36pm]

Amendment 01 to Part II of Resolution 17-27

Granger moved and it was seconded to introduce and adopt Amendment 01. Granger explained the purpose of the amendment to Part II of the resolution, which was to correct an error in one of the amounts listed.

Vote on Amendment 01 to Part II of Resolution 17-27 [7:38pm]

The motion to adopt Amendment 01 to Part II of Resolution 17-27 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Granger read the allocation list for Part II of the resolution.

Public Comment:

Wanda Savala spoke in support of Planned Parenthood and All-Options Pregnancy Resource Center being allocated Jack Hopkins grant funding.

Mariquisha Matthews and Lauren Alexander spoke in support of All-Options Pregnancy Resource Center being allocated Jack Hopkins grant funding.

Laura Miller, Betsy Astrup, Lizzy Bartelt, Daniel Hassoun, Cassie Barnhill, Kelli Garvey, and Jack McGroo spoke in support of Planned Parenthood being allocated Jack Hopkins grant funding.

Rhonda Branham, Monica Siefker, Scott Tibbs, Jenna Fisher, Anna Baglione, Gianna Siefker, Carole Canfield, Brandon Cortés, Alexis Siefker, Maria Siefker, Brian Bailey, Dale Siefker, and Margaret Key spoke in opposition to Planned Parenthood being allocated any Jack Hopkins grant funding.

Carole Canfield spoke in opposition to Planned Parenthood or All-Options Pregnancy Resource Center being allocated any Jack Hopkins grant funding.

Council Questions:

Councilmember Chris Sturbaum asked for clarification as to how funding for Planned Parenthood and All-Options Pregnancy Resource Center would be used.

Sandberg explained that the money awarded to Planned Parenthood would be used to pay for LARCs, STD testing, and colposcopies. She explained that the money awarded to All-Options Pregnancy Resource Center would be used to pay for diapers and wipes for the Hoosier Diaper Bank.

Council Comments:

Granger explained she had been active with many social service agencies in the community. She said her understanding of those agencies made her a good member of the JHSSF committee. She said Planned Parenthood was a medical organization whose focus was on women and sexual healthcare, but who did provide abortions. But Granger noted that obtaining an abortion was a woman's legal right, and Planned Parenthood and All-Options provided safe abortions. She thought it was important to support children after birth as well, to ensure children had what they needed to become productive members of society. She was surprised by the opposition to All-Options and thought that organization provided good services. She said she would not recuse herself from voting simply because she had volunteered for an agency.

Resolution 17-27 (*cont'd*)

Sandberg explained that recusal was required when a councilmember had a financial connection to an organization. It was not required simply because a councilmember had volunteered with an organization. She expressed her commitment to the well-being of children and spoke about her background in social services. She said she was surprised at the criticism the Council received for the wide-array of services it was trying to fund. She said she was proud to help provide support for the social service organizations included.

Sturbaum said he had changed a lot of diapers as a grandfather and was firmly in favor of helping provide people with diapers and wipes. He recognized that people had different viewpoints and encouraged people to lead by example. He thanked everyone for coming to speak about things they cared about.

Chopra said it was an honor to serve on the JHSSF committee. She complimented Mayer, as well as staff, for their work on the committee, and said the process was quite smooth.

Piedmont-Smith thanked Dan Sherman, Council Administrator/Attorney, and Stacy Jane Rhoads, Deputy Administrator/Deputy Attorney, for their work. She thanked Dan Niederman and Doris Sims, both in the City's Housing and Neighoborhood Development department, as well as fellow committee members Sue Sgambelluri and John West. She pointed out that the committee had not allocated all of the available funds, but said that money would be used for social service funding in the future. She admired the young people that had come to the meeting to speak.

Volan commented on parliamentary procedure and how it allowed people to have emotional debates without resorting to attacks on personalities. He said it allowed civil society to debate those controversial issues that mattered to everyone. He noted that even non-profit organizations made gross profits, but that did not mean something was wrong. He said that not all speakers at the meeting were city residents, which he noticed. He hoped that, through education, the need for abortions would decrease, but thought organizations like Planned Parenthood and All-Options did good work.

Mayer thanked Sherman, Rhoads, Sims, Niederman, and members of the JHSSF committee. He explained why there was some funding left over that did not get allocated and what would happen with that money.

Vote on Part II of Resolution 17-27 [8:46pm]

The motion to adopt Part II of Resolution 17-27 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Mayer moved and it was seconded that Resolution 17-26 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read the legislation by title and synopsis.

Mayer moved and it was seconded that Resolution 17-26 be adopted.

Crowley explained that when the abatement in question was being discussed and considered by the petitioner and by the Council, the parties had agreed to extend the period of abatement to a ten-year period. However, the accompanying pieces of legislation had not been amended to reflect that change. Crowley said the proposed resolution would accomplish what the parties had intended.

Resolution 17-26 – To Amend Resolution 16-12, Which Established an Economic Revitalization Area (ERA), by Extending the Expiration Date for this ERA by Another Five Years – Re: Property Located at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washing Street and Identified by the Monroe County Parcel ID Numbers 015-35020-00, 015-35010-00, 015-35030-00, 015-10000-00, 015-33130-00 (H.M. Mac Development, LLC, Petitioner)

The motion to adopt Resolution 17-26 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Resolution 17-26 [8:48pm]

Mayer moved and it was seconded that Ordinance 17-26 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read the legislation by title and synopsis.

Mayer moved and it was seconded that Ordinance 17-26 be adopted.

Crowley explained the purpose of the ordinance.

Ordinance 17-26 – To Amend Ordinance 16-17, Which Established an Economic Development Target Area (EDTA), by Extending the Expiration Date an Additional Five Years – Re: Property Located at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washing Street and Identified by the Monroe County Parcel ID Numbers 015-35020-00, 015-35010-00, 015-35030-00, 015-10000-00, 015-33130-00 (H.M. Mac Development, LLC, Petitioner)

The motion to adopt Ordinance 17-26 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Ordinance 17-26 [8:50pm]

Mayer moved and it was seconded that Resolution 17-29 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read the legislation by title and synopsis.

Mayer moved and it was seconded that Resolution 17-29 be adopted.

Resolution 17-29 – To Designate an Economic Revitalization Area, Approve the Statement of Benefits, and Authorize Periods of Abatement for Real Property Improvements – Re: Property Located at N. Kinser Pike 53-05-28-300-170.000-005 (015-38250) (Naples, LLC, Petitioner)

Resolution 17-29(*cont'd*)

Crowley introduced himself once again, and thanked the Council and the petitioner for the work done so far on the project. He explained why the project helped advance some of the priorities of the administration. He said the resolution was merely a declaratory resolution and acknowledged there was still some work to be done. He said some issues were yet to be decided, including the number of work force units, the definition of work force housing, and the correct valuation for the abatement. He asked the Council to approve the resolution so that work to answer those questions could continue. He summarized the need for housing in the community, along with the benefits of additional housing units and, especially, work force housing units. He recalled some of the questions raised at the previous meeting and addressed them in turn. He spoke about the need for affordable housing and the importance of encouraging affordable housing whenever possible. He requested passage of the declaratory resolution so the proposal could be refined. He said he was available for questions.

Council Questions:

Volan clarified how many units would be work force housing units.

Crowley said the previous proposal included six work force housing units, but the petitioner was willing to increase that number to eight.

Volan asked where Crowley had obtained a statistic about how much city residents spent on housing.

Crowley said his department had two SPEA students focused solely on affordable housing, and in their research, they had examined the housing cost burden and other housing issues.

Volan asked if they were getting data from the American Community Survey (ACS), noting that Bloomington had a large number of students that might not report income, which could affect the statistics.

Crowley said they were using the ACS, but were also comparing Bloomington to other similar college towns. He explained they were still finding that Bloomington residents spent more on housing than comparable cities.

Chopra asked what the ACS was.

Crowley explained what the ACS was.

Chopra read the statutory requirement to declare an area an Economic Revitalization Area (ERA) and asked Crowley if the property in question fit the statutory definition.

Crowley said the property had been owned for years by a property development group that had not been able to develop the site. He said that the lack of development was an indication that the site was an appropriate location to designate as an ERA.

Chopra asked how an ERA was appropriate without evidence that development would not occur without an abatement, noting that many property developers owned property for long periods of time.

Crowley said his understanding was that, without the proposed abatement, the petitioner would be unlikely to deliver what was proposed.

Chopra asked the petitioner whether the project would be constructed without the abatement.

Doug Duncan, speaking on behalf of the petitioner, said no. Chopra clarified her question, asking if the petitioner would construct a project by right if the abatement were not granted.

Duncan said he did not think so. The site owner had looked at a number of projects but had not come up with any viable options.

Chopra asked why the owner purchased the property in the first place if the site was not developable.

Duncan said he did not know.

Resolution 17-29 (*cont'd*)

Granger asked who owned the property.

Crowley said First Capital owned the property through an LLC, which was Naples, LLC.

Duncan provided additional information about how the owner had acquired the parcel.

Granger asked if the owner had tried to sell it or develop since purchasing the lot some 20 years ago.

Duncan said the owner had tried to find the right development for the parcel for 20 years and said the parcel had been for sale for the last 18 months.

Granger asked what the asking price was for the property.

Duncan said $600,000.

Council Comment:

Volan said there was a need for standard definitions for work force housing and affordable housing so that the question of what those terms meant did not need to be answered every time. He thought there was still work to do in that regard. He said he was content to vote for the resolution, knowing there was more work to do and that the Council could always vote against it in two weeks.

Sturbaum said he thought the parties were close to an agreement, and the Council was setting a precedent for how affordable housing could be addressed. He said the affordable housing component would not happen but for the abatement.

Granger asked for clarification on the process of passing the abatement.

Thomas Cameron, City Attorney, explained the process and noted the abatement would be tied to the specific project proposed.

Chopra said she saw a reason to vote no, which was that the site did not meet the statutory definition for an ERA. She explained why she thought the site did not meet the definition contained in Indiana Code. She thought approving the ERA because of a desire for affordable housing was an inappropriate use of the abatement process.

Piedmont-Smith agreed with Chopra that the site did not meet the definition of an ERA. She also noted that the developer had already received an exception to the UDO to not include commercial space in the first floor of the development. She said she wanted to see affordable housing but that the proposal was an inappropriate way to accomplish that. She also thought that allowing someone making 120% of AMI to take advantage of city-subsidized housing was ridiculous. She thought that part of work force housing should be reexamined in the future.

Volan clarified his position on the proposal and said he would like to continue the discussion. He agreed with Piedmont-Smith that the range of eligibility for work force housing should be revisited. He wanted to read the definition referred to by Chopra but said that, sometimes, the spirit of a law should be followed instead of the exact letter of the law.

Sandberg said she was not willing to defeat the proposal and noted that the Council had an opportunity to make a final decision at a later date. She said she would be voting yes with the understanding that there was additional time to think through what the benefit was to the public.

Chopra read the definition of an ERA from the Indiana Code. She said that the Council had to find that the parcel met that definition if it wanted to pass the resolution. She said voting for the resolution meant that the person voting thought the parcel met the definition of an ERA.

Sturbaum said that the definition included "other factors," which he thought allowed the Council to declare the site an ERA. He thought that unless the abatement was granted, the owner might develop the site into something that might not be as desirable to the public. He thought it was worth continuing for at least two weeks.

Granger thought the proposal differed from a previous abatement granted. She said she would be voting no as she did not see the site as an ERA.

Volan clarified the process of adopting a tax abatement and said he thought the process could be continued.

Ruff said he was inclined to vote no but did not want to preclude the possibility of getting something that better served the public interest. He said he would vote yes, but with the understanding that his vote did not indicate strong support for the proposal as it then existed.

Mayer said it might be helpful to go back and look at previous tax abatements to compare them to see if they all strictly complied with the statutory definition. He thought tax abatements were complicated questions with many factors. He said he would vote yes as there was a built-in safety valve.

The motion to adopt Resolution 17-29 received a roll call vote of Ayes: 4, Nays: 4 (Ruff, Chopra, Granger, Piedmont-Smith), Abstain: 0.

Vote on Resolution 17-29 [9:40pm]

Council and Sherman had discussion as to how best to dispose of Ordinance 17-27, given the failure of Resolution 17-29.

Mayer moved and it was seconded that Ordinance 17-27 be introduced and read by title and synopsis only.

The motion received a roll call vote of Ayes: 0, Nays: 7, Abstain: 1 (Sturbaum).

Ordinance 17-27 – To Designate an Economic Development Target Area (EDTA) – Re: Property Located at N. Kinser Pike and Identified by the Monroe County Parcel ID Number 53-05-28-300-170.000-005 (015-38250) (Naples, LLC, Petitioner)

Mayer moved and it was seconded that Ordinance 17-25 be introduced and read by title and synopsis only. Deputy Clerk Lucas read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING
Ordinance 17-25 – To Amend the Zoning Maps from Single Family Residential (RS) to Industrial General (IG) – Re: 1.5 Acres Located at 1920 West Fountain Drive (Shelby Bloomington, LLC)

Sherman spoke about the upcoming schedule.

COUNCIL SCHEDULE
[9:43pm]

The meeting was adjourned at 9:44pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 20th day of June, 2017.

APPROVE:

Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

Nicole Bolden, CLERK
City of Bloomington