In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, November 16, 2016 at 7:34pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
November 16, 2016

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

ROLL CALL
[7:34pm]

Council President Andy Ruff gave a summary of the agenda.

AGENDA SUMMATION
[7:34pm]

It was moved and seconded to approve the minutes from November 2, 2016.

APPROVAL OF MINUTES
[7:38pm]

The motion to approve the minutes was approved by voice vote (Volan abstained).

November 2, 2016 (Regular Session)

REPORTS

- COUNCIL MEMBERS [7:38pm]

Councilmember Chris Sturbaum commented that the next four years would be a bumpy ride.

Councilmember Dave Rollo noted that the country had made a major turn in the last week, and expressed concern about the most vulnerable people in the community. He said that Bloomington would stand against discrimination in all forms, and noted that people were coming together. He said that folks would rise to the challenge and not move backward.

- The MAYOR AND CITY OFFICES

There were no reports from the Mayor or City offices.

- COUNCIL COMMITTEES [7:40pm]

Councilmember Susan Sandberg made the following statement:

"As many of you know, Chris Sturbaum and I started assembling an informal group in 2015 to hear from members of the community about issues related to affordability, namely affordable housing. Councilmember Sturbaum and I started off by primarily hosting "listening sessions" to hear from experts and stakeholders. We wanted to listen and learn before we took further steps. As more people expressed interest and joined the discussion, it became clear that housing is inextricably tied to all the other exigencies of daily living such as transportation, employment, food, child care, and health care. For that reason, Councilmember Sturbaum and I expanded our purview to focus on "affordable living" in Bloomington. Since we started that effort, a few things have changed: 1) our Mayor has made a very strong commitment to affordable housing and 2) Councilmember Mayer has begun to sit in on these meetings. Both of these developments have infused what was an informal exploratory group with a different momentum.

For that reason, and pursuant to our local BMC 2.04.240, Councilmembers Sturbaum, Mayer, and I wish to establish an "Affordable Living Committee." This will be a time-limited special committee focused on complementing the Mayor's efforts by analyzing the affordability constraints facing Bloomington residents. The Committee's chief goals are understanding affordable living needs of Bloomington residents through data and public input and developing a report. We hope the report will include community affordability indicators that can be measured over time and that offers recommendations for closing affordability gaps. The Committee

will report back to the Council no later than the July 5, 2017 Regular Session and will then cease to function.

No doubt, addressing issues related to "affordability" is an ambitious task, and we will need all the help we can get. Our meetings are generally the first Monday of each month at Noon. In December, we will be in the McCloskey Room and in 2017 we will be in the Hooker Room. We very much invite the public to attend these meetings."

Ruff called for public comment.

- PUBLIC [7:46pm]

Gabe Rivera spoke about the war on drugs.

Mark Haggerty spoke about the election.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:58pm]

It was moved and seconded to withdraw the appointments of Kurt Seiffert and Eric Dockendorff made to the Bloomington Digital Underground Advisory Committee at the last Regular Session on November 2, 2016.

Councilmember Steve Volan explained that two appointments were made when the Council only had one appointment to make, and the members of the committee had decided to interview the applicants.

Councilmember Allison Chopra asked if the individuals had been contacted.

Volan responded that the Clerk had withheld the letters of notification until the Council could clear up the confusion.

Clerk Nicole Bolden clarified that she believed her staff had contacted the applicants by telephone as well.

The motion was approved by voice vote.

It was moved and seconded to withdraw the appointments made to the Telecommunications Council at the last Regular Session on November 2, 2016.

Councilmember Dorothy Granger explained that, after consultation with Rick Dietz, the committee learned that the Telecommunications Council had been stripped of authority by the state legislature and they were withdrawing the appointments with no plans to make more in the future.

Councilmember Isabel Piedmont-Smith asked if there were appointments made with letters not sent.

Granger affirmed.

Piedmont-Smith asked how it was that appointments were made on two commissions that did not have openings.

Granger responded that the paperwork was confusing.

Volan added that the issue with the Telecommunications Council was slightly different, because councilmembers were advised after the fact that the council was an anachronism. He said he did not want to make any recommendations on the council until they had more advice and until they knew more about what its future would bring.

The motion was approved by voice vote (Piedmont-Smith abstained).

LEGISLATION FOR SECOND READING AND RESOLUTIONS [8:02pm]

It was moved and seconded that Resolution 16-14 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis.

Resolution 16-14 – A Resolution by the City of Bloomington of the State of Indiana Stating Its Support for the Development of United States Bicycle Route (USBR) 235

It was moved and seconded that Resolution 16-14 be adopted.

Beth Rosenbarger, Bicycle and Pedestrian Coordinator, introduced Jim Schroder, Bloomington Bicycle Club, to explain the legislation to the Council.

Schroder explained that, two years previously, INDOT approved a north-south and east-west bicycle route through the state that did not include Bloomington. He noted that Bloomington was the home of Little 500 and Breaking Away, and was a wonderful area for cycling. He had spoken to INDOT and cycling organizations to petition them to include Bloomington on a new route. INDOT told Schroder that changing the route it would require agreement of all of the jurisdictions through which the proposed route would go. Schroder said that he had the agreement of most of the jurisdictions in Morgan County and had Monroe County on board; he was now asking for the City of Bloomington's agreement. Schroder added that it would not cost the City any money and would not add any liability to the City. It was solely a promotional tool that would add at most ten cyclists per day. He said that he still needed Brown County and Bartholomew County's agreements.

Council Questions:

Volan asked if it was primarily a scenic route.
Schroder affirmed, and said that they would use roads that were already maintained. He explained the proposed City route.

Ruff asked what came along with the designation of the route other than marketing, such as safety markers.
Schroder responded that the riders who would use the route were very experienced and safety conscious.

Chopra asked if the route was meant for cyclists alone rather than the general public good.
Schroder replied that it was good for tourism, and would add to the reputation of being a bicycle friendly community.

Piedmont-Smith asked if the route came with signage.
Schroder answered that the signage was not required, but they would ask the City for guidance in placement.
Piedmont-Smith asked if the route gave the City any points toward platinum.
Rosenbarger replied that she did not know.

Vote to adopt Resolution 16-14 [8:14pm]

The motion to adopt Resolution 16-14 received a roll call vote of Ayes: 9, Nays: 0

Ordinance 16-41 – To Establish the Housing Development Fund [8:14pm]

It was moved and seconded that Ordinance 16-41 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis, giving the committee Do Pass recommendation of 6-0-0.

It was moved and seconded that Ordinance 16-41 be adopted.

Thomas Cameron, Assistant City Attorney, introduced the legislation.

Ordinance 16-41 (*cont'd*)
Council Questions:

Sturbaum asked Cameron to speak about Council review and transparency of the use of the fund.

Cameron explained that the Redevelopment Commission would oversee the fund, and that the claims would be approved by that body. The funding would be approved by appropriation or restricted donation approved by the Council, and there would be reports available annually.

Sturbaum asked if the Council would take action in accepting money into the fund.

Cameron affirmed that the Council would either have to appropriate funds into the housing fund or, in the case of a restricted donation, the Council would have to take some action.

Granger asked what expenses might be entailed in administering the fund.

Cameron said that he did not think that it would cost anything.

Piedmont-Smith asked if the one million dollar contribution from RCR Properties related to the Dunhill development would automatically be put into the fund or if it would have to come before the Council for action.

Cameron responded that it would require Council action.

Council Comment:

Sandberg said she supported the ordinance and that it was a step in the right direction.

Sturbaum thanked the Mayor for stepping up and taking an important step in making housing more affordable as he promised to do.

Vote to adopt Ordinance 16-41
[8:21pm]

The motion to adopt Ordinance 16-41 received a roll call vote of Ayes: 9, Nays: 0

Ordinance 16-22 – To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code (To Establish a Parking Commission)
[8:21pm]

It was moved and seconded that Ordinance 16-22 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis, giving the legislative history of no committee Do Pass recommendation, a Second Reading vote of 7-0-1, and a Mayoral Veto.

It was moved and seconded that Ordinance 16-22 be adopted over the Mayor's veto.

President Ruff called for anyone from the administration to speak about the Mayor's desire to veto the legislation. Seeing no one, he next called on Volan to speak.

Volan made the following statement:

"The only public statement given by the Administration is the message attached to the Mayor's veto. I urge people to read it. In it, the Mayor implies that the City's 37 boards and commissions are optional, that somehow Council created them all, and is perhaps overly enthusiastic in its desire to create more. The most recent commissions to be created by ordinance (the Commissions on Aging and Hispanic and Latino affairs) were created in the previous decade. We don't create boards that often.

I would urge people to look at the city's website, on the Boards and Commissions web page — that's bloomington.in.gov/onboard/commissions. By the way, that page is managed by the Administration and not the Council. There are

actually 49 different bodies listed there. It's hard to determine where the Mayor got the number 37, or which of these are the ones he's talking about. But this is the public record, so let's go with 49, because it supports his argument.

We can eliminate a few of these line items from consideration. The City Council itself is listed in "Boards and Commissions." That, the Sidewalk, and the Jack Hopkins Social Service Fund committees, are staffed by Council, not the Administration. They're populated mostly with councilmembers. They shouldn't be on this page where citizens would look to volunteer for boards and commissions.

The Hearing Officer is an employee of the city, not a board. Two of these line items don't take appointments. The Monroe County Domestic Violence Task Force is actually just a coalition that anyone can join. The Council for Community Accessibility is staffed by the city, but its membership is also open. Two of these line items are the Mayor's own task forces, which were populated entirely by him.

That leaves 41 actual boards and commissions that take appointments. Of these, the Council has no appointing power to three: the Farmers' Market Advisory Council, the Inclusive Recreation Advisory Council (which by the way was created in 2003 by the Parks Department, and not by the Council), and the Housing Authority Board.

19 others of these are mandated, by state or federal law. Some are required of every city (such as the Board of Public Works). Others are required because the city has chosen to provide a certain service (such as the Utilities Service Board, or the federally mandated committees of the MPO). For 11 of these 19, the Council has zero appointments.

That leaves another 19 boards and commissions that Council could ostensibly get rid of — half of the Mayor's estimate, and less than half of what's listed online. The Mayor thinks Traffic, Bike and Ped Safety, and Parking all fall under the vague term "mobility," and wants to combine them. By this logic, there ought to be others we could combine without thinking too hard, just off the tops of our heads:

We have, for example, an Economic and Sustainable Development department, that has full-time employees specializing in Sustainability and the Arts. Why, then, have a separate Sustainability Commission, or an Arts Commission? Why can't they be combined into the Economic Development Commission? I would ask the members of those three commissions how they might feel about that. Couldn't Animal Control be merged with Public Safety? I mean, animal control is literally a public safety issue. Perhaps we could combine the Commission on the Status of Children and Youth with the one on Aging? They're both about age. We could combine the [Commission on the] Status of Black Males with the one on Hispanic and Latino Affairs. Why not just lump everybody under the Human Rights Commission? That way we can save the trouble of having a separate Commission on the Status of Women, too. I mean, right? These are all human beings. I would be willing to serve on a task force to reconsider all these changes. We could call it the "Commission Commission." I would be happy to serve as a "Commission Commissioner."

All joking aside, I'm sincere in my agreement with the Mayor that boards and commissions ought to be reviewed — we should really call it a "Commission Task Force" that would sunset. We can find ways to

Ordinance 16-22 (*cont'd*)

clean up city code regarding them, to improve and clarify their definitions. For example, one thing I can say right now, after meeting with Councilmembers Granger and Ruff [before the meeting] and discussing nominations to the Telecommunications Council and the [Bloomington Digital Underground Advisory Committee]: these are both telecom-related. Even though it's obvious that Telecom is one that we should consider sunsetting, it's also obvious that these are two commissions that ought to be combined. The Mayor will find that almost all of them have a well-defined mission that is important to this City and are worth keeping as they are. This exercise has not been wasted: I see tonight's interaction as getting a jump on that work he calls for. Again, I support it.

It's evident from the veto's explanation that the Mayor didn't engage with the extensive justification for a separate deliberative body devoted to parking. Parking, which is by definition the stoppage of vehicles, has substantial policy issues that are not at all related to "mobility," such as economic development, what to do with the significant streams of revenue that it generates, and bureaucratic concerns. I simply do continue to disagree with his nominally substantive argument, and wish he had engaged with Council more thoroughly on it.

Now the Mayor's Innovation Task Force Report had as its first recommendation a Director of Innovation. One of its other top-tier recommendations was for a Public Engagement Officer. I strongly endorse this position — the city's website is greatly in need of attention from an employee devoted to content. The Council already allocated six figures to the Mayor's new initiatives in the 2017 budget; this new officer, which I would support funding, will cost more if it is implemented in 2018. I don't begrudge the Mayor funding for his initiatives.

Meanwhile, I began asking for the funds to staff this Commission back in May. After much discussion with the administration we determined that staff support for this Commission could be funded with existing employee hours. I went out of my way to ensure that this was true before advancing the proposal. Why did we approve his new full-time employees if this is suddenly, as he says in his message, "a drain on staff resources"?

The proposal has been on the radar for six full months. Yet the Mayor did not attend the presentation, nor did he send a representative that night or tonight. He issued only the third mayoral veto in 16 years, acknowledging that there was a supermajority to override, on this innocuous issue, and as a complete surprise to everyone. I had no inkling he was planning to veto until he informed me in person last Thursday.

The Mayor called today, reiterating his request to uphold the veto, or to modify the ordinance in the ways his administration would have wished. It's unfortunately not possible; we are constrained. We cannot move to amend the ordinance; we cannot move to postpone; these are not in order. We can only override or not. I would like to think that the Mayor simply misunderstood the proper use of a veto, and that perhaps he will make sure he understands the process the next time he wants to veto something.

But I would urge the Mayor to see the Parking Commission — which he has the majority of appointments to, as with most boards and commissions — as an innovation that benefits his administration and

Ordinance 16-22 (*cont'd*)

the public as well as Council, and that would help, among other things, get more data onto B-Clear faster. Perhaps I should have titled it the "Parking Innovation Commission." I would urge him not to begrudge this new Commission the very modest staff time it requires, hours that his administration has acknowledged are available for this specific task without budget increase.

Finally, if the Mayor is sincere about encouraging any "joint effort" with Council, I would encourage him to make a better effort next time to engage with the public process. That means debating the issue during the normal course of deliberations. That, and not a veto out of the blue, is the way to make legislation better. I would urge support for the override of the veto. Thank you."

Council Questions:

Rollo asked about the longevity of the commission and if it should include a sunset provision.

Volan said that the question could be asked of every board and commission, and agreed with the Mayor that they should be reviewed. He did not think that parking was a type of commission that should be gotten rid of because parking changed, and the City did not have a coherent policy towards how to conduct those changes.

Council Comments:

Sandberg commented that she valued the input of the citizen-advisory boards and commissions. She supported the idea of a review going forward, but thought it was a conversation for the future. She said that a parking commission was a valuable addition to the City's long-standing commitment to including the public in decisions the Council and administration made.

Councilmember Tim Mayer reminded the public that he was the abstaining vote the first time the ordinance came in front of the Council. He thought there was a failure of communication between the Council and the Mayor. He noted that Mayor Hamilton was the fourth mayor he had served with and said that he could recall one veto from Mayor Allison on a zoning issue, one veto from Mayor Fernandez on a conservation district, and one veto from Mayor Kruzan on a deer hunting issue. Mayer said that from his perspective Mayor Hamilton was early in his administration, was not using his veto in the best place, and so he would be voting to override the veto.

Granger said that she did not think there had been enough communication with the administration, and that while she appreciated the telephone call earlier that day, she would have liked to have had a better idea of their thinking earlier in the process. She said that she appreciated the work that Volan had put into the commission, noted that it had been more than six months, and said that it could not wait any longer.

Sturbaum reminded people that one of the first things that Mayor McKloskey did was to form the boards and commissions. He commented that Bloomington was such a smart and talented community that worked better by having people decide together.

Rollo said that he was sensitive to some of the concerns of the administration regarding staff time. He said he was agnostic on the longevity of the commission. He thought it was not a bad idea to evaluate other commissions to see if redundancies could be eliminated. He thought the Parking Commission would have a lot of work to do, and the parking policies of the City, especially metered-

Ordinance 16-22 (*cont'd*)

parking, depended on input from the community. He said he did not like overriding vetoes, but thought it was necessary.

Ruff said everything he would have added had already been said by other councilmembers.

Volan said he appreciated the support of his colleagues on the issue, and also their support throughout the legislative process. He noted that the Council did not serve under the Mayor, it served with the Mayor.

Vote to adopt Ordinance 16-22 [8:42pm]

The motion to adopt Ordinance 16-22 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 16-24 – To Amend the Zoning Maps from Residential Single Family (RS) and Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) as well as Approve a District Ordinance and Preliminary Plan – Re: 600-630 E. Hillside Drive (Dwellings LLC, Petitioner) [8:42pm]

It was moved and seconded that Ordinance 16-24 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis, giving the committee Do Pass recommendation of 1-4-4.

It was moved and seconded that Ordinance 16-24 be adopted.

Ruff noted that the discussion was likely to be complicated and messy, but for good reason. He said that in the last several week there had been sincere engagement by many parties in an attempt to come up with something that yielded real benefits to the community and met City policy goals. Ruff asked Councilmembers Piedmont-Smith and Volan to speak about progress since the last meeting.

Volan began by saying that when the issue first arose, it seemed to him that there was potential common ground between the developer and the neighborhood most concerned, unlike in other recent PUD cases. He said he recognized room for cooperation if a councilmember were actually present during discussions between the developer and the Bryan Park Neighborhood Association, which was why he involved himself so ardently. There were always at least two councilmembers present at each meeting. He was pleased by the movement between both parties. He believed that the neighborhood and developer agreed on most things now, and there was potential for an accord. He said that if there was one theme resulting from the discussions, it was that the BPNA did not think the plan was "urban" enough, and that it would only work well if the plan became as urban as its neighbor across the street. He believed the neighbors would like the development to look more like downtown Bloomington.

Piedmont-Smith said she had nothing else to add.

Ruff noted that many of the reasonable conditions overlapped each other, and asked about the best way to proceed. He called for a brief overview of the history, and said that conditions should be addressed when they come up in discussion.

James Roach, Development Services Manager, gave an overview of the proposal and its location. He noted that the properties in question were near Bryan Park. Other similar properties had been developed in the area, and the area had seen a lot of change. He described the zoning of neighboring properties, noting properties were zoned residential high density as well as residential single family. There were six single family residences on the property. The area was two and three quarters acres, and the request was for a

Ordinance 16-24 (*cont'd*)

rezoning of the area to planned unit development, creating a new PUD, as well as approval of the new PUD ordinance. Four single family homes would remain, one historic house would be moved, and three new buildings would be built. Street parking would also be added. Roach displayed renderings of the proposed project and provided additional summaries of the proposed project. He called the project green friendly, as well as beneficial for low income families. All units would be occupied by single families. He said the Plan Commission took the Growth Policies Plan into consideration when drafting the plan. He said that this plan came with a positive recommendation from the Plan Commission: 8 votes in favor, 0 against, 1 abstention. They found that the PUD satisfied the goals of the GPP. The parking plan was adequate for the needs of the people that would be living there. He said he would be happy to answer any questions.

Ruff asked if the petitioner would like to say anything before Council began discussing the reasonable conditions.

Mark Lauchli, developer of Park South, introduced himself and addressed the Hollingsworth family, thanking them for their patience through the process. He promised to build something that they were proud of. He said he believed they had come to a resolution on 95% of what they had talked about.

Volan said some changes may need to be codified in reasonable conditions that had not yet been adopted.

Lauchli showed a virtual image of the plan. He said they had dropped the finished floor of two units in the back by two feet to make it commercial grade, as requested, and also added a ramp. He said they would be easy to convert to commercial in the future. He said that they changed the access to the patio by raising the entrances off of Hillside. They eliminated a planter to provide more room. They maintained all of the sustainable features. They also made building B convertible to commercial. He explained additional details of the doors and windows of all buildings. Lauchli stressed that they had retained all green features, and said that what was proposed by the Plan Commission was ideal, but there had been discussions about adding back-in angled parking on Henderson, which they planned to include. He summarized changes related to landscape design. He said they had agreed to everything except the 60-degree back in angled parking, which they did not feel was safe. The current parking ratio was 1 to 156 and he provided comparable ratios of other businesses in Bloomington. He said that this was well under similar commercial areas, which was another reason why the 60-degree angled parking was not warranted.

Ruff said that one reasonable condition that was proposed did not get a sponsor, regarding the elimination or modification of the multi-use path. He said that if the west frontage could not achieve a downtown-like model, he might well bring forward that amendment as a sponsor.

Volan said he concurred with Ruff's assessment. He said the Council could not evaluate Reasonable Condition 01 until hearing 03a and 03b. He suggested that they address Reasonable Condition 03 first.

Councilmember Sturbaum said that doing Reasonable Condition 03 first required that 03a and 03b be discussed together, as they contradicted each other and could not both be adopted.

Ordinance 16-24 (*cont'd*)

Volan said that they should pick one to start with.

Sturbaum replied that it was a matter of choosing one or the other, parking spaces where vehicles back in at 45 degrees or pull in at 60 degrees. They were two separate ideas.

Volan said he did not think it mattered which one was introduced first, and that Sturbaum should make his presentation in favor of 03b as a counter proposal.

Ruff said that a discussion of 03b should be a part of the decision on 03a, and that Sturbaum should fully discuss 03b as a part of the discussion of 03a.

Council had brief discussion about how best to approach the discussion procedurally.

Reasonable Condition 02 for Ordinance 16-24

It was moved and seconded to introduce Reasonable Condition 02 for Ordinance 16-24. The motion was approved by voice vote.

Councilmember Piedmont-Smith began by saying that this condition originated with the Bryan Park Neighborhood Association, and called for the first floor units in buildings A, B, and C that had a street frontage be designed as commercial or be designed as flexible residential and commercial space.

Council Questions:

Chopra asked about the entrances to the first-floor units, noting that previous designs had called for such entrances to be raised. She asked whether the concern about the entrances being located at street level was no longer a concern in the new design.

Lauchli explained that the neighborhood was adamant about the spaces being convertible to commercial space, and that was the reason for the design change.

Chopra asked if there was concern about the ability to rent the apartments because of the change.

Lauchli said the design was not ideal and it would be a challenge, but thought that they could make it work.

Chopra asked if it would affect the energy usage.

Lauchli said the energy impact would be minimal, but described how the changes would impact the cost of the project.

Councilmember Dorothy Granger asked whether they planned to lease the convertible spaces primarily as residential or commercial, or whether it depended on the renter.

Lauchli said that the plan was to rent out commercial spaces first. He said that the flex spaces would be leased as residential and respond to changes in the market to make them commercial later. He said changing back and forth was not ideal, as it was expensive.

Sturbaum asked if the flex space would help accessibility for older tenants.

Lauchli said that it has always been accessible.

Volan clarified that the petitioner had already accommodated many of the reasonable conditions, and the accommodations were incorporated into the presentation and design.

Lauchli said that the requests had all been accommodated except the 60-degree angled parking and a request to design the interiors of the convertible spaces.

Reasonable Condition 02 for Ordinance 16-24 (*cont'd*)

Ruff asked what incentive there would be to convert the space to commercial , if the residential space was providing a good return on investment.

Lauchli said that more rent per square foot would be incentive enough.

Chopra asked if the project allowed for the full ten-foot bike path if Reasonable Condition 02 was adopted.

Lauchli said yes.

Volan asked if a tenant would be allowed to start a business from the apartment.

Lauchli said it would depend on planning or business issues in converting it, but he was open to and supportive of the idea.

Volan asked the same question to the planning staff.

Roach responded that the only type of business that might be difficult to accomodate would be one that involved food preparation, as county health requirements required that business and personal cooking be completely separate.

Sturbaum clarified a question that Chopra asked regarding the bicycle path.

Ruff asked if any members of the public had questions or concerns.

Public Comment:

Jan Sorby, Bryan Park Neighborhood Association (BPNA), talked about the desire for the space to be a live-work space.

Lorie Steinmetz, BPNA, talked about the necessity of having flex space in a work-live environment.

Mark Cornett, BPNA, made the distinction between flex space and convertible space. He expressed disappointment in the lack of readily available commercial space.

John Lawrence, BPNA, talked about the need to formalize the negotiation process.

Council Comment:

Sturbaum complimented Lauchli on his compromise on the project. He said the old GPP and UDO were serious about mixed use and neighborhood activity centers. This new building would serve a public good because of the ability to convert it to commercial in the future. He said although no one got everything they wanted, he complimented the good work that had been done.

Volan stated that he was not entirely clear on what happened since the last discussion but that it seemed Reasonable Condition 02 had changed. He said he thought that the neighborhood would prefer to see the units commercial first, but did recognize the petitioner's concern regarding switching back and forth.

Piedmont-Smith said that it had indeed been revised, and that the main deletion was of any limitations on what the interior of the flex spaces would look like. She said she did not believe it was in the Council's purview to micromanage the interior of someone's property. She believed that deleting that portion was the only way that Lauchli would support the rest of the condition.

Ruff said he thought the idea was to increase the probability of commercial use.

Reasonable Condition 02 for Ordinance 16-24 (*cont'd*)

Piedmont-Smith confirmed that that was the intent behind the provisions that had been taken out.

Councilmember Dave Rollo asked Piedmont-Smith if there was any concern about load bearing walls that might preclude the space from being used commercially.

Piedmont-Smith deferred to Lauchli.

Lauchli said that there would be no load bearing walls on the interior of any of the buildings.

Chopra commented that there had been a lot of compromise and that it was clear that even the reasonable condition was a product of compromise. She said she felt comfortable with the petitioner's plan.

Mayer commented that he believed the reasonable condition was a good one, and thanked Piedmont-Smith for removing the interior specifications, as that would have been going too far.

Piedmont-Smith said she appreciated the work the neighborhood association had done to draft the reasonable conditions. She noted that the developer had given a lot and the interior requirements felt like overreach on the part of the Council. She said the other included change would help facilitate commercial space. She said she hoped that her colleagues would support the condition.

Sturbaum said that the spirit of the condition was in flexibility, and was still present in the condition.

Volan said that the problem as he understood it was that for the spaces to be truly commercial or appealing for commercial uses, they should not be allowed to have non load bearing walls. He said he understood that the neighborhood wanted them to read as commercial first, which might not happen when walls were put in that might not ever come down. He thought the sentiment of the Council was clear. He was unsure whether adding that level of detail was needed in the reasonable condition.

Ruff concluded by saying that he recognized the council did not have a good PUD process. He said he appreciated the petitioner's flexibility. He emphasized that by completing the rezone, a large potential income stream would be created. Demanding higher standards or requirements for commercial activity needed to be put in place. He did not believe the process was quite adequate, and said the Council was right to demand a lot from developers. He said he did not necessarily think the project was perfect, but said that he would vote yes.

Vote on Reasonable Condition 02 for Ordinance 16-24 [9:55pm]

The motion to adopt Reasonable Condition 02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Reasonable Condition 03a for Ordinance 16-24

It was moved and seconded that Reasonable Condition 03a be introduced. The motion was approved by voice vote.

Piedmont-Smith said that the proposal initially called for parallel parking on Henderson Street, and this reasonable condition changed it to 45 degree angle parking. She said she did not support 60 degree angled parking because it required at least 18 inches of additional space that the developer was not willing to give up. She said she thought there were plenty of parking spaces with 45 degree angled parking and that was why she modified Reasonable

Reasonable Condition 03a for Ordinance 16-24 (*cont'd*)

Condition 03. She said she would not specify whether they would be pull in or back in spaces, and that there should be more studies on what was better, and should be addressed later as part of a discussion on Title 15 changes.

Ruff said he would like to give Sturbaum an opportunity to talk about Reasonable Condition 03b as it related to 03a.

Sturbaum said that there were a lot of statistics showing that more parking was not needed, but the owners of Feast lived there and knew that all of the workers parked in the Dunn Street neighborhood, and the angled parking on the street was what they were using. He said they knew what it took to operate viable commercial space. He said the difference between 60 degree angled parking and 45 degree angled parking was almost 10 spots. He said the New Urbanists calculated that the spots were worth $50,000 to the business owners per year. He said that under-parking the flex spaces would make it unlikely that they would ever become businesses because they wouldn't have a viable chance. He said that 60 degree parking was found almost everywhere in Bloomington including the Courthouse and Feast. He said 60 degrees was standard pull-in angled parking. It would be committing to pull-in parking because back-in parking at 60 degrees was unsafe. He said he believed the concept of the UDO was for a viable center that reflected the downtown. He said the city getting too much fake commercial, and it needed real commercial, and that parking was crucial for this. He said that most parking accidents happened when people backed into parking, so having a consistent kind of parking in a node was important.

Council Questions:

Ruff called for questions from councilmembers.

Volan asked exactly how many spots were involved.

Sturbaum said he would have to check because there were different drawings with different numbers.

Volan said he understood it was nine, and asked Sturbaum to justify his assertion that 60 degree back in parking was not viable.

Sturbaum said he believed it to be unsafe and that the planners would support the claim.

Ruff asked if staff had anything to add.

Roach said that the planning department objected to both Reasonable Conditions 03a and 03b. He said that the original plan showed parallel parking on both sides of the street on advice from the transportation and traffic engineer. He said having the same type of parking on both sides of streets was the most appropriate design. He noted that the Plan Commission found that the number of parking spaces in the original plan was enough to satisfy the needs of the commercial space. He said that most importantly, the proposed parking plan would negatively impact the proposed trail. The reasonable condition, as well as Reasonable Condition 05, would severely impact the ability to connect a trail from Hillside and Henderson to Henderson and Winslow. He said that the plan as drawn showing angled parking created a bare minimum of 10 feet between the curb and the private property line. He said that there would be signage and bumpers at the edge of the curb line which would narrow the effective width of the trail. He described a "shy zone" which was the amount of space a cyclist would ride away from a hard wall because they would not want to hit it, and the shy zone would narrow the space further.

Reasonable Condition 03a for Ordinance 16-24 (*cont'd*)

Ruff said he did not believe that the reasonable condition eliminated the trail.

Piedmont-Smith said she believed that the 45 degree angle parking would allow for the narrow trail, but the 60 degree parking would not.

Ruff said he did not consider 10 feet to be a narrow trail.

Jeffrey Fanyo, representative for the developer, said that parallel parking spaces were only eight feet wide, which allowed more room to buffer the trail. He said the 45 degree angle parking took up less room. He said that they were also providing nine more spaces off site for commercial employees. He said that 45 degree angle parking was safer to pull out in a narrow lane. He said there were potential points of conflict at higher angle parking, due to the narrow space in which people would be operating. He said that the district ordinance said there could be either back-in or pull-in parking, which would be left up to the Council. He said 60 degree parking would eliminate over a foot of space on either the trail or the patio. He emphasized that nine spaces would be made up and dedicated to the commercial space.

Rollo said that it would be helpful to clarify how many spaces were gained or lost given 45 or 60 degree spaces.

Ruff said before clarifying that Sturbaum should add something if he wanted to.

Sturbaum asked the staff if by sufficient parking they meant for all of the flex space parking as well. He said that Feast was talking about whether or not they would renew their lease because of a lack of parking, and they even had 60 degree angled parking. He said the value of the spaces was that they would be right in front of the business.

Roach said that the flex space was not taken into consideration when the numbers were originally calculated, as that space had not been suggested when the Plan Commission considered parking. He said that there were 21 street parking spaces and nine offsite parking spaces in the original plan, which meant there were 30 spaces for 10,000 square feet.

Sturbaum asked him not to count the offsite spaces.

Roach estimated that there would be 28 spaces of parking, including parallel on Henderson and angled on Hillside for 10,700 square feet, which was one space for every 380 square feet. He said the plan commission saw a ratio that was one space per 213 square feet.

Ruff asked if Roach could keep the numbers handy.

Volan asked how deep a parking space had to be between the curb and the right of way based on city code, and what the requirements were for each type of space.

Rosenbarger responded that Andrew Cibor said that for a 45 degree angle spot, they measure from the curb to the first lane, and the measurement was 32 feet.

Volan clarified that that included the 11 foot lane. He asked what the requirement was for a 60 degree spot.

Rosenbarger said that it required an additional foot to a foot and a half.

Reasonable Condition 03a for Ordinance 16-24 (*cont'd*)

Volan said the council need precision and asked the petitioner to answer the question.

Fanyo said that performance standard called for 22.25 linear feet from the face of the curb to the back of the 60 degree angle. He said the 45 degree angle was just over 21 feet. He noted that Andrew Cibor was working off of slightly different numbers. He said the measurement he used was from the back of the parking space to the edge of the lane.

Volan asked for clarification on whether the lane had been narrowed to 11 feet.

Fanyo said it had. He said they had 32 feet from the edge of the lane to the curb for 45 degree angle parking. He said Cibor wanted 33 feet for 60 degree angle parking.

Volan said that the key to all this was the width of the path. He asked if the path needed to be 10 feet or if there needed to be 10 feet of clearance. He asked what the minimum side path width was.

Rosenbarger said that the minimum was 10 feet.

Volan asked if there were eight foot paths anywhere in town.

Rosenbarger affirmed that there were, but they also had three and four foot sidewalks which they would no longer build because that was considered substandard. She said the goal of the project was to build a high comfort facility that was separated from traffic.

Rollo said that you could expect cyclists to slow down through the area because it was more of a destination and that there would be a safety margin along the area even with an eight foot path.

Rosenbarger said that based on the context of the space no one would be blasting through on a bicycle.

Rollo said that further away people might blast through. He said that this might invite people to slow down. He said that maximizing parking was important to the viability of the commercial space. He asked why 45 degree angle parking was safer as opposed to 60 degree angled parking.

Fanyo said that 60 degree parking required a sharper turn and that drivers had to be further in the lane of traffic to pull in or out. He also said there was better sight distance with 45 degree angle.

Rollo said that despite this the town overwhelmingly had 60 degree parking spaces. He noted that it seemed safety had been sacrificed in the past for more parking.

Roach said he did not know why past decisions on parking angles had been made, but that there was a mix of 45 degree angle parking and 60 degree angle parking. He said the current preference of the city engineer was for 45 degree spaces.

Chopra asked the developer how many spaces there were with parallel parking.

Lauchli said there were six on Henderson.

Chopra asked how many there were with 45 degree angled parking.

Lauchli said there were would be 10.

Chopra asked how many there were with 60 degree angled parking.

Lauchli said there would be 13.

Granger asked staff if there was a best practice.

Roach said that the City preference was for parallel spaces. He said in terms of 45 versus 60, 45 degrees was the preference because of the safety factors.

Sturbaum asked about the accident statistics for the Dunn Street 60 degree parking in front of Feast.

Reasonable Condition 03a for Ordinance 16-24 (*cont'd*)

Roach said he did not know what they were. He said there had not been as many as anticipated.

Sturbaum asked about the square.

Roach said he could not answer.

Volan asked what the total amount of available space was between the building façade and the right of way.

Rosenbarger said that the right of way would change with any given proposal.

Volan said there had to be some figure that could be used.

Roach said that the right of way included the parking and pedestrian zone.

Volan said he wanted the space from the wall, the patio, the path, the tree great space, and that he would subtract 11 to account for the driving lane.

Fanyo said that from the face of the building to the edge of the travel lane was 52.5 feet.

Volan asked how wide the patio was.

Fanyo said 10 feet.

Volan said the path had to be 10 feet.

Fanyo said that the path was 10 feet and there was also a 6 inch curb.

Volan clarified that the depth of the parking space at 45 degrees was 21 feet. He said that meant that it fit exactly, but just barely.

Fanyo said that it was designed that way.

Volan clarified that for 60 degree parking another foot would have to be added somewhere. He asked if a foot could be subtracted from the patio.

Fanyo said it could.

Volan asked if a foot could be subtracted from the lane.

Staff members said no.

Volan asked if the parking space had to be 22 feet deep. He said he could not find anything in the city code saying so.

Roach said that it wouldn't be in the UDO. He said that city street standards were set by the city engineer.

Volan asked if the engineer had set the standard for 21 feet for a 45 degree parking space and 22 feet for a 60 degree parking space.

Roach said yes.

Fanyo said that there was a section in the UDO that stated 22 feet and 3 inches, but that Andrew was not quoting that.

Piedmont-Smith asked the developer if he would still build the development if Reasonable Condition 03b passed.

Lauchli responded that if it was the only thing that really fixed it, they would make it happen. He said he wanted to make it clear that there was more parking in the 45 degree plan than he needed.

Piedmont-Smith asked if he was including the flex space in that measurement.

Lauchli said he was not because the intent was to bring them out as residential, but that there were eight internal spaces dedicated for it. He said they had more parking than they needed. He said as the units converted there was internal parking that they could reach into and use as well.

Piedmont-Smith asked where they would find the extra foot to accommodate 60 degree angle parking.

Lauchli said he did not yet know. He said they strongly recommended against 60 degree back-in parking because it was unsafe.

Sturbaum commented that the proposal was not for back-in spaces.

Reasonable Condition 03a for Ordinance 16-24 (*cont'd*)

Lauchli said pull-in was safer but he would have to go and find the space. He said it was in his family's best interest that the commercial space succeed, and he did not need the additional parking. He said there would be a lot of bare, unused concrete on the street, and that he was shocked to be still having the conversation. He said that if the council decided in its wisdom that he needed the spaces, he guessed he would be building them. He reiterated that he just did not need them.

Ruff asked Sturbaum to please direct questions through the chair.

Volan asked to see a diagram of building B. He asked if the spaces on the east side of building B could be considered flex parking because of their proximity to the street.

Lauchli said if the two units in B went commercial, they would make those spaces dedicated for the commercial unit.

Volan said that the development was not isolated, so it seemed to him that parking on the street would be full sometimes, and people in unit C would not have any parking directly in front of the building. He asked if they could still safely say that there was parking on site if those spaces counted.

Lauchli said that each unit has a dedicated assigned parking spots.

Volan asked if, when a flex space became commercial, those parking spaces could be converted to public parking.

Lauchli said that they could do that.

Piedmont-Smith asked the petitioner to respond to staff's contention that the trees would be in the way of the multiuse path, and asked where the trees were going to be planted on Henderson.

Lauchli explained where trees would be, and that they did not interfere with the path.

Volan asked if anyone had any citation to prove that 60 degree parking was unsafe.

Fanyo said he did not believe he had stated that it was unsafe, but that there would be encroachment on opposing lanes because of the angle.

Volan asked if he was saying that all of the cities that had 60 degree back in angled parking were doing it wrong.

Fanyo suggested that the through lane might not be 11 feet in those instances.

Sturbaum suggested that the question be put to Roach.

Ruff said he thought the question was asking if there was empirical data regarding the un-safeness of the spaces. He said he did not think there was.

Roach said if there was he did not have it.

Chopra asked if it was the administration's opinion that the bicycle path would be best built if there was parallel parking.

Rosenbarger said yes.

Public Comment:

Ruff called for public comment.

Sorby, BPNA, said there had been one accident in 60 degree parking outside of Feast. She talked about Feast's parking woes. She said that planning staff presented an erroneous study regarding parking. She presented her own study of parking volume. She said that not maximizing parking would cause harm, which went against the basic tenet of a PUD.

Reasonable Condition 03a for Ordinance 16-24 (*cont'd*)

Lawrence, BPNA, said that the traffic commission voted to recommend back-in angled parking for both Hillside and Henderson, not parallel parking, and that staff decided on parallel parking. He talked about the trail being dangerous for pedestrians if bicycles were allowed on it.

Mark Cornett, BPNA, talked about the lack of support for Dunn Street but noted that it had been successful. He said that 60 degree parking was in the interest of the public good.

Council Comment:

Ruff asked for final comments from the council.

Granger said that she was in support of Reasonable Condition 03a. She said she thought the street was not wide enough for 60 degree spaces, and she liked the 45 degree parking.

Chopra asked if a no vote for both Reasonable Condition 03a and 03b would mean a vote for parallel parking.
Ruff said yes.

Volan said they were splitting the baby that night for sure. He said that he was not a big fan of adding parking anywhere except on streets. He said that this ask was about providing more free, convenient parking for developments that already existed and the new retail. He said that he commended and contradicted Bryan Park at the same time: more parking would make the area more viable but it was not necessary for the new retail. He said that if they wanted it to look like the square they needed to limit parking to make sure that parking was properly allocated. He said that this parking was meant to serve more than just the development. He said he absolutely rejected the idea that 60 degree back-in angled parking was unsafe. He agreed that it was better to slow traffic through the area rather than to help traffic move faster. He asked why folks were so adamant about the path. He commented that the engineers were being overly cautious and were missing the goal of an urban development. He added that the only argument against 60 degree back-in parking he had heard was that it might cause cars to stick out into the lane, and said more power to them, let's slow down traffic here. He said he was mystified about why the administration felt so strongly about finishing the path. He said he supported 60 degree back-in angled parking on this block with tree grates and a sidewalk. He said he was not sure if he could vote for either of the conditions, and he did not know what the hell was going on.

Rollo said that he looked at it as a neighborhood activity center, and the best way to promote that was to provide adequate parking. He said he did not support parallel parking, that 45 degree accommodated a trail which he appreciated, but that he would be willing to sacrifice it for 60 degree parking. He said he preferred 60 degree parking. He preferred the trail to be narrowed. He said he would regret a one foot reduction of the patio for commercial reasons.

Chopra said she would not vote yes on either one of the reasonable conditions because she wanted to maintain the integrity of the bike trail. She said that the community saw it as a priority. She believed there was adequate parking with parallel parking. She said there would be unused parking and that it was ugly. She said that she viewed a trail by a restaurant or business as a good thing. She said she would vote in favor of parallel parking as planned.

Reasonable Condition 03a for Ordinance 16-24 (*cont'd*)

Councilmember Susan Sandberg said she would vote in favor of Reasonable Condition 03b with respect to the future. She said that the flex space would be quickly turned into retail space. She said additional parking would be necessary. She said she wanted to ensure that future businesses were not harmed by a lack of parking.

Sturbaum said that the question was about the public good. He suggested that the owners of Feast and its customers were experts on the subject. He said that cutting parking could be the death of this sort of thing. He said that he was in favor of subtracting a foot from the trail. He said they owed it to the future of the City to have successful polycentric shopping areas. He said they should trust the neighborhood.

Piedmont-Smith said she agreed with Volan. She said that the neighborhood seemed to be asking to provide parking for Feast. She said that this was unrelated. She said that she thought parking could be freed up by having two hour time limits. She said that she saw the 45 degree angled parking as a compromise. She commented that the extra foot taken by 6o degree angled parking was significant and that they would lose green space or patio space, which was unacceptable. She said that if 3a did not pass and if 3b passed she would bring back Reasonable Condition 01 to remove the multiuse path, because she thought that was the only place it would be acceptable to have that extra foot of space to have the 60 degree angled parking. She said that she still believed 3a was the best solution.

Ruff commented that he disagreed with other councilmembers, and that he did not see the issue as creating parking for Feast, but as creating a complete urban activity and commercial center. He said that creating parking in front of every space was part of that. He noted that parking may not be an issue in the short term, but that it could be if the space became everything that the City hoped it would become. He noted that this was part of the reason that they had metered the downtown, due to parking demands and issues. He said that the path was not going away, whether it was nine feet or eight feet, and wondered if it was even appropriate in that place. He said that the path should be narrower if people were going to be riding there because they should slow down. He commented that he did not want the decision-making to be based on the width of a bike path, even though he was a cyclist himself. He said that maximizing the parking and finding an additional foot of space should be a priority. He added that he did not think it should come from the developer, but from the public right-of-way.

Mayer clarified the terms of the two different reasonable conditions. He noted that 3a left open the question of whether parking would be head-in or back-in. He noted that 3b only allowed for head-in parking, and would forgo back-in parking.

Ruff said that he was glad to hear that reminder. He said that he knew it meant a lot to Volan to try the back-in parking, but Ruff did not feel it was worth compromising support for the proposal. He finished by saying that he was fine with head-in parking.

Mayer added that head-in parking would keep the exhaust away from the diners on the curb.

Volan noted that if Mayer wanted to comment he should do so, and not dive in on a point of order.

Ruff said that he would give him the opportunity to comment shortly.

Reasonable Condition 03a for Ordinance 16-24 (*cont'd*)

Volan said that the success of 3b was contingent on the success of 1, which had yet to be introduced. He noted that Ruff had expressed an interest in Reasonable Condition 01 to strike the trail at that point. Volan said that he wanted to amend 3b to strike the words "head-in", so that the Council could have the choice later, and then add "contingent on their approval of Reasonable Condition 01, otherwise 45 degrees."

Sturbaum stated that he had changed his mind on the issue.

Volan clarified that Sturbaum now did not support striking the words head-in from the reasonable condition.

Sturbaum said that he was correct.

Volan said that nevertheless it was his proposal for 3b, and that if Sturbaum did not want to strike the words, he could not support 3b because he felt the Council should have the choice and did not want to commit to head-in parking.

Vote on Reasonable Condition 03a for Ordinance 16-24 [11:22pm]

The motion to adopt Reasonable Condition 03a received a roll call vote of Ayes: 2 (Granger, Piedmont-Smith), Nays: 7, Abstain: 0. FAILED

Reasonable Condition 03b for Ordinance 16-24

It was moved and seconded that Reasonable Condition 03b be adopted.

There was a brief discussion about Council procedure.

Amendment to Reasonable Condition 03b for Ordinance 16-24 (*cont'd*)

It was moved and seconded to amend Reasonable Condition 03b to strike the word "head-in" and add "contingent on approval of Reasonable Condition 01, otherwise will be constructed to 45 degrees."

Sherman stated that he needed the amendment in writing.

Ruff said that while Volan was writing the amendment, the rest of the Council could move on to questions and comments.

Ruff said he disagreed with Volan's assertion that 3b only worked without the trail. He said that he would not put it there himself, but that it was not worth blowing up the plan to remove it. He finished by saying that he was not going to support the amendment.

Chopra asked for clarification.

Volan noted that Ruff had gone on to comments without allowing him a chance to address the points of his amendment or to answer Ruff's question.

Ruff stated that he was going to another question.

Volan said that he wanted to respond to Ruff's assertion.

Ruff said that it was not an assertion, it was Volan's assertion, and that Ruff simply disagreed with it.

Volan said that Ruff was making comments when they were in the question period of the amendment, and that what he wanted to say was if they did not strike the trail, the extra foot of space would have to come from the developer's patio or building. Meanwhile, the striking of the trail would allow for the reinsertion of street trees closer to the proper location, still allowed for the five foot sidewalk, and there were merits to the idea. He wanted to give people the option of knowing if it did not pass, they would still go to 45 degrees, but striking the "head-in", which was why 3a failed. He said there was logic to it. He said that at the very least, if the amendment failed he would like to strike "head-in" so the city could try angled parking because it was quite common and there was no danger to it.

Amendment to Reasonable Condition 03b for Ordinance 16-24 (*cont'd*)

He said that it was harder to parallel park than it was to 60 degree back-in.

Ruff said that since Volan responded to his single point, and they had generally been allowing two questions, he followed up by asking what Volan envisioned would happen to the 10 foot width of the trail.

Volan responded that it become a sidewalk and that it allowed for tree grates as well.

Chopra asked Volan how he reconciled voting for a bike path several hours before with this amendment.

Volan replied that there were not bike paths going through the square. He noted that bicyclists could go 15-20 miles per hour, and questioned whether it was desirable to have them passing pedestrians and people sitting. He said there were not bike paths on Kirkwood, or in front of Malibu Grill or Darn Good Soup. He questioned why bike paths were needed in front of this project especially if they wanted it to be an urban development, which was what all of the other reasonable conditions were moving toward.

Sturbaum said that he did not think the bike path had anything to do with the amendment.

Chopra asked staff if the bike path was in the UDO.

Rosenbarger answered that it was called for in the Bicycle and Pedestrian Transportation and Greenway System Plan. She said that it was identified as a high priority facility that would eventually go from Hillside to Rhorer Road. She said that it was a mischaracterization to call it a bike path, and that staff would refer to it as a multi-use path. She said the intent was not to have bicyclists moving quickly, but to think of a family walking abreast along a wide sidewalk. She finished by saying that the point of the path being 10 feet wide was to connect with the 10 foot facility that would already be extended.

Chopra asked if it was part of the City's overall goal to get to platinum bike status, which Rosenbarger affirmed was the case.

Sturbaum pointed out that the proposed amendment was what the Council had just voted down and what not what he wanted or intended.

Ruff said that it was on the table.

Rollo asked if the path could continue further north due to a lack of right-of-way.

Rosenbarger replied that there was not a plan to extend the path north of Hillside at that time.

Rollo said that in terms of connectivity it was irrelevant.

Rosenbarger said that ending at the intersection would get users into a high comfort facility.

Mayer added that future connectivity was not very far away.

Volan said that if they needed one more foot to accomplish 60 degrees and if the path could be narrowed by one foot, he did not feel the need to remove the path, although he would like to restore street trees as well. He said that if it made a difference he was willing to entertain it. He said that he wanted to strike head-in under any circumstances, but he was not so wedded to the idea of striking the trail that he would hold the amendment as it was.

Sturbaum said no.

Public Comment:

Cornett, BPNA, spoke about back-in parking and against the amendment.

Sorby, BPNA, spoke about the greenway.

Amendment to Reasonable Condition 03b for Ordinance 16-24 (*cont'd*)

Lauchli added that if the vote was for nose-in parking and a foot off the trail, the Council should go for it.

Volan read the amendment out loud again.

Piedmont-Smith commented that she liked the amendment and thought the question of head-in parking was something that should be discussed at another time. She said that her concern with 3b was that she did not want the extra foot of space to come at the expense of the development and preferred that it would come from the path instead.

Volan questioned the appropriateness of a multi-use path at the location, and said that a sidewalk and trees were more appropriate, and urged approval of the amendment.

Vote on Amendment to Reasonable Condition 03b for Ordinance 16-24 [11:43pm]

The motion to amend Reasonable Condition 03b received a roll call vote of Ayes: 3(Volan, Piedmont-Smith, Rollo), Nays: 5, Abstain: 1 (Chopra). FAILED

Vote on Reasonable Condition 03b for Ordinance 16-24 [11:45pm]

The motion to adopt Reasonable Condition 03b received a roll call vote of Ayes: 7, Nays: 2 (Volan, Chopra), Abstain: 0.

Reasonable Condition 04 for Ordinance 16-24

It was moved and seconded to approve Reasonable Condition 04, with a small revision.

Piedmont-Smith explained the reasonable condition, noting that an option to eliminate the planter was added in accepting the condition.

Chopra asked what she was trying to achieve with this condition.

Piedmont-Smith said that there was concern that there was too much space between the outdoor seating and the sidewalk space.

Chopra asked whether or not the planters were permanent.

Roach said that the planter was built into the wall and that the petitioner agreed to the change.

Ruff called for comment from the public.

Public Comment:

Lawrence asked for clarification on the condition.

Cornett, BPNA, said it was a question of outdoor seating maximization.

Sorby, BPNA, said that they agreed on having a railing except the part by the petitioner's office, and she was boggled by the fact that the rails were not there.

Council Comment:

Piedmont-Smith asked to see the north elevation of building A. She said that the segment along the building was set back 2 feet further from the street was available for seating, and that she was the only councilmember who took up all of the reasonable conditions, adding her own opinions to the BPNA recommendations. She said she liked the added green space of the planters. She said she thought there was adequate room for outdoor seating.

Chopra said that Piedmont-Smith was indeed the one to take up the reasonable conditions and, if not for her, the BPNA would not have been represented at all. She said there should be something breaking up the space and appreciated the green space.

Reasonable Condition 04 for Ordinance 16-24 (*cont'd*)

Volan asked for clarification on the objective of the condition.
Piedmont-Smith said that it referred to planters that they could not see in the plan.

Vote on Reasonable Condition 04 for Ordinance 16-24 [11:57pm]

The motion to adopt Reasonable Condition 04 received a roll call vote of Ayes: 8, Nays: 1 (Sturbaum), Abstain: 0.

Reasonable Condition 05 for Ordinance 16-24

It was moved and seconded that Reasonable Condition 05 be adopted.

Piedmont-Smith explained the condition. She said that she believed the condition was true to the BPNA's request to make an urban space.

Council Questions:

Sturbaum asked if the remaining conditions were all housekeeping or if they could all be moved together.
Piedmont-Smith said that she was just going through step by step with what BPNA proposed and that it would be more complicated to try to combine the reasonable conditions.

Volan said that there was no room on Henderson for street trees or grates.
Piedmont-Smith said that there was indeed space for them. She said that they were more like plots than grates.
Roach said that this was tied together with Reasonable Condition 11 and that trees and tree grates killed the idea of a multi-use trail, as it would become a sidewalk. He said the planning department objected to street trees and tree grates on Henderson.
Volan said that they would need to strike Henderson Street to have the intended effect.
Piedmont-Smith confirmed.

Volan moved striking Henderson Street from the condition. The motion was seconded.
Ruff asked if that was all they needed to do accomplish that, which Dan Sherman, Council Attorney, confirmed.

Rollo asked if they would be native trees.
Roach said it would be any permitted trees listed in the tree ordinance.
Lauchli said they would only use native species.

Cornett, BPNA, said that there was room for six street trees, not five, and they should be large shade trees.

Ruff asked Rollo if there was a concern of not having substantial trees.
Rollo said larger trees could eventually become problematic. He said he did not know what the intention of the City was but it would be beneficial to have large shade trees.
Roach said that the standard default was for large shade trees, and that the tree zone was far enough away to do this.
Rollo asked if they could request that preference be placed on having large trees.
Ruff said that based on Roach's assessment large trees would indeed be planted.

Vote on Reasonable Condition 05 for Ordinance 16-24 [12:08am]

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

It was moved and seconded that Reasonable Condition 06 be adopted.

Reasonable Condition 06 for Ordinance 16-24

Piedmont-Smith explained the condition. She said the purpose was to allow the approved 60 degree angled parking and the flex space, which required building C to be moved slightly east. She said this is agreeable to the petitioner.

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

Vote on Reasonable Condition 06 for Ordinance 16-24 [12:10am]

It was moved and seconded that Reasonable Condition 07 be adopted.

Reasonable Condition 07 for Ordinance 16-24

Piedmont-Smith explained the condition. She said that it went with the desire for all the ground floor spaces to be feasible to be commercial spaces. It called for a continuous concrete patio.

Fanyo said that the petitioner was fine with the condition but said that the right of way tapered toward the south end of building A.

Volan called for a friendly amendment to strike 10 feet wide. The friendly amendment was seconded and approved.

Sandberg called for additional public comment.

Public Comment:

Cornett said it should say something in place of 10 feet if it was stricken.

Piedmont-Smith asked staff or the petitioner how wide the individual patios would have been before the changes were made.

The petitioner said he believed they were eight feet.

Council Comment:

Piedmont-Smith asked for a friendly amendment for a patio that followed the property line. She asked if doing so would guarantee that it started out at 10 feet.

Roach said that the plans presented were definite. He said it did not ensure a specific depth.

Chopra said it could specify starting at 10 feet.

Ruff asked for final comments.

The friendly amendment was approved by voice vote.

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

Vote on Reasonable Condition 07 for Ordinance 16-24 [12:21am]

It was moved and seconded that Reasonable Condition 08 be adopted.

Reasonable Condition 08 for Ordinance 16-24

Piedmont-Smith explained the condition. She said that it was designed to improve the interaction between pedestrians and building frontage and vary the monolithic nature of the building. She said the drawings had already incorporated the changes.

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

Vote on Reasonable Condition 08 for Ordinance 16-24 [12:23am]

It was moved and seconded that Reasonable Condition 09 be adopted.

Reasonable Condition 09 for Ordinance 16-24

Reasonable Condition 09 for Ordinance 16-24 (*cont'd*)

Piedmont-Smith explained the condition. She said that it did not specify whether or not trees were in grates. It was designed to ensure that there were trees and bike parking.

Roach said staff had not analyzed where trees would go but that there would not be conflicts with utilities.

Volan asked if utilities might be run in that area.
Fanyo said that there would have been a storm drain there originally, but with the widening of the space they would be able to get all the trees in, avoiding utilities. He said the new storm line would be away from the trees.
Volan asked Roach about sight issues if trees were not in their normal location.
Roach said he could not guarantee there would not be line of sight issues with these trees.

Vote on Reasonable Condition 09 for Ordinance 16-24 [12:28am]

The motion to adopt Reasonable Condition 09 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Reasonable Condition 10 for Ordinance 16-24

It was moved and seconded that Reasonable Condition 10 be adopted.

Piedmont-Smith explained that Reasonable Condition 10 was designed to clean up the flex space issue. She said that building B needed to move back in order to accommodate the flex space.

Cornett said that green space would be nice.

Vote on Reasonable Condition 10 for Ordinance 16-24 [12:31am]

The motion to adopt Reasonable Condition 10 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Reasonable Condition 11 for Ordinance 16-24

It was moved and seconded that Reasonable Condition 11 be adopted.

Sturbaum explained the condition.

Chopra asked what the other option was.
Sturbaum said that the developer agreed to the condition if the space was taken from the trail.

Vote on Reasonable Condition 11 for Ordinance 16-24 [12:33am]

The motion to adopt Reasonable Condition 11 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1(Chopra).

Reasonable Condition 12 for Ordinance 16-24

It was moved and seconded that Reasonable Condition 12 be adopted.

Volan explained the condition. He said that it replaced planters with railing and asked the developer to comment on it.

Lauchli said that the original plan had four planters though one was removed because it reduced seating. He said he wanted to keep the three remaining planters.

Council Questions:

Rollo asked the petitioner to describe the width of the planters.
Lauchli said they were 30 inches wide.
Rollo asked about the steps.
Lauchli explained the steps.

Sturbaum asked if the amendment was necessary to get what the petitioner wanted.

Rollo said that there were competing points of view. He said that the neighborhood wanted to maximize space, which was important. He asked if the petitioner was open to negotiate the size of the planters.

Lauchli said that the dimensions were the same as at Feast.

Reasonable Condition 12 for Ordinance 16-24 (*cont'd*)

Steinmetz, BPNA, said that permanent 30 inch planters would create a problem.

Public Comment:

Lawrence said that design was changed from the negotiation and he was disappointed.

Volan said he remembered Ms. Steinmetz's point and asked the petitioner if the planter had to be one long continuous one.

Lauchli said he wanted a long planter, and a rail would have to be 42 inches high, which was much higher than the planters.

Council Comment:

Mayer said that removing the planters would make things barren and grim.

Granger said that she liked the green.

Sturbaum said he supported the planters.

Rollo said that most of the conditions came from the neighborhood and there was a lot of give and take, and he had empathy.

Chopra said that she thought it was important for aesthetics. She said that the only reason these conditions were being considered was because of the Council. She said she would be voting no.

Volan said that he may have been incorrect in remembering the details of the condition and the agreement.

The motion to adopt Reasonable Condition 12 received a roll call vote of Ayes: 1(Rollo), Nays: 7, Abstain: 1(Volan). FAILED

Vote on Reasonable Condition 12 for Ordinance 16-24 [12:49am]

Ruff opened the discussion to Ordinance 16-24 as a whole.

Ordinance 16-24 as changed

Volan asked the developer what would happen to the houses on the site.

Lauchli said that one would be relocated and another would be demolished.

Council Questions:

Cornett discussed flex space and his disappointment in the outcome.

Public Comment:

Sorby shared a list of things that another development provided.

Lawrence said that he was glad for the Council's negotiations and said that it was better than he thought it would be, and discussed the need for a formalized negotiation process.

Lauchli said that the development was unique and forward thinking.

Rollo said that this demonstrated the need to communicate earlier. He said he would have supported moving the trail.

Sturbaum said that democracy was messy but got good results. He said that there were a lot of positives even before the discussion. He said the results were good and that the community benefited.

Ordinance 16-24 as changed (*cont'd*)

Mayer said that it should be remembered that there was another project proposed by outside money and it was rejected, and that the current proposal came from a local family with a good track record.

Volan said that perhaps our standards of urbanism were not quite as high as we would like. He said the neighborhood should realize how much they had accomplished. He said he found it disgraceful that the Council did not put up the same amount of fight against the Dunnhill project. He said that democracy was messy but did not have to be elongated. He said they had been complacent. He said that the process of a PUD was in the purview of the administration almost until it was accepted, and it was difficult for the Council to keep up with the volume of information they had to process. He said there needed to be multiple council members involved in the process before a PUD went to the Plan Commission to oversee negotiations. He said they needed a land use committee.

Piedmont-Smith said that she was committed to pursuing two hour parking limits on all corners of the intersection. She said they needed to formalize neighborhood involvement earlier in the PUD process. She said she took the concerns of the Pinestone neighborhood seriously and that the petitioner showed her a tree line and raised berm that would make it alright for the neighbors. She thanked the BPNA for its commitment, as well as the developer and her colleagues. She said she would be voting in favor of the ordinance.

Vote on Ordinance 16-24 as changed
[1:13am]

Ruff said that the discussion was more chaotic than he thought it would be. He said the project was an important part of the community. He said it was worth the negotiating and debating.

The motion to adopt Ordinance 16-24 as changed received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0

Ordinance 16-42 – To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" –Re: Amending BMC 2.04.050 (Regular Meetings) and BMC 2.04.255 (Committees – Scheduling) to Start Common Council Regular Sessions and Committees of the Whole an Hour Earlier – at 6:30 p.m.
[1:13am]

Volan moved that Ordinance 16-42 be postponed until November 30, 2016.

Sturbaum said the Council should just vote on it that night.

Chopra asked if there was a 10:30 rule.

Volan asked the chairman to keep order.

Ruff asked for councilmembers to please go through the chair for requests, as well as not show such disgust at other members. He asked everyone to please honor the procedures of the Council and control contempt.

Volan said that the ordinance could just be pushed to the next legislative cycle at the Committee of the Whole on November 30, 2016.

Ruff noted that no one from the administration was there, he had no questions, and thought that the Council could continue with a vote that evening. He said he saw no reason to postpone a vote and that he planned to support the ordinance.

Volan said he would withdraw his motion.

Ordinance 16-42 (*cont'd*)

It was moved and seconded that Ordinance 16-42 be introduced and read by title and synopsis only.

The motion was approved by voice vote of Ayes: 7, Nays: 1(Piedmont-Smith), Abstain: 1(Chopra).

It was moved and seconded that Ordinance 16-42 be adopted.

Chopra said that the behavior of councilmembers and effects of the late meeting proved the need for the ordinance. She said that the reason for the ordinance was that meetings often ended very late. She said that she could not make any guarantees that meetings would not end late, but that the change was a chance to make that less likely to happen. She said late meetings lead to fatigue, insubstantial scrutiny, and shallow deliberations that resulted in poor decisions. She said that several department heads expressed enthusiasm about the ordinance. She said that a good night's sleep was important to the well-being of staff members, who must often stay late and come in early.

Council Comment:

Volan said he found Chopra's comments to be quite appropriate. He said he was frustrated by his colleagues who did not show respect for the Council and its processes. He said he was concerned that even the change in start time would not shorten meetings, and urged everyone to show more respect.

Ruff said that the 7:30 start time seemed arbitrary. He said an earlier start time would be good for public participation.

Granger thanked Chopra for talking with staff about the issue.

Sherman pointed out that the ordinance would go into effect at the beginning of 2017.

Chopra thanked her colleagues for their input on the ordinance.

Sturbaum thanked God.

Vote on Ordinance 16-42 [1:24am]

The motion to adopt Ordinance 16-42 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0

LEGISLATION FOR FIRST READING
[1:24am]

It was moved and seconded that Appropriation Ordinance 16-07 be introduced and read by title and synopsis only. Clerk Bolden read the legislation and synopsis.

Appropriation Ordinance 16-07 -- To Specially Appropriate from the General Fund, LOIT Special Distribution Fund, Police Education Fund, Non-Reverting Improvement 1 (Westside) Fund, and Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Parks General Fund, Parking Facilities Fund, Solid Waste Fund, and Fleet Maintenance Fund; and, Appropriating Additional Funds from the General Fund, LOIT Special Distribution Fund, Police Education Fund, Non-Reverting Improvement 1 (Westside) Fund, Rental Inspection Program Fund)

It was moved and seconded that Ordinance 16-43 be introduced and read by title and synopsis only. Clerk Bolden read the legislation and synopsis.

Ordinance 16-43 – To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Amending Chapter 2.26 (Controller's Department) to Add Section 2.26.110 Authorizing a Fee Schedule for the Private Rental of City Facilities)

Ruff called for any additional public comment. There was no additional public comment.

PUBLIC COMMENT

Ruff asked Sherman if there was anything he needed to tell the Council.

Sherman said the Council had an opportunity to vote for the 2017 schedule.

Ruff said it could wait.

Sherman reminded the Council about the upcoming Friday work session.

Ruff said they should cancel the meeting, as did other Council members.

COUNCIL SCHEDULE
[1:27am]

The meeting was adjourned at 1:28 am.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 1st day of February, 2017.

APPROVE:

Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

Nicole Bolden, CLERK
City of Bloomington