In the Council Chambers of the Showers City Hall on Wednesday, May 4, 2016 at 7:40 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 4, 2016

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

ROLL CALL
[7:40pm]

Council President Ruff explained that there was going to be a procedural change in the meeting.

AGENDA SUMMATION
[7:40pm]

Councilmember Volan moved to amend the normal order of business of the regular session to consider legislation in the following order of readings: third readings, second readings and resolutions, and first readings.

The motion to amend the normal order of business received a roll call vote of Ayes: 9, Nays: 0.

Motion to amend [7:42pm]

Ruff then gave an explanation of the reason for the Agenda Revision that was sent out on Monday of that week. He followed up with an Agenda Summation.

It was moved and seconded to approve the Regular Session Minutes of April 6, 2016 and April 20, 2016.

APPROVAL OF MINUTES
[7:47pm]

The motion to approve the minutes for the Regular Session Minutes of April 6, 2016 and April 20, 2016 was approved by voice vote.

April 6, 2016 (Regular Session)
April 20, 2016 (Regular Session)

REPORTS

- COUNCIL MEMBERS [7:48pm]

Councilmember Rollo announced a constituent meeting with Councilmember Volan. He said that it would be held at Bear's Place at 5:30pm on May 12th.

Councilmember Chopra cancelled her upcoming constituent meeting. She wished a happy birthday to staff attorney Patty Mulvilhill, and a Happy Mother's Day to colleagues Councilmembers Granger, Sandberg, and especially to her own mother, Flo Smith. She added the same Happy Mother's Day to Nicole Bolden, and to everyone else as well.

Councilmember Volan noted that he missed the chance to remark that April was Autism Awareness Month. He noted that the definition of autism had evolved over the last several years, that new terms were being used to define those on the spectrum as different but not less, and that he encouraged folks to find out more and to be patient. He also reminded people about the constituent meeting on May 12th at Bear's Place.

Councilmember Granger thanked people for voting the day before, and reminded people that there was another chance to vote in November.

Councilmember Sturbaum said that democracy worked but you had to get involved.

Councilmember Mayer noted the passing of Dick Bishop, a radio personality for WFIU, who died that week. He said that there would be a memorial show the next day in his honor on WFIU, and encouraged people to tune in to the show.

- The MAYOR AND CITY OFFICES [7:53pm]

Mayor John Hamilton [7:53pm]

Mayor Hamilton gave a brief review of his first quarter in four key areas: Jobs, Affordable Housing, Transparency/Engagement, and Innovation/Operations.

He next discussed current projects: String of Pearls (Trades District, Convention Center, Hospital, Switchyard Park, Regional Academic Health Center), Ongoing Infrastructure (Animal Shelter, West 17th Street, Fullerton Pike), and Legislation (Cell Towers, Demolition Delay, Sign Ordinance).

Mayor Hamilton concluded his remarks by looking toward the future, and discussed: Comprehensive Plan / Growth Policies Plan (GPP), Affordable Housing Strategies, CBU Rate reviews, Sanitation Department review, Annexation considerations, the Public Safety Local Option Income Tax, and lastly, the 2017 Budget Process.

Mayor Hamilton also used his time to tell the council that the city's finances were in good shape.

Council Questions:

Sturbaum asked for clarification about the work being done on the GPP.

Volan asked about the timetable for public scrutiny of the GPP.

Rollo said he does not like the term growth, but preferred the term development.

Councilmember Piedmont-Smith thanked the Mayor for coming and asked about the trade's district.

Rollo stated that he wanted the Mayor to attend to the Bloomington Green Infrastructure Plan in terms of its incorporation into the GPP because he thought it would be beneficial.

Motion to extend [8:11pm]

It was moved and seconded to extend the Mayor's Report section by ten minutes.

The motion to extend the Mayor's Report section by ten minutes was approved by voice vote.

SPEA Capstone Project [8:11pm]

Linda Thompson, Senior Environmental Planner, introduced the students (Jason Wenning, Ari Feldman, Allison Eichele, Katlin Walls, and Kerry Neil) who gave a summary of the SPEA Capstone Project on Green Infrastructure (http://bloomington.in.gov/documents/viewDocument.php?document_id=4549).

Council Questions:

Rollo asked if the cost-benefit analysis was a conservative estimate, and asked the students to discuss their research in more detail.

Rollo next asked about wildlife corridors, and how they fit into the green infrastructure project.

Volan welcomed all of the students and noted that their names were on the report. He pointed out that the cover of the report was not Bloomington, and asked what the council was supposed to infer from the photo.

Volan next asked what percentage of impervious surface Bloomington should aim for.

Chopra asked if the council had gone over the 10 minutes allotted by the motion. Volan claimed that he had been tracking it. Chopra stated that there was no way it had been less than 10 minutes.

Volan asked if they considered a public policy of actively encouraging a lower parking ratio.

Ruff thanked the class again.

There were no council reports.

- COUNCIL COMMITTEES [8:34pm]

President Ruff called for public comment.

- PUBLIC [8:34pm]

Amanda Figolah, wife of a Bloomington firefighter, spoke about her concerns with the structure of the fire department, the equipment, and its leadership.

Kay Bull read a paragraph titled "Audacity/to Impinge", and spoke about the problems with sound emitters in neighborhoods.

Daniel McMullen read a letter that he wrote to the council that was a call for civility in public discourse.

Matt Seidel, a teacher at Ivy Tech, asked questions about Boards and Commissions.

There were no appointments to Boards or Commissions at this meeting.

APPOINTMENTS TO BOARDS AND COMMISSIONS [8:48pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS

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 [8:48pm]

It was moved and seconded that Ordinance 16-04 be introduced and read by title and synopsis only. Clerk Nicole Bolden read the legislation and synopsis. She then read the following:

Committee recommendation (March 30, 2016): Do Pass 1-0-5
Second Reading (April 6, 2016): *Postponed to a Third Reading on April 20, 2016*
Third Reading (April 20, 2016): *Not discussed; Postponed to May 4, 2016*

Am 05: Passed 9-0-0
Am 01: Passed 9-0-0
Am 03: *Postponed to April 20, 2016; Subsequently postponed to May 4, 2016*
Am 04: *Postponed to April 20, 2016; Subsequently postponed to May 4, 2016*
Am 06: *To be introduced and discussed on May 4, 2016*

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

Dan Sherman, Council Attorney, explained that several councilmembers and staff had property that would be impacted by the ordinance that they were considering. Sherman said that many councilmembers had structures that were listed as 'Contributing" on the SHAARD, and should make a Conflict of Interest Disclosure, or recuse themselves if they did not feel they could act fairly, objectively, and in the public interest.

Attorney Sherman and Councilmembers Piedmont-Smith, Granger, Mayer, Sandberg, Ruff, and Volan all noted that they had a contributing structure listed on the SHAARD, but that they felt confident they could participate fairly, objectively, and in the public interest, and would not recuse themselves.

It was moved and seconded to introduce Amendment 06 to Ordinance 16-04.

It was moved and seconded that Councilmember Sturbaum be considered a co-sponsor of Amendment 06 for the purpose of discussion, since his Amendment 04 was so similar to Amendment 06, but the passage of one would obviate the passage of the other.

The motion to consider Councilmember Sturbaum a co-sponsor of Amendment 06 for the purpose of discussion received a roll call vote of Ayes: 9, Nays: 0.

Mulvihill stated that the main issue at hand seemed to be which list of properties should be subjected to demolition delay. She said that there seemed to be three schools of thought: one, to use the 2001 interim report as amended in 2007. Two, only using the 2015 updated SHAARD. Third, using some combination of the first two surveys together. She noted that the administration was supportive of Amendment 03, but if that was being withdrawn they were supportive of Amendment 06.

Rollo noted that the amendment addresses some flaws in the 2015 SHAARD, and is a good compromise with the administration.

Sturbaum spoke about Amendment 04 as it contrasted to Amendment 06. He said that it was a continuation of the status quo of demolition delay over the last 12½ years. The main difference was that he combined the old survey with the new survey.

Mulvihill commented that the administration was interested in a compromise. So they took the 2001 report as amended in 2007, and removed everything that was already locally designated. Next, they took out all of the outstanding and notable structures from the 2015 update, which could stand on their own merit for local designation on their architectural characteristics, and added those to the structure listing as well. That originally left the contributing structures unprotected. So, next, they added in a safe-gap for contributing structures that were subject to full demolition. After discussion with some council members, they added the last requirement of substantial removal which said that if property owners removed 50% or more of the property they would be subject to demolition delay.

Mulvihill noted that the amendment represented a compromise the administration was comfortable with. She said that it recognized the greater importance of some of the historical properties that were eligible for individual recognition as stand-alone units, and that it protected those contributing structures from being wholly or significantly demolished. But, it still allowed for homeowners of contributing structures to make modifications and alterations of their properties.

Council questions:

Chopra asked if the fix was due to staff strain. Mulvihill responded that the report added six thousand properties, but the seven-day fix addressed the main problem.

Sturbaum asked if there was an updated time estimate for reviewing the six thousand structures. Mulvihill responded that she did not have one, but she thought it had been expedited based on ongoing conversations with the council.

Amendment 06:

1. Ord 16-04 shall be amended by inserting two clauses at the end of the Whereas clauses, 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 known as Demolition

Volan inquired as to how many demolitions had happened since demolition delay had been enacted, and how many of those should fall under SHAARD. Jim Roach responded that the city saw between 2-3 dozen demolition permits in any given year, which were for full demolition.

Volan clarified that he wondered if there was an epidemic of demolitions. Mulvihill responded that it was an unanswerable question.

Volan asked if we were expecting the SHAARD and when. Mulvihill replied that those in the field were expecting it, but the general public was probably surprised. Emenheiser further clarified that the process was done every ten years, but was specifically funded this time due to I-69.

Sturbaum queried what the advantage of the compromise was? Mulvihill responded that it is a valid gain from a property rights perspective, and that this was a common middle ground for both sides.

Sturbaum asked for clarification as to who decides whether it is 50% of the façade. Mulvihill answered that it was staff, and then clarified the process that property owners have to go through.

Ruff asked Sherman where the idea for defining substantial demolition came from. Sherman responded that it is used in Minneapolis, and discussed the similarities and differences in the proposed amendment.

Sturbaum asked if partial demolition was created to close the loophole. Sherman confirmed that it was. Sturbaum next asked if the amendment was only necessary to cover a careless piece of legislation. Sherman responded that it was creating a new standard.

Rollo clarified that the amendment was not written at the last minute, that the administration had been responsive and cooperative, and that the 50% designation was a refinement.

Volan asked for clarification on the cost of researching contributing structures. Emenheiser responded that it would be between $10k-30k depending on the bids that came in.

Volan clarified that the review could be done in a year with the funds, but then asked about the timeline without the funding. Mulvihill responded that it would be years.

Volan asked what portion of the SHAARD was outstanding and notable, and was told by Mulvihill that it was about 500-600.

Volan asked if the administration intended to come to the council with an appropriation ordinance. Mulvihill stated that she could not answer the question. Volan pointed out that the administration would need to do so, and Mulvihill replied that as someone further down in the organization, her understanding was that the administration was committed if the council was as well. She expanded on her answer by saying that the administration would have to issue an RFP to see what a contractor could do and if they could do it in the time frame deemed appropriate.

Chopra asked if there was a provision favoring local businesses in the RFP. Mulvihill replied that she had not written one yet, but could envision writing it in a way that would make it clear preference would be given to someone familiar with Bloomington.

Sturbaum asked why we would work without a safety net. Mulvihill responded that the city was not working without a net, but had worked out a reasonable compromise balancing the multiple interests of multiple parties in the community.

Delay to the following properties: those noted in the 2001 Indiana Historic Sites and Structures Inventory Interim Report, as amended in 2007; those properties listed as Outstanding or Notable on the 2015 updated Indiana State Historic Architectural and Archaeologic al Research Database; and those Contributing properties listed on the 2015 updated Indiana State Historic Architectural and Archaeologic al Research Database, but only if these Contributing structures are proposed for substantial demolition;

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

Volan asked for clarification of the 40% versus 50% standard. He also clarified that the SHAARD only looked at buildings for their architectural value, but that the local review would allow for cultural value.

Ruff questioned why did the administration decided not to embrace Amendment 04. Mulvihill said that she was unaware of any previous support, and could not answer the question.

Sturbaum asked why a new standard was needed when they had a proven standard that worked in the past. Mulvihill responded that the 50% came from council, and the administration agreed to it. Sherman explained that it was more than the difference of percentages, and listed the other areas that were included.

Public comment:

Ann Bono, Chamber of Commerce, asked council to support Amendment 06.

Raina Regan, Indiana Landmarks, spoke about the problems of substantial demolition, and what the next steps will be for the council.

Jan Sorby reminded the council that they were talking about workforce housing, and urged them to be very careful in their deliberations.

Marilyn Hartman urged the council to support Amendment 06 and not support Amendment 04.

Brian Chelius, attorney speaking on behalf of clients affected by demolition delay, spoke in favor of Amendment 06.

Steve Wyatt, Bloomington Restorations Executive Director, clarified that lower income people could buy a more expensive home that qualified for demolition delay.

Jon Lawrence, Chair of Council of Neighborhood Associations and Executive Committee Member of Bryan Park Neighborhood Association, spoke in an unofficial capacity. Lawrence asked the council to preserve the spirit of the SHAARD, to avoid confusing people, and to help protect their housing.

Duncan Campbell spoke in favor of Amendment 04.

Council Questions:

Ruff asked if the local review could be done from the core neighborhoods and working outward, and if those surveyed first could be added as they were done rather than waiting until they were done. Mulvihill replied that starting from the center of the city was the original intent, and that updating along the way was possible, but depended in large part on the council calendar.

Sturbaum asked if it wouldn't be simpler to keep the SHAARD in place and amend it while identifying other properties that needed protection. Mulvihill disagreed.

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 Survey of Historic Sites and Structures".

4. Ord 16-04 shall be further amended by deleting the defined term "City of Bloomington Survey of Historic Sites and Structures" in Section 20.11.020, entitled "Defined Words", and replacing it with the following:

"City of Bloomington Surve of Historic Sites and Structures" shall refer to those sites and structures listed in the following: the document entitled City of Bloomington Historic Sites and Structures Table, with said Table being incorporated 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; and any "Contributing" structure listed on the Indiana State Historic Architectural and Archaeological Research Database if said structure is the subject of a request constituting a substantial demolition of the structure as defined in Section 20.11.020, Defined Words.

5. Ord 16-04 shall be further amended by inserting the term "substantial demolition" into Section 20.11.020, entitled "Defined Words" which shall read as follows:

"Substantial Demolition" means the moving or razing a

Council Comment:

Rollo commented that he believed that calling the issue political was pejorative. He said that since the SHAARD had been noted to have flaws, it was important to have policy based upon review done by local experts. He noted that the public asked for the same a few weeks prior, and that the administration offered the review. Rollo pointed out that the structures have been waiting for 50 years, and that the local review would be completed in a year to 18 months. He agreed that there was a communication problem, and hoped that the review would help in some manner.

Rollo said that he wanted to see a more stringent application of the SHAARD that focused in on the city core neighborhoods first, but said that it did not receive any support. But he believed that having money applied for this review was very important because it was requested by the public and the council.

Rollo concluded by saying that he was a historic preservationist, that he believed that they were all on the same page, and that the process needed to be done in a manner that allowed the public to buy in.

Sturbaum commented that those who spoke against Amendment 04 only addressed the positive aspects of demolishing properties. But he noted that when he was on the HPC prior to joining the council, they found ways to recycle the buildings and put them in the hands of affordable, qualified owners. He said that keeping those buildings intact was good for the community, rebuilt the community, and brought affordability to the zone.

He noted that he does remodeling for a living, and the only way that you could build a new structure less expensively than remodeling an old structure was if you had volunteer labor.

Sturbaum said that Amendment 06 would be leaving 5k properties needlessly exposed for 18 months. He argued that the best local review would be to have the overlap in the SHAARD reviewed by staff.

He commented that Bloomington may be the only city in Indiana that handled demolition delay in the way that it did, but that it was not the only city in the country that did. He argued that having a rule that allowed a building to be torn down before it could be protected was bad process.

Sturbaum predicted that in one year everything would have calmed down and encouraged the council to stay with the method they had used for the last twelve years.

Chopra asked Sturbaum if it was a conflict of interest for him to consider this legislation with his business interests.

Sturbaum responded that he lived in a full historic district, that he owned another house in another historic district, and he never works on a project that he has voted on or reviewed. He added that he did a relatively small percentage of historic preservation work, and that it was a decreasing part of his business.

Granger reminded people that sometimes amendments could get written during meetings, and she appreciated that the administration got the amendment to them prior to the meeting. She noted that there were concerns about the SHAARD, and thought the administration had made reasonable accommodation to deal with the properties on the SHAARD. Granger said that Amendment 06 spoke to the concerns of citizens and viewed both sides of the issue and saw it as a livable alternative to Amendment 03 or 04.

building including the removal or enclosure of fifty (50) percent or more of the structure.

6. Ord 16-04 shall be further amended by adding a new defined term, "Indiana State 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. [11:02pm]

Ruff said that he was glad Rollo brought up the idea of concentrating on the city center first. He noted, like Rollo, that it was not supported by the conservation folks.

Ruff commented that he thought this amendment was not about putting contributing structures on demolition delay. He said it was about taking more time, and adding a higher level of local review and by extension getting more local confidence, which he thought was good for historic preservation.

Ruff said that Amendment 06 was the best option for multiple interests, and commented that the council was out of time to consider the matter further.

Ruff clarified that the council was trying to protect all they could that truly deserved to be protected, as judged by the most community support overall and involvement that they could get.

Ruff finished by saying that Amendment 06 was a barely reasonable compromise for him.

Mayer asked for clarification on how the vote would proceed. Volan answered that if Amendment 06 did not pass, it would make sense to introduce Amendment 04.

Ord 16-04 (*cont'd*)

Sandberg stated that the case had been made for her that there were 12 years of success based on their previous standards, and thus she was leaning toward Amendment 04 because of its safety-net features. If she was going to err, she preferred to err on the side of preservation. She did not think that it was going to be an onerous review process for people.

Sandberg noted that all things in life are political. She stressed the need for predictability for the community, and her respect for everyone's views.

Piedmont-Smith stated that she supported Amendment 04 because it provided a greater level of protection to the historic fabric in Bloomington. She said she did not believe that historic preservation would not lead to urban sprawl as there have been studies that show the value and desire for people to buy historic properties with the intention to restore them and sell for a profit. She went on to say that McDoel Gardens being an historic district has had a positive impact on the neighborhood. She concluded by saying that if contributing structures were not protected then it would lead to the loss of those structures and impact the cultural fabric of the community.

Volan stated that he was concerned that there had been fear mongering on both sides. He said that the letters that were sent out to the public without greater information explaining the process were a "Pandora's box". He said he understood the goals of historic preservation, but was concerned that the public may not fully understand those goals as distrust could be sowed. He said that there wasn't a need for so much urgency and was suspicious that the building of Interstate 69 was the antecedent to the feeling of urgency. He said he felt that Amendment 06 was a sufficient compromise and that he supported it.

Mayer said that just because there wasn't greater public outcry in the council chamber didn't mean that there aren't many people that felt that they didn't understand the SHARD and the process of Demolition Delay. He said that there was a lot of confusion, but the council could alleviate that concern by taking a prudent step and that step would be Amendment 06.

Ord 16-04 (*cont'd*)

Ruff said that he hoped people would remember the need for affordable housing in the future. He said that he was in favor of "Fonzie flats/ Granny flats" and hope that those types of affordable housing options would become available. Additionally, he wanted to state the passionate people that have been in favor of historic preservation are doing it in the interests of the community.
The motion to adopt Amendment 06 to Ordinance 16-04 received a roll call vote of Ayes: 6, Nays: 3.

It was moved and seconded to introduce Amendment 02 to Ordinance 16-04.

Amendment 02:
1. Section 2 of Ord 16-04 shall be amended by striking the word "pitch" and inserting the words "pitch or material" in part 2) so that it reads:

(2) Partial demolition of a roof shall include work that results in any change to the pitch of any portion of the roof, or; covering or otherwise obscuring an existing roof with a new roof of different pitch **or material**, or; adding any gable, dormer or other similar feature to an existing roof; or
[11:47pm]

Sponsored by Sturbaum, the amendment would add a change in roof materials to the definition of "partial demolition." This would have the effect of requiring review of changes in roof materials by the Historic Preservation Commission or staff on structures within the City's jurisdiction which were subject to demolition delay. Sturbaum was concerned about metal roofs being used on historic structures specifically red and white striped metal roofs. There was discussion on whether the pattern was offensive or if it was the materials. Sturbaum clarified saying that the historic character would be altered if the roofing materials were not consistent with the character of the house.

Public Comment:

Marilyn Hartman said that when one wants to change their roof currently there is no need for building permits and the only way to enforce this would be retroactively.

Jon Lawrence said that retroactive enforcement was how the City already manages partial demolition.

Mike Dunn said that he lived in the house across the street from the house in question with the striped metal roof and said how the metal reflects sunlight and that it was a disruption.

Duncan Campbell said that this was a matter of community aesthetic and that materials can affect the aesthetics and value of an historic structure.

Jan Sorby said that this would affect not only the value of the house in question but the values of the neighboring houses.

Council Comment:

Volan said he was surprised that roofing materials were just now being considered as being part of the ordinance and that he supported the amendment.

Chopra said that she liked the quirky look and that it added a fun character to the area. She added that she understood that it would be a loss if a historic clay roof was replaced with one of these metal bi-colored roofs. She said that she had not yet made a decision on how she would vote.

Sandberg said that we should respect the character of individual neighborhoods and that in many neighborhoods these types of roofs would not be desired. She said there had been much discussion in her own neighborhood, Matlock Heights, and noted they had even

Ord 16-04 (*cont'd*)

considered seeking out historic districting in order to prevent such roof from being incorporated in the neighborhood.

Mayer said that he would support the amendment because it wasn't a perfect fix, but necessary. He also said that he knew metal roofs were popular for a variety of reasons, but he had seen many rusty barn roofs, and that a metal roof wasn't maintenance free.

Sturbaum mentioned how the glare affected Mr. Dunn's home and that property rights cut two ways. He noted that Mr. Dunn's property rights were being infringed on by having the metal roof across the street.

Rollo said that he was a supporter of metal roofs and mentioned that metal roofs could be historic siting the historic home of Thomas Jefferson, Monticello. But he agreed that this was a necessary solution.

Ruff said that he understood Chopra's perspective, but also understood the need to respect a neighborhood's community aesthetic. He wanted to say that he agreed with the sustainable nature of metal roofs and didn't want to discourage them.

The motion to adopt Amendment 02 to Ordinance 16-04 received a roll call vote of Ayes: 9, Nays: 0.

Vote to adopt Ord 16-04 as amended [11:48pm]

The motion to adopt Ordinance 16-04 as amended received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded to allow staff to correct any discrepancies between the amendments that were passed and to correct any scrivener's errors.

The motion to allow staff to correct any discrepancies between the amendments that were passed and to correct any scrivener's errors received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded to not postpone further council action due to the 10:30pm Rule.

The motion to not postpone further council action due to the 10:30pm Rule received a roll call vote of Ayes: 9, Nays: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Resolution 16-04--To Waive the Statutory Five-Year Continuous Service Requirement for the Appointment of Jason Moore as Fire Chief [12:27am]

It was moved and seconded to read Resolution 16-04 by title and synopsis only. Clerk Bolden read Resolution 16-04 by title and synopsis.

It was moved and seconded to adopt Resolution 16-04.

Deputy Mayor Mick Reneissen spoke about Jason Moore, his background, and the selection process.

Council Questions:

Piedmont-Smith asked if there were concerns about Mr. Moore coming from a smaller community. She also asked Reneissen to speak to his executive and leadership experience.

Granger asked about the five-year requirement.

Res 16-04 (*cont'd*)

Sandberg asked if the rule was union driven. She followed up by asking when in the process the administration thought to bring in the council sooner than the announcement that came in the Monday before that they would have to approve the hire.

Granger asked if there was something that the administration was looking for in particular that lead them to look outside of the department.

Volan asked a question about the ISO rating.
Chopra asked who was on the hiring committee. She then asked how it was that our internal candidates did not qualify for the position. She followed up by asking why Mr. Moore wanted the job. Chopra then asked what role staff played in the hiring process.

Granger asked what challenges Mr. Moore perceived in the position. She then asked who would mentor Mr. Moore.

Sandberg asked if bringing in an outside hire was a way to remedy safety issues the council may have been unaware of.

Mayer asked at what point in the process the administration knew the five-year rule had to be addressed.

Council Comment:

Volan commented that he was mostly encouraged, but was concerned that all of Mr. Moore's educational attainment was from online, for-profit institutions. He added that he trusted the judgment of the hiring committee.

Granger said that she felt like she had the most questions, and that while she was not questioning the rigor of the process, nor the mayor's right to hire, she felt rushed by the process. She said that she felt uncomfortable putting her name on something when she did not understand all of the factors involved, and she appreciated Deputy Mayor Reneissen coming to share with the council. She concluded by saying that she had to pass because of the timing, and that the administration could have handled the job offer in a way that would have allowed Mr. Moore to know that his offer was contingent on council approval.

Ruff commented that Bob Lovisek, the fire department union representative, contacted him before the meeting and said that he could not be at the meeting. Ruff said that he trusted in the process. Ruff said that he shared in the sentiment to welcome Mr. Moore, but he did not want anyone to think that council supported the expedited process.

Volan added that the reluctance to add the resolution to the agenda was in part due to the lateness of the hour, and that he would not support expediting legislation in the future.

Sandberg said that she welcomed Mr. Moore and thanked Chief Todd Easton for his service.

Granger commented that she fully supported Mr. Moore himself, but she was truly concerned with the process.

Mayer said that he thought the administration missed an opportunity to bring in the council earlier, even though it was the

mayor's right to pick his department heads, and that he hoped the administration learned a little bit from this process.

Res 16-04 (*cont'd*)

Ruff thanked Sandberg for remembering to thank Chief Easton for his service.

The motion to adopt Resolution 16-04 received a roll call vote of Ayes: 8, Nays: 0, Pass: 1.

It was moved and seconded that Ordinance 16-01 be introduced and read by title and synopsis. Clerk Bolden read the legislation and synopsis.

LEGISLATION FOR FIRST READIN

Ordinance 16-01: To Amend Chapter 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Amending 20.05.051 ("Home occupation – General"), 20.05.064 ("Municipal services – General"), 20.05.079 ("Sign standards – General"), 20.05.080 ("Sign standards – Temporary signs"), 20.05.081 ("Sign standards – Residential"), 20.05.082 ("Sign standards – Permanent display cabinets"), 20.05.083 ("Sign standards – Nonresidential"), 20.05.084 ("Sign standards – Commercial limited"), 20.05.085 ("Sign standards – Commercial downtown"), 20.05.086 ("Sign standards – Sandwich board signs"), 20.05.09' ("Special conditions – Community garden"), 20.05.110 ("Temporary uses and structures – Generally"), 20.07.070 ("Easement standards"), 20.07.160 ("Street and right-of-way standards"), 20.07.190 ("Street sign standards – Residential, commercial and industrial"), and 20.11.020 ("Defined Words") to Render Provisions of the Bloomington Municipal Code Regulating Signs Compliant with the U.S. Supreme Court's Holding in *Reed v. Town of Gilbert*

There were no comments in this segment of the meeting.

ADDITIONAL PUBLIC COMMENT [12:30am]

There were no changes to the council schedule.

COUNCIL SCHEDULE [12:31am]

The meeting was adjourned at 12:32am.

ADJOURNMENT

APPROVE:

Andy Ruff, PRESIDENT
Bloomington Common Council

ATTEST:

Nicole Bolden, CLERK
City of Bloomington