In the Council Chambers of the Showers City Hall on Wednesday, November 4, 2015 at 7:31 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
November 4, 2015

Roll Call: Rollo, Ruff, Mayer, Volan, Granger, Sturbaum, Neher, Spechler, Sandberg
Absent: None

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

The following minutes were approved by a voice vote:
Regular Sessions of November 12, 2014 and October 21, 2015
Special Sessions of October 8, 2014 and October 14, 2015

APPROVAL OF MINUTES

REPORTS

- COUNCIL MEMBERS

Chris Sturbaum spoke about his father's failing health and lessons that he learned growing up. He said local politics were discussed at the dinner table with his family. He said politics was how to achieve very important goals through the city. He thanked everyone who had served the city and who would serve the city in the future.

Susan Sandberg offered her support to the Sturbaum family. She said that the Community and Family Resources Department would host a program called "Navigating the Caregiving Challenge" on Saturday, November 7th, 2015. The program was intended to educate attendees on how to care for an ailing relative. She said she would be on a panel that day to speak about her experience caring for her father.

Dorothy Granger spoke about the Monroe County Energy Challenge Task of the Month: insulating water heaters. She said that the county was competing for five million dollars. She added that a space heater was one of the biggest energy hogs in the home.

Tim Mayer thanked everyone who was involved in the Municipal Election the previous day. He said he thought it was a productive campaign, and he congratulated those who won.

- The MAYOR AND CITY OFFICES

There were no reports from administration at this meeting.

- COUNCIL COMMITTEES

Chad Roeder, Downtown Bloomington Recycling Center, spoke about the history of the project. He said the project began as a private company that picked up recycling for downtown businesses and expanded to better suit Bloomington's recycling needs as a public amenity. He said the program partnered with the Monroe County Solid Waste Management District and the city, and had expanded to work with five vendors to move the material into the recycling process. He parsed the center's partnerships, environmental benefits, and educational opportunities, including better informed consumers and intern opportunities for students in the School of Public and Environmental Affairs.

Sturbaum asked how the recycling center would fit in with the Tech Park development. Roeder said that its current location was the only suitable space downtown, and he hoped it would be able to remain as the Tech Park was developed. He said that services could be expanded to better suit the needs of the area.

Spechler asked about the labor cost reduction the center enjoyed with interns and delivery of materials. He asked if costs were being covered by revenue. Roeder said they were, but they were not making a large profit.

Spechler asked if Roeder's private business could combine with the public enterprise in order to demonstrate that no waste or fraud was occurring.

Council committee reports *(cont'd)*

Roeder said that the original private enterprise was only a small part of the center's operation.

Spechler asked what resources the city provided. Roeder said that they were not charged rent by the city but they received no financial service.

Rollo asked if the center would need more space in the future. Roeder said that the goal was to be able to serve public and private haulers in order to gather large quantities of material in order to sell at market value. He said that the only way to handle large quantities would be to add a hydraulic compactor.

Volan asked if there was discussion with the District about cooperation in handling materials. Roeder said that the city would need to make a significant investment in order to provide electricity to the center for a hydraulic compactor.

Volan followed up on the Tech Park concern. He said that the center was located in the parking lot, and there should be concern over the location. Roeder said that the land was included in the Tech Park plan, and he was concerned that it would be included in the development. He said he did not anticipate development in the foreseeable future.

- PUBLIC

President Rollo called for public comment.

Sierra Johnson spoke against Planned Parenthood and abortion services.

Daniel McMullen spoke against Planned Parenthood and abortion services.

Kay Bull thanked the Mayor for appointing her to the Bicycle and Pedestrian Safety Commission.

APPOINTMENTS TO BOARDS A ) COMMISSIONS

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

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 15-23 - To Amend the Approved Planned Unit Development (PUD) District Ordinance and Preliminary Plan - Re: 751 E. Tamarack Trail (Jill's House, LLC, Petitioner)

It was moved and seconded that Ordinance 15-23 be introduced and read by title and synopsis. Deputy Clerk Larabee read the legislation and synopsis, giving the committee recommendation of Do Pass 4-0-3.

It was moved and seconded that Ordinance 15-23 be adopted.

Beth Rosenbarger, Planning and Transportation Department, spoke about the permitted uses of the Planned Unit Development. She said that the original parcel was meant to temporarily house those undergoing treatment at the IU Health Proton Therapy Center. She said that the original Jill's House had closed when the Proton Therapy Center closed, and the proposed use would retain the original building on site. She said the ordinance would add two uses to the PUD site and went over details of the plan to use the site for senior memory care.

Gary Scott, Petitioner, spoke to the difference between Jill's House, Inc., a nonprofit, and Jill's House, LLC, a for-profit. He said that the original Jill's House was a nonprofit that had closed, and the LLC hoped to carry on the legacy. He said that he and partners purchased the property in 2013 in order to assist the nonprofit, and they retained the property after the nonprofit closed.
Roy Marschke, House Investments, said he was present to answer questions and said his firm had a lot of experience in memory care facilities. He said they hoped to carry on the original mission of the site. They also intended to close on the purchase of the property before the end of 2015.

Council Questions:
Spechler asked who sold the property to Jill's House, LLC. Scott said Jill's House, Inc. sold the property for the cost of existing debt.

Spechler asked if the cost of purchasing the site was the exact amount of the debt. Scott said it was.

Spechler asked if the donations from the community had been lost. Scott said that the mission of the nonprofit was served well, but it could not control the actions of the proton therapy center.

Volan asked staff if approval of the original PUD in 2005 was contingent on the organization's operation as a nonprofit. Dan Sherman, Council Administrator, said that the petitioner was seeking to modify the proposal, but the original proposal was for a nonprofit. James Roach, Planning and Transportation, said that the PUD was for a specific use that happened to be a nonprofit. The ordinance would change the PUD because the original use was no longer feasible. He said the concerns with the original PUD revolved around environmental protection.

Sandberg asked Marschke what House Investments did and if they had done market research on the need for the service. He answered by saying that memory care was part of their services, but they focused on senior care overall. He said that the company had done preliminary market research and discovered that most local memory care facilities were nearing capacity, and most facilities had shared rooms. This project would have individual rooms.

Rollo asked Roach to expand on the need for the facility at the location in question. Roach said that the community was experiencing an aging population, and he said the specific issue was a vacant building that was well suited for re-use in the presented purpose. He also said the location's proximity to the large retirement facility, Meadowood, was a benefit.

Ruff asked how Jill's House, Inc. was making payments on the property before the purchase. Scott said that Jill's House, Inc. made interest only payments on the existing debt. He said that profit could be made when the property was sold, not during the tenure of the nonprofit. He added that Meadowood would be the primary user of the new facility.

Spechler asked if the name "Jill's House" would be maintained in perpetuity. He said that it was named after a young woman who was murdered. Scott said that it was up to the parents of the building's namesake. Marschke added that the facility needed to be tied into the community, and the name would be kept if the parents approved.

Volan asked if anyone involved in Jill's House, LLC (for profit group) was on the Jill's House, Inc. non-profit board. Scott said he was a former board member.

Volan asked if the facility would be a for-profit business, if Meadowood was a for-profit facility, and if the facility would have affordable units. Scott answered that both facilities in question were for-profit, and Marschke said that the plan was to keep the rental units within the facility at market rate.

Volan asked if House Investments would be unwilling to add affordability components. Marschke said he was not sure if it was plausible, and it would be up to the principles of the company.

Sandberg asked if any clients would be Medicaid or Medicare users. Marschke said it would be entirely private insurance and accepting Medicaid and Medicare required further applications with the State.

Volan asked staff how to add an affordable housing condition to the PUD. Sherman said that the council could impose Reasonable Conditions without returning the petition to the Plan Commission. He said that Reasonable Conditions should be submitted in writing as if it were an amendment.

Ordinance 15-23 (*cont'd*)

Volan asked how the council could delay a vote in order to impose this condition. Sherman said that if the petition was rejected, the matter would be closed unless the process was restarted; but postponing the ordinance would give time to draft language for the Reasonable Condition.

Neher asked if the facility was intended to be housing or a medical facility. He asked if the affordability discussion could be applied to a medical facility. Roach said that staff was not prepared to answer the question without further research. Scott said that senior living was a complex issue. He said that discussion of senior housing should be divided into several sections, and affordability was more commonly used for senior apartments than assisted living services. Marschke said that affordable housing for senior living required an expensive application through the State. He said that he was not sure the project would be selected to qualify, and it would take a long time to get the project working with an affordability requirement.

Sandberg said she was familiar with elder care facilities in the area. She asked how this facility would compare in staffing to Hearthstone or Bell Trace. Marschke said that the facility would have seven to nine employees on location at any given time, but he was not familiar with either facility that Sandberg mentioned.

Sandberg asked if the care for these patients would be labor intensive. Marschke said that there would be nurses on staff, and security concerns would be addressed as was appropriate for the type of care provided. He said that the design – mirrors, paint color – had to be tailored for the Alzheimer's and dementia patients in the facility. He said the care needed for patients was far more intensive than an ordinary housing project.

Mayer asked the petitioner to elaborate on the changes to the facility. Marschke said that the inside would be remodeled to make the layout more conducive to medical care, including the addition of more rooms. He said the basement would be redesigned to add a walking path and other activities, and the kitchen facilities would be changed to better serve all residents.

Volan asked how long the typical person would stay in a memory care facility. Marschke said that it was his understanding that residents would stay until they transitioned to 24-hour nursing care. He said that a stay would last years rather than months.

There was no public comment on this ordinance.

Motion to Postpone Ordinance 15-23

Volan moved, and it was seconded, to postpone Ordinance 15-23 until the Regular Session on November 18, 2015.

Rollo asked staff if the schedule would accommodate postponement. Sherman said the date proposed in the postponement would be the week before Thanksgiving and added that there would be a Regular Session and Committee of the Whole that evening. He said that two Ordinances were already on the agenda that evening.

Volan said that the petition needed some kind of public benefit that fit the original purpose of the PUD. He said more time was needed to prepare a condition that would ensure the facility would provide a permanent public benefit to honor the building's namesake.

Rollo asked staff and the petitioner to weigh in on postponing the ordinance. Scott said that keeping the name was up to the parents of the building's namesake. He said he did not understand how adding an affordability condition would better serve the memory of Jill Behrman.

Sandberg asked if there was an affordability component to the original Jill's House. Scott said that, as far as he knew, everyone had to pay for their stay.

He said he believed that some people had financial assistance.

Motion to Postpone Ordinance 15-23 (*cont'd*)

Neher asked who would have to research affordability conditions as they applied to medical facilities. He expressed concern that the council was treading into the conversation about affordable healthcare rather than housing. Volan said that they would not find the answer to the question that evening.

Rollo asked staff how the amendment was compatible with the demonstrated 'public good' of the original PUD. Sherman said that the council needed to consider the Comprehensive Plan, current conditions and character of the district, the most desirable use for the land, conservation of property values, and responsible growth and development.

There was no public comment on the postponement.

Spechler said that he would vote against the postponement. He said there was no fair way to impose affordability requirements on the petitioner, and they would not be able to find an affordability scheme in two weeks.

Granger said that the request, as it was, was in line with the PUD. She said she had no objection to the name of the location, and she said that it was not appropriate to discuss affordability for a medical facility. She said she would vote against the motion.

Volan said that a tangible asset must be gained by the community in exchange for a zoning change in order for there to be a public benefit. He said that the same argument was used for the buildings on North College Avenue (apartments). He said that the community was better served by saying 'no' to developments that did not serve a public good. He said that it was possible that in two weeks there would not be a Reasonable Condition, but he wanted two weeks to do further research. He asked his colleagues to support the motion.

Sandberg said that the project sought a compatible use with the original mission of Jill's House. She said that it was irresponsible to spend two week trying to create a funding mechanism that was outside of the council's purview.

Mayer said that the original intent of Jill's House was to help those who sought treatment at the Proton Therapy Center. The goal was to keep the family unit as comfortable as possible during the treatment, and he said it took the goodness of people's hearts to make it work. He said that changing the PUD to a for-profit facility would provide professional staff, security, and amenities. He said that it was a very different model than the original PUD, but he said that two weeks was not enough time to navigate the complex nature of healthcare.

Ruff said that both positions on postponing were reasonable. He did not think it would be likely to reach a solution within two weeks. He said the council needed to explore every possibility, and the developer did not say there was no chance of providing affordability. He said Volan was correct in stating that the issue wasn't fully explored, and he would support the postponement.

The motion, to postpone Ordinance 15-23 until the Regular Session on November 18, 2015, received a roll call vote of Ayes: 4 (Neher, Ruff, Rollo, Volan), Nays: 5 (Granger, Mayer, Sandberg, Sturbaum, Spechler) and thus failed.

Vote to Postpone Ordinance 15-23

Council Comment:
Spechler said there was a demand for the services the facility would provide. He said it was obvious that the council should approve the use in order to best utilize an existing, currently vacant, building. He said he would support the ordinance.

Sandberg said that the issue of naming the facility was delicate and needed to be handled by the family. She said that the issue of memory care was not a small matter for a family to deal with, and she said that this was a positive re-use of the existing facility. She said she would support the ordinance.

Ordinance 15-23 (*cont'd*)

Granger said that the petition was in line with the PUD, and she wanted to thank the petitioners for their effort, attendance, and answers. She said she would support the ordinance.

Neher said that the closing of the Proton Therapy Center was a significant loss for the area that necessitated the closing of Jill's House. He said that it was unfortunate that the closing occurred sooner than anticipated, but he said they were fortunate that someone was able to carry on the legacy of care. He said that people going through this situation deserved the best of care.

Volan said his colleagues did not understand the meaning of 'public benefit.' He said the use was changing from a "long term hotel" to a "residence." He said the owner and the nature of the property was changing (nonprofit to for-profit) and that he did not understand why it was not reasonable to explore possibilities. He said that it was responsible to spend two weeks researching the issue at hand, and he said he could not support the ordinance unless it was amended.

Rollo said that adding an affordability component would make him more amenable to approving the ordinance. He said that because it was an amendment to the original PUD, it did not need to demonstrate a 'public benefit.' He said the amendment to the PUD was compatible with the original intent, and he would support it.

The motion to adopt Ordinance 15-23 received a roll call vote of Ayes: 8, Nays: 1 (Volan)

Vote on Ordinance 15-23

Ordinance 15-24 - To Amend the Bloomington Zoning Maps for Two Hundred and Seventy-One Parcels Throughout the City's Jurisdiction (The City of Bloomington, Petitioner)

LEGISLATION FOR FIRST READING

There was no public comment at this portion of the meeting.

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted that Veteran's Day was the next Wednesday, therefore the next meeting would be held on Tuesday, November 10, 2015. He further noted that there was an Internal Work Session scheduled for Friday, November 6, 2015 at noon.

COUNCIL SCHEDULE

The meeting was adjourned at 9:54 pm.

ADJOURNMENT

APPROVE:

Dave Rollo, PRESIDENT
Bloomington Common Council

ATTEST:

Andrew Lacadee

~~Regina Moore, CLERK~~ Andrew Lacadee
City of Bloomington Deputy Clerk