

In the Council Chambers of the Showers City Hall on Wednesday, April 06, 2016 at 7:35pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 06, 2016

Roll Call: Granger, Sturbaum, Mayer, Sandberg, Ruff, Volan, Piedmont-Smith, Chopra, Rollo
Absent: None

ROLL CALL
[7:35pm]

Council President Ruff gave the Agenda Summation.

AGENDA SUMMATION
[7:36 pm]

Ruff moved and it was seconded to postpone approval of the Regular Session Minutes of March 23, 2016.

APPROVAL OF MINUTES
[7:37 pm]

Postponement of approval for the Regular Session Minutes of March 23, 2016 was approved by voice vote.

March 23, 2016 (Regular Session)

Isabel Piedmont-Smith welcomed the Cub Scouts who were in attendance at the meeting.

REPORTS

- COUNCIL MEMBERS
[7:38 pm]

Steve Volan mentioned that Indianapolis had recently adopted the most forward-thinking legislation regarding parking, which he thought could be a model for Bloomington.

Dorothy Granger reminded the public about the Georgetown University Energy Challenge.

There were no reports from the Mayor's office.

- The MAYOR AND CITY OFFICES

There were no council committee reports

- COUNCIL COMMITTEES

President Ruff called for public comment.

- PUBLIC

There was no public comment.

There were no appointments to Boards and Commissions

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS

It was moved and seconded that Appropriation Ordinance 16-02 be introduced and read by title and synopsis. The motion was approved by a voice vote.

Appropriation Ordinance 16-02 - Additional Appropriation for Bloomington Transportation Corporation for 2016 (For New Transit Buses, Hardware/Software, and a Truck)
[7:43 pm]

Deputy Clerk Wanzer read the legislation and synopsis, giving the committee recommendation of Do Pass 7-0-0.

It was moved and seconded that Appropriation Ordinance 16-02 be adopted.

Lew May, Manager of Bloomington Public Transportation Corporation, said the request was three items: addition of 4 transit buses, reversion of funds for para transit scheduling software and a flatbed truck.

Piedmont-Smith asked about the purpose of the flatbed truck. May said it was for hauling large items for building and maintaining passenger shelters.

Appropriation Ordinance 16-02
(cont'd)

Rollo asked about the number of buses in the fleet. May said there were 36 buses. Rollo asked if there were plans to add routes or buses. May said they had been fairly flat and until such time as there would be new funding, he did not anticipate this would change. Rollo asked what percentage of the fleet was high efficiency hybrid. May said a little over 20% was hybrid, which was 8 out of 36.

Piedmont-Smith congratulated May on getting the grant that allowed for the purchase of new buses.

The motion to adopt Appropriation Ordinance 16-02 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 16-04 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Amending 20.09.230 (“Demolition and Demolition Delay”) and 20.11.020 (“Defined Words”) to Expedite the Review of Partial Demolition Requests for “Contributing” Structures in Residential Zoning Districts
[7:48]

It was moved and seconded that Ordinance 16-04 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, giving the committee recommendation of Do Pass 1-0-5.

It was moved and seconded that Ordinance 16-04 be adopted.

Council Attorney Dan Sherman said this ordinance may very well be postponed to offer additional time for consideration and review by the public of recently proposed amendments. He added that some council members may have contributing properties, for which he would recommend disclosure. Finally, he said this can be complex and may take more time to consider. Sherman added that there was a time limit for council action which meant there was about a month left to take action.

Parliamentarian Steve Volan, announced there were five amendments that may be considered. He suggested Amendment 05 be heard first, followed by the other four in order. He said he would propose discussion on all amendments, but recommended that the council delay the vote.

Ruff asked if Volan, as Parliamentarian would introduce the amendments, which he said he would, unless sponsors wanted to introduce their own amendments themselves.

Volan said sponsors should state the motion as “I move amendment number XXX to Ordinance 16-04”.

Patty Mulvihill, City Attorney and Historic Preservation Commission (HPC) Staff Bethany Emenhiser reviewed the ordinance by starting with an explanation of Demolition Delay. Mulvihill said people usually associate demolition delay with historic properties, which was true, but historic properties in Bloomington are regulated in two ways. She said no property was designated historic unless approved by the city council and those properties would then be regulated by Title 8 of the Bloomington Municipal Code (BMC). She said the second way the historic properties were regulated was the demolition delay procedure. When a property was on the state survey, but not locally designated, there was a demolition delay period if that property owner wished to demolish, or to partially demolish in order to provide time for the local experts to review the structure and determine if it should be locally designated prior to

Ordinance 16-04 (cont'd)

making significant changes or demolishing it. She reminded the council that it did not apply to already designated properties.

Mulvihill explained that the properties on the survey could be ranked as Contributing, Notable, or Outstanding.

Mulvihill said the only two instances in which demolition delay would apply would be if the owner wanted to completely demolish or partially demolish. Partial demolition was defined as complete or substantial removal of a porch, a wing, a cupola, or addition or similar feature; changes to the pitch of a roof or covering the existing roof or adding architectural features that changed the look of the roof; anything that obscured from view 40% of any façade of the building. She also added that window openings had always been a large part of the definition, and changing the opening was considered partial demolition. Staff recommended adding door openings to the definition since doors constituted just as important part of the structure as windows. The other recommendation deleted those items not covered by the ordinance.

Mulvihill said she was asked by the administration to make it clear why the state survey, known as the 2015 SHAARD (State Architectural and Archeological and Research Database), had so many more local properties listed on it than it had in the past. She said as time passed, more properties became older, and if in good condition, they were worthy of protection.

Mulvihill explained that the SHAARD was completed every ten years and was different this year due to who put the properties in the data base. She added that rather than working with local communities to determine the architectural significance test under the Secretary of the Interior's Standards, the state used architecture students from Ball State University for the survey and used a formulaic approach which was why this survey was so very different from before. She said that there were those who believed that only local input should be used when considering the state survey, while others said independent analysis was more objective.

Mulvihill noted that Bloomington was affected much differently because of the demolition delay, which relied on the survey to determine which properties had a delay before the issuance of a demolition or partial demolition permit. Therefore, it gave the HPC time to consider whether those local properties should be designated historic.

Mulvihill explained that in the past there would be 10-12 properties a year sent to the HPC for demolition delay, which was easily accomplished by staff and the commission. She said the updated survey brought with it 3-6 demolition delay cases a month which created an extra work load for staff and the commission.

She stressed that the administration wanted to correct that and wanted to streamline the process.

She noted that the city did not know the state did not make notifications to property owners, and when that was realized, the city made the notification.

Mulvihill said that staff and HPC made the determination that the appropriate way to streamline the process would be for staff to have authority to release a permit for a contributing structure in a residentially zoned district that requested a partial demolition permit. Mulvihill said it would encompass 90-95% of the cases that went to the HPC. She assured the council that this would not be an undue burden on staff, because there would not be a long research process, but rather a determination would be made if the property in question should be locally designated, which would be negative

99% of the time, because most likely, nothing historically significant would have happened to the property. She added that full demolition would still go to the HPC and it would not affect commercial areas.

Mulvihill explained that the proposed plan would be to use the 2015 SHAARD to conduct an independent analysis of all of the properties on the list which would be accomplished with grant funds and other funding sources.

Council questions:

Rollo asked about the process for the analysis.

Mulvihill said all information from the SHAARD and other data would be considered, and then staff would visit the property to determine agreement with the SHAARD.

Granger asked about the research to determine significance for contributing structures. Mulvihill said it would be whether something culturally significant happened, and that most of the information would be readily known and available.

Volan clarified that the SHAARD was the state survey, to which Mulvihill said yes. She said Bloomington was the only community in the state with a demolition delay which made the SHAARD more stringent for Bloomington. She said the exact same standards were used throughout the state, which meant the same standards applied to Bloomington, however, the enabling legislation allowed the council to disagree with the assessment.

Mayer asked about the door and window opening.

Mulvihill said that under partial demolition delay, changing the opening of a window to make it bigger or smaller was considered partial demolition, and subject to demolition delay. She said that windows and doors, and their original shapes and sizes were major considerations in determining outstanding and notable.

Mayer said he was concerned about not being able to change door sizes for a wheelchair user. Mulvihill said the HPC would rule in favor of ADA guidelines.

Sturbaum said there was no local versus state survey. Mulvihill said there was only one survey which was the state survey. He said local people collected data in the past and this year the state hired others to conduct the survey. Mulvihill said the only difference between the two SHAARDS was by whom and how the data was collected.

Sturbaum clarified that the delay gave the council time to act on recommendations for designation.

Volan clarified that there was only one survey from the state, which used the local communities to help determine the evaluators for the properties. Mulvihill said the greater number of properties was not due to different data collection, but it was due to the fact that many more additional properties had aged since the past survey was conducted. Volan asked Mulvihill to clarify that appearing on the survey meant that property was eligible for local designation.

Mulvihill said that properties that were locally designated appeared in Title 8 of the Bloomington Municipal Code.

Volan added and Mulvihill confirmed that modifying a property on the SHAARD might trigger a demotion delay.

Sturbaum asked, and Mulvihill agreed that the seven day amendment would speed up the staff's work and lessen the impact

Ordinance 16-04 (cont'd)

on the property owner.
Sturbaum asked whether property owners would even notice any type of delay since the process would be expedited. Mulvihill agreed. He said it was a smart way to streamline the process. Mulvihill said most people probably wouldn't see an effect of the staff review. She offered a reminder that multiple offices reviewed plans and demolition permits, and that most property owners don't realize that.
Mulvihill responded to Sturbaum's question about the arbiter of local designation by saying the council made the ultimate decision on whether something was locally designated.

The motion to amend Ordinance 16-04 with Amendment 05 as revised was moved and seconded.

Volan said he felt it would make no difference to vote now or delay the vote.

Chopra said she would appreciate voting on this now.

Public comment:

Sandy Clothier asked about defining criteria without a design review. She believed there needed to be a design review.

Volan clarified the effect of the amendment, and that the comments needed to relate to this amendment.

Jan Sorby clarified contributing and noncontributing. Contributing included notable, outstanding or significant.

Piedmont-Smith commented that the prior public comment was relevant to the overall ordinance, but not this amendment.

Volan said he appreciated this amendment because it helped clarify the intent and purpose.

Amendment 05 to Ordinance 16-04 received a roll call vote of Ayes: 9, Nays:0

The motion to amend Ordinance 16-04 with Amendment 01 was moved and seconded.

Amendment 01 was reviewed by Chopra and said staff was defined as having the appropriate technical expertise to review the proposed properties, and added the time period for delay as 7 business days.

Council questions:

Sturbaum asked about the intent of another staff reviewing the property.

Chopra explained that anyone acting in place of HPC staff must have appropriate technical skills and experience.

Volan asked who other than HPC staff was qualified to make such a decision. Mulvihill said the Director and Assistant Director of HAND along with staff in Planning and Transportation. Mulvihill said that if not acted on in seven days, the property would be released under demolition delay.

Sturbaum asked if any other language was necessary. Mulvihill said

Amendment 05 (as revised) to Ordinance 16-04

1. Section 1 of Ord 16-04 shall be amended by deleting the words "the historic survey" in Section 20.09.230(b) and replacing them with the following words "one or both of the City of Bloomington Historic Sites and Structures or the Indiana State Historic Architectural and Archaeological Research Database".

2. Section 1 of Ord 16-04 shall be further amended by deleting the word "chairman" as it appears in BMC 20.09.230 (b)(2)(B) and replacing with the word "chairperson."

3. The sixth Whereas clause of Ord 16-04 shall be amended by deleting the word "recommend" as it appears in the second-to-last line and replace it with the word "consider recommending"
[8:55]

Amendment 01 to Ordinance 16-04

1. Ord 16-04 shall be amended by deleting Subsection 20.09.230(b)(5) in its entirety and

replacing it with the following:

(5) Staff for the HPC may review and release an application for partial demolition of a "Contributing" structure located in a single family district.

(A) Staff, for purposes of this subsection, shall be those persons who have the same or equivalent technical expertise as the members of the HPC as outlined in Bloomington Municipal Code Section 2.16.010(c).

(B) Staff's decision shall be based on the same criteria utilized by the HPC when it renders a determination about whether or not a property should be

in addition to this, the city had job descriptions to guide how staff would function.

Public comment:

Duncan Campbell, HPC Advisory Member, said he was worried about item A in the amendment. He said the HPC did not always possess all of the qualifications mentioned in this amendment or the BMC, that each person did not possess the same qualifications, and therefore shouldn't be the standard for a staff member making the review decisions.

Chopra explained her reason for presenting this amendment. She said in the absence of HPC staff there needed to be a qualified person with some type of expertise to judge the criteria.

Volan said the confusion was the phrase "same or equivalent", where maybe the appropriate wording would be similar.

Mulvihill said the HPC membership does not necessarily require the highest skills, and that other staff in HAND would have the same experience as HPC.

Sandberg clarified that if a person acted in the absence of HPC staff, it could be forwarded to HPC for assistance.

Mulvihill said in practice at least the HAND director, planning staff and legal staff would meet to discuss the decision, and whether it needed to be forwarded to the full HPC.

Sturbaum asked Sherman if redefining staff had any other implications. Sherman said since the HPC had input into hiring the HPC staff, he thought that provided the appropriate discretion.

Amendment 01 to Ordinance 16-04 received a roll call vote of Ayes: 9, and Nays: 0

Sturbaum announced he would not introduce Amendment 02 at this meeting.

The motion to amend Ordinance 16-04 with Amendment 03 was moved and seconded.

Mulvihill said that staff was still inserting and updating data for the local listing of designated properties.

Volan clarified that the information on which properties would be included was not in a form to insert into this amendment, therefore he said this should be considered in a third reading to provide additional time for the public to view the list of properties. He added that he thought an initial discussion was warranted now.

Mulvihill said staff supported delaying acting on this amendment.

Chopra clarified that this exact amendment was discussed the previous week. Sherman agreed.

Sturbaum asked if what this did was to clarify the listing of properties. Mulvihill said that a property list would be compiled from the 2001 list and add the properties that were locally

Amendment 01 to Ordinance 16-04
(cont'd)

recommended for local historic designation.

(C) If within seven (7) business days of the receipt of an application for partial demolition by the City's Planning & Transportation Department the staff has not forwarded the matter to the HPC for further review, the application shall be released automatically and the provisions of Section 20.09.230 shall be effectuated [8:57]

Amendment 03 to Ordinance 16-04

1. Ord 16-04 shall be amended by inserting a new **ninth** and **tenth** Whereas clause, which shall read as follows:
WHEREAS, the current application of the process known as Demolition Delay uses the Indiana State Historic Architectural and Archaeological Research Database, a database which upon being updated in 2015 was not independently reviewed or analyzed by the City's own experts on historic preservation; and WHEREAS, until the City's own experts on historic preservation can review and provide analysis of the recent 2015 update to the Indiana State Historic Architectural and Archaeological Research Database, it is in the best interests of the Bloomington community to only apply the process

designated, then would determine whether any rating changed from 2001 to 2015.

Sturbaum asked if this was due to conservation desire or political input. Mulvihill said she wouldn't call it political, but would add that property owners were concerned about the lack of local input. She agreed that in order to regulate local property, outside and local input were both needed.

Volan said he thought this was important because it included the SHAARD as well as locally identified properties.

Piedmont-Smith asked to clarify what the list was that was being compiled by staff.

Mulvihill used a map to show the properties that were from the surveys in 1985, 2001, and 2007, and said the properties indicated on the map were being used to create one schedule of all properties including the 2015 survey.

She said in future years, there would be amendments offered which would indicate the various properties which would warrant protection.

Volan said this amendment was to not leave out locally designated properties. Mulvihill said yes, and that the administration felt if property owners were held to a local standard, there should be local input.

Sturbaum asked about the length of time to complete the entire list. Mulvihill said the administration was committed to find money to pay for the ongoing work.

Sturbaum said he thought the state wouldn't help finance something for which they already paid. Mulvihill responded by saying "Will state help us? I don't know, but we will apply for state grants."

Sturbaum asked if this was the best use of staff time.

Mulvihill said it was the responsibility of staff to determine how property was designated and regulated. She said for everyone else in the state the survey was merely informational.

She added that Bloomington also used the SHAARD with the demolition delay, and the administration believed it was appropriate that if property owners might be subject to a delay then that property deserved careful review.

Sturbaum asked if developers in neighborhoods could beat the clock if properties weren't a part of the demolition delay.

Mulvihill said the city tracked changes that may be harmful to a neighborhood due to too many property changes. When a problem was anticipated the city could then take action.

Piedmont-Smith asked if the 2007 survey was available to the public.

Mulvihill said it would be placed on the website.

Sturbaum asked if there would be another update in 10 years. Mulvihill said yes. She added that according to this amendment in the future when the state added properties, they would not be subject to demolition delay until the council added them to the schedule, but in 10 years there may be other factors or legislation that could change that.

Sturbaum asked if the HPC would still use the SHAARD when determining what historic property might need protection over the

Amendment 03 to Ordinance 16-04
(cont'd)

known as Demolition Delay to those properties noted in the 2001 Indiana Historic Sites and Structures Inventory Interim Report, as amended in 2007, as the properties listed in this amended Interim Report were reviewed and analyzed by the City's own experts on historic preservation;

2. Ord. 16-04 shall be further amended in that wherever the phrase "City of Bloomington

Historic Sites and Structures" is referenced in the subsections below, the following shall be added immediately thereafter " and the Indiana State Historic Architectural and Archaeological Research Database":

Section 20.03.060(a)(2);

Section 20.03.060(c)(2);

Section 20.03.130(a)(2);

Section 20.03.130(c)(2);

Section 20.03.200(a)(2);

Section 20.03.200(c)(2);

Section 20.03.270(a)(2);

Section 20.03.270(c)(2);

Section 20.03.340(a)(2);

Section 20.03.340(c)(2);

Section 20.03.410(a)(2); and

Section 20.03.410(c)(2).

3. Ord 16-04 shall be further amended by deleting the words "historic survey" in Section

20.09.230(b) and replacing them with the following words "City of Bloomington Historic Sites and Structures".

4. Ord 16-04 shall be further amended by deleting the defined term "City of Bloomington

Historic Sites and Structures" in Section 20.11.020, entitled "Defined

Words", and replacing it with the following:

"City of Bloomington Historic Sites and Structures" shall refer to those

sites and structures listed in a document entitled City of

Bloomington Historic Sites and Structures Table,

with said Table being incorporated by reference into this Title by reference and made a part

thereof, two (2) copies of which are on file in the Office of the Clerk for the legislative body for public inspection.

5. Ord 16-04 shall be further amended by adding a new defined term,

"Indiana State

next 10 years. Emenhiser said the HPC would look at several sources.

Mulvihill said for property on the state survey but not the local survey, the HPC could recommend designation by providing the property owner and all adjacent property owners 10 days' notice prior to a HPC hearing to render a determination as to whether the commission should recommend the property for local designation. Mulvihill responded to Sturbaum's question about the ability to demolish property within that 10 day period by saying probably nothing could be done to stop it.

Public comment:

Andy Walker, Bloomington Board of Realtors said the BBR found the SHAARD to be dramatically over inclusive and inconsistent. He added that 60 mobile homes were listed as contributing properties. Walker said the community should not use a data base which members of the council called imperfect.

Sandy Clothier said that if the amendment meant scrapping the SHAARD, then she was against it.

Marilyn Hartman, attorney, said she heard a sense of urgency about the SHAARD and didn't think that was true for all preservationists. She said although the state was mandated to complete periodic surveys, there was no law that mandated local communities do so. She said most people did not want government intervention in property decision unless it was absolutely necessary. She urged adoption of Amendment 03.

Jon Lawrence, Bryan Park Neighborhood Association said that there had been very little time to consider and discuss this amendment. He talked about reactions to the SHAARD and what it meant. He said the letter from the City was poorly written and caused confusion. After meeting with staff, he created an information piece for his neighborhood with a description of the SHAARD and what it meant which calmed all of the fears which had been created by the letter from the city. He said he believed that a 7 day waiting period was a very fair proposal, and therefore he opposed the amendment.

Jan Sorby said she didn't understand the designation of houses in Bryan Park on the map shown. Therefore she said she was concerned about the accuracy of the listing of houses. She requested that the new SHAARD be used. Sorby said many older and historic homes were occupied by those below poverty level and seniors. She reported that the median income in Bloomington was \$28,600, and the median house price was \$170,000. She was concerned about the tear down of older homes that house the working poor and seniors. She was concerned that reverting back to the older SHAARD would mean the loss of affordable historic homes.

Brian Chelius, attorney representing those opposed to the demolition delay, questioned what true historic value meant. He said there were not just minor flaws with the SHAARD, but that there were serious issues and problems with the SHAARD. He said he found discrepancies between the 2001 survey and the 2015 survey in three areas he reviewed, citing 2/3 of the properties protected in 2001 were no longer protected in 2015, and stated these problems were not just in these three areas, but city wide.

He said according to the DNR, the purpose of the state survey

Amendment 03 to Ordinance 16-04
(cont'd)

Historic Architectural and Archaeological Research Database" which shall read as follows: "Indiana State Historic Architectural and Archaeological Research Database" means the Indiana State Historic Architectural and Archaeological Research Database, as the same may be amended from time-to-time, created by and/or administered by the State of Indiana's Division of Historic Preservation and Archaeology. [9:21 pm]

Amendment 03 to Ordinance 16-04
(cont'd)

program was to identify properties eligible for the national and state registers and to determine the impact state and federally funded projects would have on historic properties. He said it was not the purpose of the state survey to be used as the basis for local legislation like the demolition delay. He said the DNR said the survey wasn't to be used in this way, and would strongly urge against it. He said for those who want to use both the 2001 and 2015 survey, he said they conflicted. He said the allegation that some properties were left off the list due to error is incorrect, and being excluded was actually intentional in order not to designate and therefore protect certain properties as historic.

He explained that this would cause sprawl as developers moved to the outskirts of the city to avoid SHAARD properties. He also mentioned that using the newest survey would mean Bloomington would have more properties identified as historic than Boston, MA which has some of most historic houses in the country. He requested that the 2001 survey be used as the basis for demolition delay and supported amendment 03.

Duncan Campbell said he opposed amendment 03, because it prevented the local preservation efforts from being current. He said it may not be perfect, but it was workable.

Volan announced the time limit had been reached, asked to postpone the entire ordinance for two weeks, and continue discussion at that regular session. He said he didn't want to vote on amendment 03 until amendment 04, an alternate to amendment 03 was discussed.

Sandberg supported moving forward with the discussion on amendment 04.

Sturbaum said he would like to continue the current discussion.

It was moved and seconded to postpone further discussion of Amendment 03 until after other amendments were heard. The motion received a roll call vote of Ayes:7, Nays:2.

Amendment 04 to Ordinance 16-04

Sturbaum introduced Amendment 04 and said it proposed using both surveys. He said it was the best of Amendment 03, but added in the newest survey.

Mulvihill said the administration believed it was inappropriate to use the SHAARD since it had not been locally reviewed and therefore did not support this amendment. Mulvihill asked which survey should be used when there was a conflict in the ratings between the two surveys.

Volan asked if language for the rating changes would change the opinion of the administration on amendment 04. She said no, and that the position of the administration was that property should not be subject to local review and that the SHAARD should not be used without a local independent analysis.

Mulvihill said there were discrepancies on the 2015 SHAARD with which the city was not comfortable.

Rollo asked what the objection was to using the SHAARD since the properties on it had been reviewed by experts.

Mulvihill said the criteria was not in question, but whether

additional thought should be put into this. She said there were property ratings on the list with which the city would disagree, and didn't want to burden property owners with information that had not been tested.

Rollo said he didn't think the burden was too great, to which Mulvihill agreed for most property owners, but not all, because there was a chance that when the entire review process was used, a property may not be released for months. She added that placing a property on the list should be justified prior to the process, not later.

Sandberg asked Jon Lawrence if he would share with the council the informational brochure that he mentioned in public comment.

Sturbaum asked Mulvihill who would benefit from an easier path to demolishing historic property, to which she responded the property owner.

Public comment:

Sandra Clothier said she was not aware of the amendments and that this discussion was not widely known publicly. She said she was concerned that the new administration did not like the current process, which she said was set in place a long time ago. She said the SHAARD should be used as an interim survey until a local inventory was completed.

Jan Sorby asked the council to support amendment 04. She said without the 2015 SHAARD, many properties would not be protected.

Jon Lawrence reminded all that demotion delay was instituted because of past practice that allowed property to be removed immediately.

Duncan Campbell said the combination of architectural contributions was what should be considered. He added that demolition delay could be beneficial and a service to property owners due to the HPC expertise and advice given to property owners that help them make renovation decisions that could save them time, money, and effort.

Council comments:

Ruff announced that this entire discussion would be revisited at the next regular session, but invited the council to make comments on the information presented to them.

Granger said she appreciated those from the public who spoke to this ordinance since it helped clarify issues for her.

Mayer said this was a lot to consider, and thanked the public for participating.

Sandberg said affordability would be an issue for her when deciding between Amendment 03 and Amendment 04, and which would be most appropriate.

Piedmont-Smith said the important thing for her was what made Bloomington special, which was older neighborhoods. She said therefore she was supportive of Amendment 04. She said she didn't

think reviewing the SHAARD by the city was a judicious use of city money, and that it should be used as prepared.

Amendment 04 to Ordinance 16-04
(cont'd)

Chopra reminded her colleagues that those addressing the issue were historic preservation advocates, and also remarked how many times Bryan Park was mentioned, to the exclusion of others. She said she was looking for balance from other perspectives.

Rollo said the 2015 SHAARD cast a very wide net and needed local evaluation, but advocated using the SHAARD in the interim until staff evaluated the survey.

Sturbaum mentioned that experts previously had stated that at least 90% of the survey was correct. He added that the contributing houses were smaller, therefore more affordable. He also said that property rights cut both ways, and pondered where were the property rights for owners who watched their neighborhoods change in ways that they could no longer afford to stay. He stated that the Mayor was asking the council to give up their right to protect these properties. He questioned what the council would give up if it abdicated its responsibilities to the constituents.

Volan thanked everyone for the thoughtful discussion. He suggested there might be a blending of amendments 03 and 04, and hoped that there would be careful consideration given to various options. He clarified that the poverty rate in Bloomington was not as high as previously stated due to the high number of college students who do not report income. He said he hoped that a solution would be created that would meet with everyone's approval.

Ruff said that he would like to hear more about the divisiveness on the HPC that was referenced earlier.

It was moved and seconded to postpone Ordinance 16-04 to a Third Reading at the next regular session on April 20th.

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

Appropriation Ordinance 16-03 – To Specially Appropriate From the Alternative Transportation Fund Expenditures Not Otherwise Appropriated (Appropriating Additional Funds from Certain Sidewalk Projects)

LEGISLATION FOR FIRST READING

Appropriation Ordinance 16-03
[11:30 pm]

Ordinance 16-05 – An Ordinance to Amend Ordinance 15-19 which Fixed Salaries for Certain City of Bloomington Employees for the Year 2016 - Re: To Add Staff to the Department of Economic and Sustainable Development, the Office of the Mayor, and the Public Works Department to Meet Increased Need and to Revise Job Titles Within the Parks Department to Better Reflect the Nature of Those Positions

Ordinance 16-05
[11:31 pm]

There were no comments in this segment of the meeting.

ADDITIONAL PUBLIC COMMENT


Sherman announced the Internal Work Session at noon, April 22nd.

COUNCIL SCHEDULE
[11: 33pm]

The meeting was adjourned at 11:35pm.

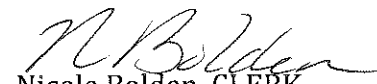
ADJOURNMENT

APPROVE:



Andy Ruff, PRESIDENT
Bloomington Common Council

ATTEST:



Nicole Bolden, CLERK
City of Bloomington