

In the Council Chambers of the Showers City Hall on Wednesday, March 26, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

Roll Call: Ruff (arr. 7:35), Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo, Volan, Spechler
Absent: None

Council President Neher gave the Agenda Summation

There were no minutes to be approved at this meeting.

Tim Mayer reported that Spring had arrived but Mother Nature and Old Man Winter had not yet been informed!

There were no reports by the mayor and city offices at this meeting.

There were no reports from council committees at this meeting.

Neher asked that there be more time allowed for public comment at this meeting because of the lack of other reports.

Donyel Byrd expressed concern for what she called a lack of a low barrier emergency shelter for seven months of the year. She said the strain was felt by everyone in the community including police, businesses and the emergency room, and asked that the council support the effort to address the issue in the summer and also the fall/winter seasons. Bloomington could and should do better.

Stephanie Waller, student in Social Work at IU, said she had volunteered at the Interfaith Winter Shelter all winter. She said that these people needed a safe place to sleep at night, and the issue would not be going away on April 1. She said she believed that Bloomington had the passion to address this issue.

Megan Potter, student in Social Work at IU, said April 1st would be the first night in months that some people would not have a place to sleep at night in Bloomington. She asked for support for the Ubuntu Shelter proposal to provide a year 'round low barrier shelter for those who needed it. She said that this was not a political issue, a luxury or an issue that tolerated silence from the community.

Gabriela Morales, student in Social Work at IU, spoke for Ashley Howerton, a guest at the Interfaith Winter Shelter, who wrote her story of camping in the woods, being chased away in the middle of the night, her husband's treatment at the hospital and general treatment from the police. She asked for compassion from all of Bloomington.

Madinah Luqmaan, student in Social Work at IU, pointed out that March was Social Work Awareness Month, featuring values of dignity and worth of persons, service, the importance of human relationships, social justice, integrity and competence. She spoke of these values in regards to their presence in Bloomington in relation to the homeless. She said the students care about this issue and that all people matter.

Kathy Byers, director of the undergraduate Social Work program at IU, said that Bloomington was compassionate and believed that all people mattered. She said all, collectively and together, need to address the issue of people not having a safe place to be at night. She said other personal issues could not be addressed until this vital need was met.

Michael Gastineau, volunteer and site director for the Interfaith Winter Shelter, noted his experience there was invaluable. He said the guests there had fallen on hard times and were worthy of an act of compassion.

COMMON COUNCIL
REGULAR SESSION
March 26, 2014

ROLL CALL

AGENDA SUMMATION

APPROVAL OF MINUTES
REPORTS

- COUNCIL MEMBERS
- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES
- PUBLIC

Sam Harrell, Sunday Night Director of the Interfaith Winter Shelter, said Crawford Apartments provided homes for 47 chronically homeless people this year. She said that despite this, 66 people experienced homelessness and were guests at the Shelter. She said that without the shelter, these people were not safe and their human dignity was not held in high regard. She asked for one of the council members to consider standing up for this issue, taking advocacy for the homeless as constituents.

Jim Hart said that people without homes could not sleep safely and were actually non-persons. He said Denver and Seattle parking meter spaces had been transformed into Homeward Bound agencies. He advocated that some of the money collected from meters should be used for solving the problem of the homeless.

Darrell Calhoun said he stayed in the Winter Shelter for seven weeks and now had a home in Bloomington. He read a statement from John Skirvin, a former homeless person who could not come to the meeting, about the homeless issue, policing issues, and the need for more housing.

Jordan Richardson spoke about homeless issues.

Joseph Callahan addressed the issue of homelessness and poverty by quoting the Reverend Martin Luther King, Jr., reading a statement from a homeless man about police harassment, and reading a poem entitled "Current Issues."

Marc Haggarty said that there were really poor people in our town and that our present political structure could not deal with this because of a huge disconnect. He said some neighborhoods do not have a close enough relationship with the council to have their voices heard on issues that concern them.

Glenn Carter said he was present to talk about the way Bloomington treated those people who had no where to live. He said it spoke volumes about the kind of community that we had become. He spoke about the closing of the Interfaith Winter Shelter on April 1, 2014 and the resulting problem of no place where the guests would receive sanitary facilities, safe places to sleep or other essential needs met. He said many of these people grew up in Monroe County and don't have money, unlike the IU students who drink, deal drugs and cause commotion downtown whose presence has been tolerated.

Scott Wells gave the council electronic copies of a document mailed to four federal agencies regarding a complaint of ongoing siltation and sedimentation of Monroe County waterways from the I-69 corridor construction. He said a new set of eyes was needed to look at the problem as called for by 50 signatories from different commissions and boards regarding this problem. He said the editors of the Herald Times had not paid enough attention to this problem.

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

APPOINTMENTS TO BOARDS
AND COMMISSIONS

It was moved and seconded that Resolution 14-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting there was no committee recommendation on the item. It was moved and seconded that Resolution 14-05 be adopted.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS

Lisa Abbott, Director of the Housing and Neighborhood Development Department, said that this was an annual request by the Bloomington

Resolution 14-05 Waiving Current
Payments in Lieu of Taxes By the
Bloomington Housing Authority to
the City

Housing Authority to waive any payment in lieu of taxes as the council had done since 1961.

Jennifer Osterholt, Executive Director, overviewed the Housing Authority in general saying that 149 of the 310 housing units were occupied by elderly and disabled families. She said 277 children live in the units and eleven of them were disabled. She said 83% of families were at 30% of the area median income or less, and that 17% were 50% of area median income or less. She said the funds forgiven in this resolution would be used to fund a Head Start facility, a community building program with Adult Basic Education and Computer Lab, support an on-site Boys and Girls Club and would be used for literacy issues with Fairview School children. She said that federal funds were lessened by \$240,000 because of federal Sequestration issues.

Spechler asked what the BHA had for the homeless situation in Bloomington, or what might help the BHA address the homeless problem. Abbott said the waiting list was long, and that the families did come from the homeless situations, although almost half were elderly or disabled and could not work. Osterholt said the Authority assisted 70 veterans with vouchers for housing, and 1284 families with rent vouchers. She noted other vouchers that were also used to house people who had been homeless.

Spechler asked what the BHA could do to help with the problem of the low barrier shelter closing on April 1. Osterholt said she and the BHA would be interested in being part of the solution to the problem. She added that the programs needed to work within the federal guidelines, and that they were currently one of the largest providers of housing for homeless individuals and families.

Mayer asked how the Community Block Grant Awards helped the BHA. Osterholt said that the BHA housing was old and infrastructures had worn out, with little energy efficiency. She said that the mission in the past few years was to improve the housing. She noted that the average rent per month was \$150 with some people paying as little as \$50 per month. Mayer noted the city support of the Boys and Girls Club on site, to which Abbott said that the project had received funding for the Crestmont project in previous years. She added that CDBG money had been used for many renovations at Crestmont and Reverent Butler complexes for energy efficiency and aesthetics. Osterholt said that the energy project alone reduced the BHA utility costs by over \$200,000 per year. She said the BHA would continue to ask for those awards for more renovation for units.

Volan asked why the city would ask for taxes if they were going to waive them. Osterholt said the BHA was exempt from paying property tax, and so in lieu of that, the US Department of Housing and Urban Development developed a formula for Payment in Lieu of Taxes (PILOT) that was suggested for housing authorities to pay to cities. She said the formula was rents minus utilities. She said that every housing authority that she worked with had that payment waived so that they could keep the properties maintained, and help the most vulnerable families in the community.

Sturbaum said affordable housing was a complex issue and asked if there was a short bridge from homelessness to BHA services, and wondered how many steps there were in that path. Osterholt said that Crawford house was a step in the right direction, adding more facilities like that were needed.

A call for public comment brought Jordon Richardson to the podium who said he had ideas for affordable housing.

Spechler said that it was obvious that this resolution would be approved. He said BHA had the capability and intent to help with the homeless problem in Bloomington and he wanted to hear those specific possibilities. He said the drawback for the low barrier shelter was a location, but he looked forward to help from the BHA. He stated that the community of Bloomington DID care about homeless issues.

Resolution 14-05 (cont'd)

Sandberg said the annual presentation of this resolution reminded the council and citizens of this as an investment in the continuum of options for all people. She expressed support for the program and its efficiencies in using funds.

Resolution 14-05 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Resolution 14-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0. It was moved and seconded that Resolution 14-04 be adopted.

Resolution 14-04 To Approve an Amended Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana in Regard to the 2012 Edward Byrne Memorial Justice Assistance Grant (Jag)

Patty Mulvihill, Assistant City Attorney, said that the federal government set an amount of money for police agencies in each state, and the state then made awards to police entities. She said that the City of Bloomington would share its grant with Monroe County Sheriff's Department, and the Interlocal agreement was the document that showed how that money would be shared. She added that the 2012 Interlocal needed to be amended, as there was \$5,100 left from the project that year, and it was allowed to use that for another project. She said the police department wanted to purchase a digital signage package for a digital roll call. She said this would be available in the police department, police lobby and dispatch center, thus the amended agreement.

Mayer thanked Mulvihill for her work on this amended agreement.

Resolution 14-04 received a roll call vote of Ayes: 8, Nays: 0 (Granger out of the room when vote was taken.)

It was moved and seconded that Resolution 14-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0-0. It was moved and seconded that Resolution 14-03 be adopted.

Ordinance 14-03 To Rezone a 6.96 Acre Property from Residential Core (RC) to a Planned Unit Development to be Known as the B-Line Neighborhood and Approve a Preliminary Plan and District Ordinance - Re: 901 W. Cottage Grove Avenue (Habitat for Humanity of Monroe County, Petitioner)

Patrick Shay, Development Review Manager in the Planning Department, briefly outlined the PUD petition, and said that the petitioner was seeking a rezone to allow them to remove 64% rather than 50% of the trees. He said the Plan Commission vote was 5-3 with eleven conditions added to the proposal.

It was moved and seconded that the members of the public be limited to one opportunity to speak on Ordinance 14-03 and relevant motions for no more than six minutes.

MOTION TO LIMIT DEBATE on Ordinance 14-03

The motion received a roll call vote of Ayes: 8, Nays: 1 (Granger).

It was moved and seconded to introduce Reasonable Condition #1 for consideration.

Reasonable Condition #1 Reasonabl_ Condition 01 is sponsored by Councilmember Rollo and would modify Plan Commission's Condition of Approval 9 of this ordinance, which called for the petitioner to:

Rollo announced that he was introducing this proposal because this project was converting urban green space to dwelling space. He said his intent was to increase the ecological value of the undisturbed areas and enhance the human habitat to provide forage and habitat for wildlife by removing invasive plants and planting native vegetation. He read the plan.

“work with Planning Staff at the final plan stage to develop a detailed tree preservation and landscaping plan focused most specifically in creating maximum perimeter vegetation buffers and planting new larger caliper plant species (on this site)”.

Volan asked Rollo about the fiscal impact of this proposal. Rollo said he had discussed this concern with Kerry Thomson, Executive Director of Habitat for Humanity. He said there would be some new plantings required in any case, and said in that case it would be a neutral cost. He said some organizations have already offered to help with volunteer labor and plants. He said he thought it would be fairly minimal.

Tom Micuda, Director of Planning, said he could not quantify the amount needed to achieve this reasonable condition. He said that Habitat was an organization that had the ability to get volunteers and donations that others don't. He said native plants and seeds were not more costly than other types of plantings.

Volan asked if 'providing home owners with native plant species' would be a one time thing, or ongoing. Micuda said the Planning Department would work regularly with citizens to create Backyard Habitats, and that would be the model for this segment of the reasonable condition. Rollo said many native nurseries incorporate sustainability into their decisions and it was highly probably that there donations would be available from them.

Neher called for public comment on this item:

Melissa O'Neill wondered if there would be a space for a community garden in this area and said it would be a good idea to promote this feature.

Rollo said the intent was not to dictate composition of the green space as it should be directed by the people who live there. He said he thought a community garden was a great idea.

Reasonable Condition #1 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded to introduce Reasonable Condition #3 for consideration. Sturbaum said this condition would replace vinyl siding with cement siding, which he said could last the lifetime of a house. He said vinyl was less expensive initially, but would crack and deteriorate. He said the cement siding would enhance the appearance of the home, and add to the value while affording the homeowner to choose their own paint color rather than having predetermined colors. He said it was a more sustainable product and would benefit the homeowner in the long run.

Mayer asked for the cost differential between vinyl and cement siding. Thomson said she estimated the cost of siding would be increased by 40%, would increase the cost of the project by \$35,000 and would require new training for volunteers. She said painting after 10-15 years would require labor and materials costs that wouldn't be needed if there was vinyl, especially on two story homes.

Sandberg asked Thomson to talk about her experience with older Habitat vinyl clad homes. Thomson said there had been no problem with the siding in the 25 years of building in this community. She said that only 3 of 150 homes have had additions built onto the homes.

Volan asked if any of the other conditions presented were onerous for Habitat. Thomson said the window trim and soffit expectations were different and more expensive, but she hadn't calculated the amount.

Sturbaum asked if the extra cost was about \$1,000 per house. Thomson said that was correct for just the cement siding. He asked if Habitat had

The change calls for the petitioner to work with the Planning Staff *in consultation with* the Environmental Commission and to develop a "native planting" rather than a "landscaping" plan. The native planting plan would focus on: 1) Reclaiming the Forest Understory in the conservation easements on the east and west ends of the site; 2) Adding native hardwoods along the perimeter of this site where feasible; 3) Supplementing the Common Green with native grasses, bushes, and other plant material while still preserving its usability; 4) Planting native hardwoods the Tree Plot Areas and consider planting native grasses and other plant material as well; and, 5) Providing home owners with "access to native plant species in order to enable homeowners to establish yards more suitable for wildlife."

The change also acknowledges that the planting and landscaping plans are "to be created within reason for the petitioner's budget, understanding the petitioner would seek donations and partnerships from community organizations to exceed the standard landscape plan required."

Lastly, the change calls for Planning staff to submit report to the Council along with final tree preservation and planting plans prior to presentation at Plan Commission.

Reasonable Condition #3 This reasonable condition is sponsored by Councilmember Sturbaum with the goal of assuring more durable and sustainable exterior surfaces. It would revise the home "materials" in the following manner: 1) the vinyl siding would be replaced with "4" or 6" smooth cement board horizontal siding"; 2) the vinyl trim around the double hung windows would be replaced with "paintable trim"; and 3) the vinyl soffit would be replaced with "pre-finished metal soffit" (consistent with the proposed metal fascia).

used cement siding before; Thomson said they had used it on one house where it was required in a redevelopment project. He said that the neighbors would be happier with this addition and asked Thomson if that factor was worth the expense. Thomson noted that she intended to be at the meetings that Sturbaum and Ruff had attended with neighbors, but had been dis-invited. She said that finding common ground was important but she had received mixed messages. She noted the Cottage Grove neighbors wanted the project to be like their homes, where the Near West Side neighbors wanted something more expensive to be built.

Sturbaum said he thought the messages were: "don't build here" and "if you do build, use cement siding."

Thomson said the Habitat owners valued a maintenance free home, and that was important for keeping the homes good looking over their lives.

Rollo asked about the anticipated cost of each unit and what percentage would the cement siding be of that cost. Thomson said the house pricing policy from Habitat International in compliance with Best Practices and Standards of Excellence dictated that every construction cost had to be passed on to the homeowner. She said the added cost of cement siding would take that amount to between \$49,000 and \$51,000 per home. She said they had already added an additional porch, and now trees were to be added to the homes in this project with another Reasonable Condition still to be heard. She said that was at the top of the affordability range for their homeowners.

Rollo asked about the maintenance of vinyl. Thomson said vinyl in a shady area would need to be scrubbed with vinegar once a year which would be a two hour task. She said the cement siding was maintenance free until it needed painting, which would be many hours and painting cost in one year.

Sturbaum said he worked on 50-100 year old houses and took a long term view of construction. He said that cement could last the lifetime of the house, whereas vinyl wouldn't. He said the paint didn't peel, but faded and that the houses could be painted one side at a time but in different years for some immediate cost reduction.

Comparing the maintenance of wooden siding with routine painting needs, Rollo asked what would happen if the concrete siding was not painted or repainted. Sturbaum said it might deteriorate.

Volan asked if the earliest homes built by Habitat 25 years ago had vinyl siding and if that siding was still in good condition. Thomson said the siding was in good condition now.

Volan asked Sturbaum how long he expected vinyl to last. He said that the lower edges were nicked and scraped by mowers and that over time it gets brittle and the color gets harder to match. He said over a large arc of time one needed to consider sustainability features.

Mayer asked Sturbaum if cement board ever failed. Sturbaum said it could if it got wet and moist low to the ground. Mayer said he heard from a siding person that they had to replace lots of cement siding because it was improperly installed where moisture would gather and it delaminated.

Sturbaum said he was sure that Habitat wouldn't improperly install this type of siding.

Neher asked if it was feasible to provide an option to the homeowner. Thomson said it could possibly be offered within the normal customizing package of up to \$2000. He then asked if the option would

be acceptable to Sturbaum, the author of this Reasonable Condition. Sturbaum said his opinion was that over time, the homes would have a higher quality and different feel as paint colors were chosen by owners. He stated his preference was to have all homes with cement siding.

Mayer read the text of Reasonable Condition #3 and talked about paintable trim for windows. Thomson said the house would look odd without that. She said the siding used was a high end thicker vinyl that held up and held color well.

Sandberg asked about the ranges of colors in vinyl siding. Thomson said there were six choices of siding and noted that there were jewel tones available with some beige tones available.

Sturbaum said he liked the two-toned look of the pictures of a Habitat project that Thomson showed the council. He said that there could be infinite paint colors with the cement siding, rather than limit the homeowners to a variety of 5 or 6 colors. He said that diversity would make the project look less pre-fab.

Volan said this reasonable condition would add costs to each house. He asked if another house added to the 35 proposed would help with additional costs caused by the stipulation. Thomson said it would.

Public comment brought the following persons:

Dian Krumlauf said she lived on West Cottage Grove next to the B-Line trail. In referencing the siding issue and the earlier statement that people in her neighborhood would want vinyl rather than cement siding, she said that there were four houses on her block, three of which did not have vinyl siding. She objected to the characterization of her neighborhood in that way.

Norma Jean Bunton said she lived across the street from Krumlauf in a Habitat House that was built by the 2006 Women's Build. She said she and her partner were deeply grateful for this home, but were disabled and not able to maintain their house like other homeowners. She said she begged the council to be careful as the builders were well intentioned, but sometimes not always the best builders. She also begged the council not to add anything that would add to the cost of the house. She said if their house had cost just \$200 more, they could not have moved there from their substandard housing. She asked the council not to make it harder for people like her to become homeowners and tax payers in Bloomington.

Spechler said he would vote against this Reasonable Condition #3 as the plan was for affordable housing for young families who didn't need to be burdened with extra maintenance or extra costs.

Volan said this was a tough decision. He said we wanted affordable housing but also affordable sustainable housing. He wanted to ask Thomson if the 36th house would cover the cost of one or two reasonable conditions proposed. If that would be possible, everyone would win and asked the council to address this in their comments.

Sturbaum said the first Habitat Houses in the city built as infill projects stuck out and didn't blend into the neighborhoods. He said that the houses have progressed and now cement siding was the next step in the evolution of creating sustainable and affordable and good looking housing that was indistinguishable from other houses.

He said that the extra cost of \$200 was a dollar a month over a twenty year period, and that the cement siding would cost about \$6 per

month. He said this was what the owners would want and that Habitat would want it, too.

Granger said she had listened to everyone and was stumped. She said she liked the cement plank idea and had heard that vinyl was not always wanted. She said she was convinced by Ms. Bunton's comments about keeping the project affordable. She encouraged Habitat to keep the cement siding as an option for homeowners, but would be voting against the Reasonable Condition #3.

Rollo said that a PUD should represent a demonstrable public good. He said one could debate woodland vs. affordable homes, but he wanted to look 50 years into the future to see what this project and adjacent land would look like. He said that cement board would maintain quality and value that would last. He noted that in 50 years there would be polyvinyl chloride going to a land fill from this site when the vinyl siding was replaced.

Sandberg said the intent of the project was affordable housing, and the dilemma was aesthetics and affordability, not just presently but in the future, too. She said there were advantages to sustainability. She said the pictures of the Cedar Chase Habitat homes were attractive and had personality. She said with her concern about affordability, she would not be voting for this Reasonable Condition.

Mayer said the cement siding was a good product but needed to be installed correctly or it would fail. He added that vinyl could be painted if it began to look shabby. He said his two story house was painted at the cost of \$10,000. He said there were environmental impacts to everything done in a house, and that all needed to be considered.

Ruff said that the environmental costs were difficult to measure, including the manufacture of house paint. He said that the materials in vinyl were increasingly found to be environmental toxins. He said he was leaning toward the long lasting cement siding product. He said the council was being asked to approve more units to reduce cost and asked where the line could be drawn. He said he and Sturbaum had met with neighbors who felt they were not empowered in the entire process and said the change in siding could help them accept the proposal that they had issues with.

He said 15 years ago his house was clad with cement siding, but had vinyl clad windows. He said the windows were cracking, but the siding was totally intact. He said it was anecdotal but it was an influence on his thinking. He added that he would take the longer term and sustainable view on this issue.

Neher said he lived in a home with cement siding and liked the benefits of it. He said the thought of affordability was important, and was pleased that an option for siding was available and hoped it happened. He said he liked that flexibility. He said he would vote against the Reasonable Condition #3 but said there were options that were appealing.

Volan said that Thomson informed him that the additional 36th unit would cover the cost of either Reasonable Condition #3 OR Reasonable Condition #2 which he was about to propose. He said the possibility of adding one or even two units would cover the costs of the cement siding, and he was anxious to solve the problem.

Sturbaum reminded council members that this was his district and he had been hearing directly from a lot of people who felt that it did matter how a project looked on the trail and to surrounding neighbors. He said

Reasonable Condition #3 (cont'd)

he got pressure about the number of houses and that he stood up to those people saying that the numbers were related to affordability. He said he wasn't convinced that Habitat couldn't have taken a couple of houses out, but didn't think it made that much difference to tokenly take a few houses out and hurt affordability of the project to appease neighbors. He said the 'public good' was also what it meant to the surrounding neighborhood that sees this as giving up the value that they care about. He said he stood up for the number of houses, the removal of trees for it and the affordability component. He said he had told those neighbors that he would try to get this addition to look good and fit into the area and be sustainable over time. It was his position now to ask fellow council members to support his proposal. He said if anyone was on the fence, he was trying to push them back over the fence.

Rollo said he forgot to mention that Sturbaum was trying to make this work with surrounding neighbors and with the considerable investment in the B-Line. He said the 2% increase in cost was worth the sustainability, the longevity and durability. He said low income people deserved a high quality product as much as anyone.

Spechler said the whole area would have to be re-planned if there were any houses added, and it was already dense enough. He reiterated that he was strongly against the proposal for cement siding.

Neher clarified that adding units was not part of the reasonable condition to be voted on at this point. He said that 2% increase in cost was a high number to deal with as sometimes people scramble to get a .5% reduction in their rates.

Volan asked if the prevailing side could ask to have an item reconsidered later in the evening. Sherman said it could.

Reasonable Condition #3 received a roll call vote of Ayes: 3 (Ruff, Sturbaum, Rollo), Nays: 6 (Sandberg, Granger, Neher, Mayer, Volan, Spechler) and thus failed.

It was moved and seconded to adopt Reasonable Condition #2.

Volan introduced the condition and explained his reasoning for offering it. He said the use of "public green" as opposed to "common green" for the center portion of the project led him to these proposals. He said he had issues with connectivity because there was one way in and out of the project. He said on the west side there would be a foot path to connect to the B-Line, and he thought that ideally bike and pedestrian connectivity would be better than no connectivity, and that it would also be a public good. He said the project engineer noted that to do this, structural changes would need to be made which would increase the cost of each house in the proposal by about \$850.

He suggested adding a unit or two to accommodate the cost of this connectivity and Reasonable Condition #3. He said the density was already double what would have been allowed and he didn't think it would make a difference in the livability of the neighborhood.

Spechler wanted to know why an 8 foot path was needed if it was not going to be used by vehicles. Volan said only a sidepath of 8 feet would allow bicycles and pedestrians to share a walkway, which sent the message that bicycles were vehicles.

Rollo asked if the street would allow a bike path. Volan said the objective was to ensure that the street was not just for cars. Rollo asked if there would be on-street parking and if a bike path would interfere with it. Volan said the idea was to put the bike path on the north side of

Reasonable Condition #2

This reasonable condition is sponsored by council members Volan and Ruff. It would augment the bicycle and pedestrian facilities on this site by: 1) widening the path from the B-Line Trail to the internal street on the west side of the site to 8 feet; 2) limiting the speed limit and placing sharrow-markings on the internal street; and, 3) improving the pedestrian facility on southwest side of the entry of the site to mirror the width and materials of the facility on the northwest side of that entry point.

the common where it would not interfere with the parking. Shay said that this proposal would upgrade the path from Cottage Grove to a wider path which would then use the street to travel through the project, to the currently planned pedestrian path, and actually then upgrade that to a bike path.

Rollo asked if there were any other city funds that could be earmarked for this Reasonable Condition, and specifically asked about council sidewalk money. Dan Sherman said it was not actually a sidewalk.

Neher asked for a point of reference for a 10% grade. Shay said streets were at maximum 6-8%. Micuda said that stability on that grade was in question for bicyclists. Steve Smith, the engineer on the project, said a 10% slope was reasonable, and showed schematic diagrams of the current slope and the proposed path. He said the estimated cost would include \$10,000 to excavate solid rock, \$10,000 for construction of a wall, and \$10,000 in costs for clearing and cutting trees and putting down stone and asphalt.

Neher asked staff reaction to this if it were to have been in the original proposal. Micuda said that there were zoning code references for bicycle paths, and he would probably have consulted professional guides. He said the interface between the path and trail would have been of concern for bicyclists coming down the slope and persons going up the slope at a landing area in the steps.

Rollo reiterated this point; Micuda said it could be a problem.

Smith said that a bicyclist traveling down the hill on the trail would not have a line of sight onto the trail on either side because of the way the existing land was formed.

Volan asked about adjusting the point where the trail would come onto the B-Line to achieve an 8% grade. Smith said it was actually steeper in almost all other parts of the area, and it would cost about \$10,000 to lower the grade of the slope in that area.

Mayer asked about kids on bikes traveling down the slope.

Marc Haggerty said the entrance was going to be steep and would be difficult to use in the winter. He said the idea was ill conceived and not well thought out. He said the issue was one of communication.

Rollo thanked everyone for thinking about connectivity but said the cost was excessive due to the topography, and possible hazard with the steepness of the bicycle trail.

Spehler said the engineering made this proposal impractical. He said \$30,000 would make the houses more expensive. He said sidewalks and side paths were built where there might be traffic and saw no need in this area.

Volan said he would withdraw the proposal because of the cost and the steepness of the grade. He thanked Habitat and Smith for considering this Reasonable Condition on short notice. He said connectivity with bicycles was worthy of consideration. He encouraged the council to reconsider Reasonable Condition #3 (which had previously failed) instead of this proposal.

Ruff said he had been interested in increasing the connectivity and openness of the project from inside and out, but he was fine with withdrawal of the motion. He noted the discussion in past years about a bike connective path between the end of Maxwell Lane and Nota Drive, adding that there was the proposal for a sign: "Dismount Bike and Walk."

It was moved and seconded to withdraw Reasonable Condition #2.

Reasonable Condition #2 (cont'd)

The motion to withdraw Reasonable Condition #2 received a roll call vote of Ayes: 9, Nays: 0

Neher called for approval of Ordinance 14-03 as amended by Reasonable Condition #1. He asked for council questions.

Ordinance 14-03 as amended by Reasonable Condition #1.

Sturbaum said that this project had brought attention to inlets and water flow devices in this area of the city. He had observed that they were not well maintained over the past and clogged flow of water. He asked who was going to do this work and how much of this was Habitat planning to address.

Steve Smith said that the City Utilities department expected that Habitat would take care of the water flow and detention basin that was on the Habitat property, regardless of easements.

Ruff said his understanding from Utilities was that there were two pipes that the petitioner was responsible for maintaining and repairing. There was discussion among Smith, Sturbaum and Ruff about one or two pipes to be cleaned, maintained and improved, how they were to be maintained and who would be responsible.

Ruff asked if the flow from the site would increase or if there was some understanding that the rate of flow from this site would actually NOT increase. Smith said the water flow would be held to a pre-development rate. He said the water going down the creek, under the B-Line and under the railroad should flow freely, which it doesn't now. They discussed utility improvements during B-Line construction, but that some flooding still did occur in the area.

Neher asked for clarification on flows of water from the site and what entity would be responsible for the flows. Smith talked about the watershed in the area including the neighborhood north of this proposal and included an eastern portion of the property in discussion. He said that was the origin of the water that flowed into the pipes that were often clogged.

Sandberg noted speculation about PCBs in the area and asked for scientific clarification of the issue.

Russell Boulding said he had been a free lance environmental consultant since 1973 working with major national environmental organizations. He added that he also worked with Bynum Fanyo with Phase I Environmental Site Assessments (ESA), and developed standards for the industry. He said he performed an ESA for Habitat on the west half of the property while Indiana Railroad owned the property. He said that the Phase I ESA did not usually include samplings which would usually be included in a Phase II assessment. He said he tested the entire parcel for arsenic and lead that might have been left by coal ash and cinders from the rail line as this was also found on the B-Line property. He said that he found no concerns involving these materials.

He noted his awareness of and study of PCB contaminants, and assisted at Lemon Lane flow studies, but said he didn't find this contaminant on this parcel, although he said there was a storage shed that might have potential for some contamination from materials stored there by the railroad. He noted his research did not indicate that at this time there was a danger of contaminants leaching from old railroad ties. He added that any areas of concern would have not been in the exact development area, but the edge common areas. He said if the storage building area slabs were going to be affected by

the development, he recommended, just to be safe, the testing of that area. Otherwise he didn't see any reason to sample the areas of development, but did recommend the removal of old railroad ties.

Ordinance 14-03 as amended by
Reasonable Condition #1. (cont'd)

Ruff asked about required testing that might eventuate later and how that might affect any funding of the project. Boulding said it was hard for him to imagine that any federal or state agency would require testing if the railroad ties were removed.

Kerry Thomson said that Habitat filed environmental clearances for each lot, and every area in question was outside of the area of developable land. She said there was no anticipation of any more requirements for federal funding. She said the final environmental clearance would come after the platting was done, and the buildable lot was established.

Spechler asked if there was PCB testing on the site. Mr. Boulding said he did not test for PCBs and did not see any reason for it from his background research and experience with the county's PCB history. Spechler asked if this was an expensive test. Boulding said his last samples tested cost \$35 per sample.

Rollo asked planning staff where the two Phase I assessments for heavy metals were located. Micuda said one study was done on the property purchased from Mr. Henke; the second study was focused on the western part of the property which would not be built on. Boulding pointed out areas on a map.

Sturbaum asked if six random samples for \$270 (sic) would be worth the peace of mind. Boulding said to do a statistically random sampling of that area would need a lot of samples taken. He said that his work with ASTM (American Society for Testing and Materials) focused on the amount of money wasted on environmental site characterization because of taking a random sample approach needing special techniques for hot-spot sampling and expedited site characterization. Sturbaum said he understood Boulding didn't have statistical respect for six samples, but Sturbaum said he didn't see the harm in doing six samples. He wanted to hear if Habitat would do those six samples and put the matter to rest. Boulding said he felt strongly it was unnecessary to do that. Sturbaum said it would also do no harm. Boulding said the expense of paying an environmental professional to take the samples, the cost of running the tests, and the resulting report would be unnecessary expenses. Sturbaum asked if six samples could be taken.

Thomson said her understanding from environmental experts, not just Mr. Boulding, was that there was really no reason to believe that there were PCBs on this site. Sturbaum said then there should be no reason to not do six 'simple' samples for under \$300. Thomson said that the actual running of the test was \$35, but there were more fees associated with that testing.

Rollo said there were always issues of contamination with rail lines and asked if Micuda recalled the nature of the environmental tests done with the establishment of the B-Line trail. Micuda said he could not answer that question. Boulding said he reviewed the studies on the old railroad line and said the arsenic levels were ten times higher than what IDEM had as acceptable for residential areas. Boulding said that arsenic and lead were present in 100% of his Phase I samples from the rail bed and exceeded the IDEM standards. He said he took the samples from areas specifically in low areas and near the rail lines because that's where the heavy metals would have accumulated had there been any. He said the samples showed the arsenic levels were within the natural background levels for Monroe County and the limestone soils. He said these were

higher than typical in most other soils, but were within the IDEM standards.

Ordinance 14-03 as amended by Reasonable Condition #1. (cont'd)

Rollo asked the planning staff if there were developments adjacent to the rail line where PCB testing had been required as a condition of approval. He noted he was trying to evaluate the likelihood of PCB contamination.

Micuda said these assessments were usually done between buyers and sellers of real estate and were not part of the planning process. Boulding said he had done a Phase I study for the property that was the site of a new building (Hyatt Place). He said it was the railroad station for the Monon Line with spurs coming into it. He said he recommended a Phase II investigation be done for that property because of that usage. He said it was his understanding that no significant contaminants were found there.

Ruff asked staff to talk about the trade of land in the certified tech park for this property, resulting in a Habitat build out further east. Micuda said the tech park property was owned by the city Redevelopment Commission (RDC), a separate body from the city administration. He said the acreage on Rogers Street was 3.86 acres of the 12 acres the RDC acquired. He said that total cost was \$9.3M, with the Rogers Street property worth about \$3M. He said the Habitat property was worth \$300,000, a significant difference. He added that the RDC looked at the Rogers Street parcel as a high density housing node that could cater to workforce, seniors, tech employees, and affordable housing that might include hundreds of units, apartment style units in a multi-story commercial construction. He said these two properties did not line up as opportunity swaps for reasons of ownership, cost and planned use.

Sturbaum said he had talked with Danise Alano-Martin about this issue and showed a sketch of what the Rogers area was planned to be. He said it had a different character on the busy street of Rogers. He said the plan was a long term vision and extended to the Bender Lumber property.

Neher called for public comment on the ordinance as amended by Reasonable Condition #1.

Marc Haggarty said that the people from the north of this project had been left out of the planning. He posed the issue of suspecting that PCBs could be present in the area, what he called the area between the two biggest contaminated areas of the county, only a half mile apart by railroad. He noted there had not been any testing for PCBs, and yet there should have been. He said kids in the area had salvaged capacitors from open dumps nearby and drained them onto the ground, and that area should be tested. He said the dumps included the Lemon Lane dump, Fell Iron and Metal and a couple more properties. He encouraged council members to walk the property and look at it more closely, and to consult with the people in the area who were familiar with the way the woods were used. He said there were people who did not want this project injected into their woods.

Glenn Carter said the question of PCBs hit a nerve. He said the community sentiment in the 1990s and 1980s was one of great concern. He noted the site's proximity to the Lemon Lane Landfill. He said the danger of PCBs, the closeness to the superfund site, the minimal cost of the PCB test all point to the need for testing. He said public health was more than convenience, and asked the council to require tests.

Laramie Wilson noted her previous email to council members and asked to add to those comments. She said she lived in the west side neighborhood. She said she supported Habitat as a volunteer and

contributor in the past, but did not support this location for development. She said she had served on the city's Environmental Quality and Conservation Commission and helped develop early bicycle and pedestrian connectivity. She said that this, the first development for the west side of the trail, would not enhance the livability and walkability of all the neighborhoods along the trail but just the opposite. She said the woodland would be destroyed, and that it had been used as a pathway to the downtown from neighborhoods. She said the city supported preservation of the city's diminishing woodlands and greenways along with affordable housing in the downtown core, but they were not mutually exclusive. Wilson said she had worked with citizen groups to track the PCBs in the community, and she knew that children took the capacitors containing PCBs and opened them to scavenge for copper, and drained them on the site. She said they were readily found in west side neighborhoods, and talked about dumping the oily substance in many places in the area. She asked that Habitat build elsewhere, and asked the council not to support disturbing this woodland.

Beth Ellis supported the Habitat project and said it was a wonderful use for this property. She said having more families and children on this section of the B-Line would make it actually safer. She added that the trail would give Habitat families more access to downtown and asked for the council's support.

Norma Jean Bunton said she appreciated Sturbaum's advocacy for his district, and apologized for speaking from the back of the chamber. She said that her Habitat house was not one that neighbors wanted to be built. She asked for the council's support for new neighbors. She also asked that the loop within the project not be named Cottage Grove because of confusion.

Ruth Beasley said she had wondered if the section of the B-Line near her neighborhood was the least safe in town, and asked the Police Department to do a 'data run' which she had not yet had time to analyze. She said it was the area down by Kroger's that had the most problems, even with lots of light and more people there. She said there were lots of stereotypes about people living in her neighborhood which at one time was called Pigeon Hill, characterized in the past as being unsafe. She said Thomson told her Habitat homes were not objected to in her neighborhood.

Beasley said that in reviewing the documents from the beginning of the project she had noticed that the Environmental Commission's statements had softened. She noticed in one report that development would cause the city to be deprived of "forest ecosystem services" which was the ability of the trees to sequester carbons. She also said a sinkhole and karst was noted in another report and noted that neither were discussed at the latter meetings. She encouraged the council to follow the UDO.

Rollo asked to revisit the PCB issue noting the site had not been tested for PCBs. He asked if the site noted by Mr. Boulding could be tested for PCBs and it not be considered an undue burden but a condition of approval. He said testing the entire site would be an undue burden, and would be asking the scientist to perform tests that he had already determined irrelevant. Rollo asked if this was an undue burden. Boulding said he understood concerns, and said he would be willing to donate his time to collect samples in the area recommended. Rollo asked Boulding if he had seen broken up capacitors, transformers or debris of that nature in his site inspection. Boulding said these were things he had looked for. He said he had sampled and tested a site next to Lemon Lane and had found no PCBs on that property. Thomson said Habitat would be happy to have testing done at the location on the property described earlier.

Ordinance 14-03 as amended by
Reasonable Condition #1. (cont'd)

Ruff asked Boulding if it were reasonable to assume that since there were no capacitors or remains on the site, that there were most likely no PCBs. Boulding said that as a professional experienced in soils, hydrogeology, and contaminants he would, if there were any doubt, have the soil tested. He reiterated that he had seen nothing, with the remote possibility of the one storage site used for 40 years by the railroad, that needed further testing. Ruff asked if PCBs could have 'migrated' naturally into the area. Boulding said the property was on high ground, and that was not possible. He reiterated that he did not see anything that would give him the idea that there were contaminants in the area.

It was moved and seconded to adopt Reasonable Condition #5.

Ruff asked about wording of the Reasonable Condition that included remediation, and asked if it were redundant. Boulding spoke about the requirements and suggested "residential default closure levels as established by IDEM" as good wording for the intent of the reasonable condition.

It was moved and seconded to amend Reasonable Condition #5 to include language in the form presented here.

The motion to approve the amended language was approved by a voice vote.

Sherman read the new language aloud.

Laramie Wilson said she lived in this area during the time that the city filed the lawsuit regarding PCBs. She said that the capacitors could be found on the ground, the dumps were unfenced and managers didn't mind if these things were taken away. She said there would not be physical evidence because it had been removed as the lawsuit drew closer, and said she looked for them there in the early 1980s and did not find them. She said she respected Boulding's work, but noted that the dumping happened from 1958 until the 1970s with scavenging the whole time.

Marc Haggarty said the Utilities Service Board had sent a letter to customers of the county that included a note saying that if PCBs were found on their property, they could be held liable. He said the city had assiduously avoided finding PCBs because they didn't want to. He said the council also had voted to put a PCB incinerator in the town, and reminded folks that the City Chemist was fired for testing for PCBs. He told of a near riot in the council chambers at that time, too. He said that somehow the incinerator was stopped. He said that it was not beyond reason to think that there could be PCBs between the railroad tracks.

Spechler said that he didn't think there would be PCBs on this site, but thought it was a reasonable concern because in a previous meeting the council was told there were not PCBs and at this meeting they were told that PCB testing had not been done. He said it was worth the couple of hundred dollars to test the site.

Sherman noted that Mr. Boulding suggested that the words 'of soil' be inserted into the new wording. His suggestion was reflected in the wording to the right.

Amending the amended language for Reasonable Condition #5 was approved by a voice vote.

It was moved and seconded that Reasonable Condition #5 (as amended) be approved.

Reasonable Condition #5

Amending Reasonable Condition #5

This reasonable condition is sponsored by Councilmembers Sturbaum and Rollo and requires that the area mentioned in the deliberations around the shed be tested for PCBs and remediated if found there and exceed residential default closure levels of soil established by IDEM

Volan noted that the language said that the soil around the shed should be tested rather than the soil under the shed. Boulding had already noted that the shed floor was concrete and while he could bore through it, it was not necessary.

Laramie Wilson said it had been hard to hear and follow this discussion. She said if testing needed to be done, it needed to be done in the places where the homes would be built, and not just the shed and railroad ties areas.

Ruth Beasley said that capacitor metals were recycled and so there wouldn't be any debris found with oil that would have leaked into the ground, but that wasn't a reason to not test the site for PCBs.

Marc Haggarty said yes to all of Beasley's questions, and noted that no metal remained there, but was sure that the property should be tested. He said the grid system of testing should be done and it was used for the Superfund sites.

Sturbaum said that this was reasonable issue to look at, and that Habitat would not want residents to be exposed to any danger. He suggested that if anything were found in the area required to be tested, that Habitat extend the testing to the residential sites without being told to.

Reasonable Condition #5 as amended received a roll call vote of Ayes: 9, Nays: 0.

Consideration of the ordinance as amended by reasonable condition #1 & 5.

Ordinance 14-03 As amended by Reasonable Conditions #1 & 5.

Neher asked for public comments on the ordinance as a whole.

Rollo said this was an urban woodland of some quality and an issue for concern. He said the Environmental Commission would, of course, recommend that 'green' areas within the city be preserved. He said the city had to balance the preservation of green space with the need for affordable housing, and noted the city's purchase of acres of green space around the city. He said the sequestering of carbon was of concern and was happy to offer the reasonable condition involving that issue. He said connectivity was an issue, but realized that in the geographic area it was not able to be done. He applauded Habitat's record for providing owner occupied housing and lauded their work. He said that the most attractive aspect of the proposal was the proximity of the residences to the B-Line and the downtown. He said that the plan was one of an integrated community and felt that the neighbors would all get to know each other well and share that green space.

Rollo noted the environmental expert consultant did not believe it was necessary to test for PCBs in the broader area, but did recommend testing in the one place in question.

Spechler said he was for this from the beginning. He said support extended beyond the room to a number of messages that the council received. He said the notion of a land swap was a non-starter as the tech park land was highly valuable and would counter the high concentration of students in the area. He noted Habitat's fine reputation and noted the city needed more affordable housing.

Granger said the city needed to do a better job with affordable housing, and noted her favor of this project that she said met a need in the community near the downtown. She said her questions had been answered over the past hearings, and appreciated Boulding's offer to further test the site. She thanked all for their participation and patience during the process.

Sturbaum said that the screening and new plantings would help mitigate the loss of trees in some areas. He noted that a long time drainage problem in the area would be actually helped out by the project. He said the access that would be created would be better than a dirt path and the design of the overall neighborhood was good. He hoped that Habitat participants would ask for cement siding to add color and variety. He said that this was a good project in a good place.

Sturbaum said he didn't like separating nature from 'us.' He said this was an important project of nature and homes co-existing in harmony.

Sandberg said she had listened to hours of testimony and information about homeless issues, the night's discussion of work of the Bloomington Housing Authority, and now this project that would help get people out of poverty and into better situations. She said it was interesting that this project was fraught with controversy when it was just what earlier folks wanted. She noted this project would help those who were in 'working poverty' and the pros of the project outweighed any questions regarding it. She noted that all concerns were listened to very carefully and that she was offended by anyone's notion that things were swept under the rug and that the council didn't care. She expressed thanks to everyone who attended the meetings in the past few weeks.

Ruff said he appreciated having the land swap issue laid out more clearly in this meeting. He said he appreciated Boulding's presence and statements that helped him understand environmental issues. He said he still had some concerns about the drainage issue. He said that the extensive continuum of opinions on the project was represented by the messages sent to the council and public statements in meetings. He reminded listeners that the process was slowed down to give more people time to make comments and give input.

He said the best part of the woods on the site would remain and Rollo's suggestion of new plantings would enhance it further. He said that overall this project would strengthen the community with rooted families in the area.

Volan said he had problems with both sides of this issue, the definition of common space vs. public space, and the PCB testing not done already. He said that there was a class issue in this neighborhood, but the neighborhood was not too poor to organize an association and be associated with other neighborhoods. He said the land swap was not viable; the woods were not that high a quality. He noted that the process of hearing this petition had been extended to a longer period of time and said he felt that every issue should be on a five week process, and have three hearings like he said most every other city in the state did. He said there was a better communication model during the PUD process and called for council to be in PUD loops earlier, before they are introduced to the council. He said the process was thorough and he supported it.

Mayer wished Sturbaum a Happy Birthday since the meeting was now taking place on March 27th. He said that the development was a positive thing for the neighborhood and that the development would be positive for Fairview, United Ministries, and Tri-North schools. He also said it would give the city the opportunity to see how this type of development would create other opportunities. He said he attended the first meeting on this project four years earlier at Banneker Center and the exact same issues were discussed then. He noted that Boulding's report was highly regarded by the city Utilities Department, and thanked Boulding for his work.

Neher said he had been chastised for referring to this project as the Habitat Project, and that he should just look at this as a PUD or other

development. He said the whole experience surrounding the discussion of this project had been positive. He noted that the evolution of facets of the project, through discussion, made the project better than the initial proposal. He added that he looked forward to supporting the B-Line neighborhood for what it will be and what it has the potential to become.

Ordinance 14-03 As amended by Reasonable Conditions #1 & 5 (cont'd)

Ordinance 14-03 as amended by Reasonable Conditions #1 and #5 received a roll call vote of Ayes: 9, Nays: 0

Ordinance 14-04 To Amend Title 14 of the Bloomington Municipal Code Entitled "Peace and Safety" Re: Amending Chapter 14.20 (Firearms – Deadly Weapons) to Allow for the Discharge of Firearms at the Griffy Lake Nature Preserve for the Purpose of Deer Reduction via Sharpshooting

LEGISLATION FOR FIRST READING

Ordinance 14-04

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

PUBLIC COMMENT

Dan Sherman, Council Attorney/Administrator, noted the upcoming schedule and made some suggestions for changes. The following motions were made, seconded and approved by voice votes:

COUNCIL SCHEDULE

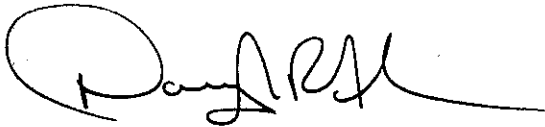
- Motion to cancel the Committee of the Whole that was scheduled for March 26, 2014 (would have immediately followed this meeting).
- Motion to schedule a Committee of the Whole on April 2, 2014.
- Motion to reschedule the April 2, 2014 Regular Session to April 9, 2014.
- Motion to cancel the scheduled Committee of the Whole meeting scheduled for April 9, 2014.

The meeting was adjourned at 12:37 am.

ADJOURNMENT

APPROVE:

ATTEST:



Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington