

In the Council Chambers of the Showers City Hall on Wednesday, April 2, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
April 2, 2008

Roll Call: Mayer, Piedmont, Rollo, Sandberg, Satterfield, Sturbaum  
Absent: Volan, Wisler, Ruff

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved at this meeting.

APPROVAL OF MINUTES

Chris Sturbaum reported on the recent visit to Bloomington by former US President Bill Clinton who was stumping for Senator Hillary Clinton. He said the Democratic primary "fight" isn't like an IU/Purdue game where you want someone to win so badly, but it's more like an intramural match, where you like both sides. He said both Democratic candidates were good candidates, and hoped they worked together to solve the really important issues facing us.

REPORTS:  
COUNCILMEMBERS

Tim Mayer said the Community Kitchen will be holding "Palette to Palate" a silent auction of local art donated to the agency on April 12<sup>th</sup> at the Fields Clubhouse.

He also announced that on April 13<sup>th</sup> Monroe County United Ministries would hold their spring luncheon and silent auction at the Convention Center.

Isabel Piedmont said Bloomington was honored to have former President Bill Clinton visit and deliver what she called an excellent speech. She added that it was exciting that the Democratic primary had additional meaning in Indiana this time, and that Indiana was getting attention from the candidates.

Piedmont announced the Homeward Bound Walk to prevent homelessness would occur on April 6<sup>th</sup> at 3<sup>rd</sup> Street Park.

Susan Sandberg also mentioned the Homeward Bound Walk, and urged the community to participate. She said this was an important priority.

Dave Rollo reported on his opportunity to meet with former President Clinton where he talked to him about peak oil. Rollo said that Clinton had spoken on this several times and viewed it as an important topic and a reason we should move ahead with alternative energy research, development and generation. He said Clinton also spoke about climate change, and plans to continue speaking about it.

Marcia Veldman, Community Events Coordinator in the Department of Parks & Recreation, announced that the Farmers' Market would open this Saturday, 8 am until 1 pm until the end of September, and would be open from 9 am to 1 pm in October and November. She said interest in the market was growing faster than zucchini in July. Last year there was a 15% increase in customer attendance with over 130,000 participants. She said this year the Tuesday Market would be held from 4pm tp 7 pm at the corner of 6<sup>th</sup> and Madison, and added that the market now had gift certificates in \$5.00 increments which could be purchased at the Parks table at the market or during the week in the Parks Office at City Hall. Veldman said her office, along with Slow Foods Bloomington, Bloomingfoods and the Local Growers Guild would be offering a Farm Tour and dinner on July 13<sup>th</sup> to promote the connection among the farm, the farmer, the food and the eaters.

MAYOR and CITY OFFICES

Dave Rollo asked about the possibility of Market expansion. Veldman said they were exploring options, but that the current location made it difficult to expand much further on Saturdays. However, if Tuesday Market became successful, there might be an option for Market on other weekdays.

MAYOR and CITY OFFICES  
(cont'd)

Isabel Piedmont asked how the public could participate in the Farm Tour. Veldman said that 80 people would be the capacity, and that registration would probably begin in early June.

Miah Michaelson, Assistant Director of Economic Development for the Arts, said that in partnership with the BEAD, the City would be sponsoring "Hand Carved in Stone", a two day limestone carving in conjunction with the Farmers Market on Showers Plaza, April 19<sup>th</sup> and 20<sup>th</sup> and would feature six carvers.

She also announced "Writing on the Wall", a free speech public art exercise in democracy project sponsored in collaboration with IU Arts Week and local artist Joe LaMantia in the atrium of City Hall.

Danise Alano, Director of Economic Development reported on the Be Downtown Bloomington kick off for the second quarter (April, May and June), which followed last quarter's Be Healthy Bloomington. Events would begin with a downtown cleanup on April 29<sup>th</sup> followed by a variety of events in the coming months.

She also announced the beginning of the streetscape design process for South Walnut Street from 2<sup>nd</sup> Street to 3<sup>rd</sup> Street which would incorporate landscaping and sidewalk improvements. Alano reported that BUEA approved an additional \$10,000 to extend the streetscape design south to 1<sup>st</sup> Street. City staff began working with the design consultant and had walked the area. She said there would be preliminary design options and eventually an open house for the public to hear possibilities and options, and provide input. Alano said this design would integrate with the B-Line and incorporate design elements that identify the BEAD boundary which begins just north of the 2<sup>nd</sup> St. and Walnut St. intersections.

Feedback for preliminary planning would be solicited through online surveys and surveys of the nearby property owners, after which a tentative plan would be developed and more input sought. Information would also be solicited from boards and commissions with an interest in the plan. Finalized plans would be developed in August with a presentation of the proposed preliminary design streetscape in September.

Piedmont noted that this was exciting since this was an area that badly needed a facelift. She said she was happy that the BUEA added funds to extend the project between 1<sup>st</sup> and 2<sup>nd</sup> Streets; however, she asked how the construction currently going on in that area would affect the project.

Alano said the survey work had been completed already and if there were changes as a result of the current construction new survey work would have to be completed.

Mayer reported that the CBU had plans for major infrastructure improvements in that area of utility construction.

There were no Council Committee reports.

COUNCIL COMMITTEES

David Grubb said he was proud of Mr. Langley and his work. He also commended Charlie Beasley and Carl Barzilauskas who he said were two fine businessmen. He spoke about drug and alcohol problems at the Moose Lodge, and problems at the Westside Pool Hall with underage drinking. He asked that we work to support our kids to be leaders

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PUBLIC INPUT

There were no appointments to boards or commissions at this meeting.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that ORDINANCE 08-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 2-1-6, It was moved and seconded that ORDINANCE 08-01 be adopted.

LEGISLATION FOR SECOND  
READING

ORDINANCE 08-01 TO AMEND  
THE PRELIMINARY PLAN FOR  
THE WOOLERY PLANNED UNIT  
DEVELOPMENT (PUD) TO  
ALLOW 38 ATTACHED SINGLE  
FAMILY UNITS ON PARCEL G -  
Re: 1302 W Countryside Lane  
(Langley Construction)

Council President Sandberg announced that before hearing the staff report, there were two conditions on the motion which needed to be considered. She asked for a motion and a second to adopt the first condition entitled RC-01 sponsored by Councilmember Satterfield.

Conditions on an Ordinance

The Common Council wishes to impose the following conditions on Ordinance 08-01 (Amending the Preliminary Plan for Parcel G of the Woolery PUD) which it finds reasonable:

It was moved and seconded to accept condition RC-01. Satterfield said this was classified as a reasonable condition that would impose the stated condition on Ordinance 08-01.

Reasonable Condition #1

The petitioner shall install sidewalk, tree plot and curb on the east side of Adams Hill Circle from West Countryside Lane to the next intersection to the north.

Satterfield recommended striking "tree plot" and leaving the statement to read "sidewalk and curb". He said he didn't feel the tree plot was necessary.

City planning staff supported the amendment as modified by Councilmember Satterfield.

Rollo clarified the change by stating that said since this parcel was in a tree preservation area, it would be nonsensical to expand the area of sidewalk and then plant trees when there was already a substantial area of trees.

Project Engineer Phil Tapp said he and the developers were in agreement with this condition.

Mayer said it seemed counterintuitive to put a sidewalk in a wooded area where it wasn't needed. Historically the city used the Determinate Sidewalk Variance which would allow developers to defer sidewalks to sometime in the future. However, sidewalks were not always built, and in response to the community and the Plan Commission, the first GPP established that sidewalks would be built wherever they were required. He said he supported building sidewalks whenever possible, although for this project it seemed counterintuitive to build a sidewalk in a natural area. However, he maintained that if sidewalks weren't provided, the public would walk in the street.

Piedmont thanked the developers for their willingness to include sidewalks. She said in order to preserve more trees, the Environmental Commission was not in favor of adding a sidewalk on that side of the street. She said she was concerned about kids who might go into the wooded area because of the litter they may leave behind. She said, however that walking on the shady side of the street under trees was more preferable for most. She said she wasn't sure that those who walked in the street would be in that much danger since it was a short

portion with low speed. She said she would listen to others. Sturbaum said it was a good compromise because fewer trees would be removed and it would avoid having a walking path worn into the ground. This is a way to not take out too much green space, yet also caring for pedestrians.

Rollo said he also was conflicted in evaluating the options. He asked the planning staff for their thoughts on the sidewalk. Planning Staff said during the planning process they felt the sidewalk was not entirely necessary based on lack of residential units on that side of the street, the isolated and short length and that pedestrians could cross to the other side where there was a sidewalk.

Sturbaum asked planning staff if pedestrians might continue walking on the side of the street with no sidewalk rather than cross the street to the side with the sidewalk. Tom Micuda, Planning Department responded that as planners, the department felt that pedestrians would cross the street to use the sidewalk.

Satterfield said the tree preservation area was an attractive area that would be used by kids and adults alike, and disagreed with Councilmember Piedmont that kids should be kept out, since it could be a real asset for playing and learning. Without a sidewalk on the side of the street with the tree preserve, access would be more difficult, and adults could monitor kids' activity in the wooded area easier on a sidewalk rather than in the street. He said also that a sidewalk would create access for people with disabilities and those who have less mobility who should not have to worry about street traffic.

Piedmont asked who would be responsible for trash in the woods. Planning staff said it was the neighborhood association's responsibility. She asked how that would be enforced by the city. Staff said the city doesn't enforce private covenants and restrictions, because it is up to the homeowners' or neighborhood associations, and there hadn't been many problems with trash in the past.

Sturbaum said most trash he sees comes from moving vehicles and not pedestrians. Therefore, he said a sidewalk would not contribute to littering in the woods, but would make it easier and safer to access the woods for removing litter.

Micuda said the edge of the woods would not be on top of the street edge, but there would be a couple of feet of ground cover next to the woods.

Satterfield asked if Micuda would feel comfortable if his toddler rode a tricycle on that area. Micuda said he would rather have the child inside the development on a sidewalk.

Rollo asked since the Plan Commission debated the sidewalk issue and chose not to include it, was there something the council was missing in this discussion. Micuda said no.

Sandberg asked how much walkability and connectivity would there be within the development, how important was preserving the tree area, how necessary was the proposed sidewalk and what was the appropriate balance among those issues. Micuda said this sidewalk would be redundant in the opinion of the planners.

Piedmont reminded the Council that bicycles were not allowed on sidewalks.

Rollo said this was a tough one, however, because staff thought this was redundant, and the Environmental Commission wanted this area preserved, he would vote against it, but appreciated this amendment being introduced because the desire was to serve the pedestrian connectivity.

Reasonable Condition #1 (cont'd)

Sandberg said she too would vote against this to preserve the trees in the area.

Sturbaum asked for clarification of what would be between the woods and the street edge. Micuda said there would be a couple of feet between the edge of the street and the trees which would be grass or a grassy surface. He added that if there was a sidewalk adjacent to the street, there would be a five foot stretch of sidewalk and then a couple of feet of grassy area between the sidewalk and tree edge. Sturbaum said if the sidewalk was against the curb, then it wouldn't endanger any trees. Staff said the sidewalk was not endangering any existing trees. Sturbaum responded that therefore he didn't see this as a conflict with tree preservation, but rather as a pedestrian amenity. Micuda said that having no sidewalk, saved a five foot by 300 foot strip from disturbance. Sturbaum noted however, that it wouldn't endanger trees.

Reasonable Condition #1 received a roll call vote of Ayes: 3 (Sturbaum, Satterfield, Mayer), Nays: 3 (Rollo, Piedmont, Sandberg). The vote failed for lack of a majority of 5 Ayes.

Vote on RC-01

It was moved and seconded to accept condition RC-02 sponsored by Councilmember Piedmont who said the main issue of this development was fitting in sufficient parking. She said land banking would preserve space if it was needed in the future for parking, but until then would be an unpaved permeable surface which would improve storm water drainage and as green space would add aesthetics to the area.

Reasonable Condition #2

The Petitioner shall land bank eleven parking spaces in the southern portion of the private drive. The term land bank means this area will serve as green space unless and until needed for parking.

Planning staff said they were in support of the amendment.

Phil Tapp, for the petitioner said the developers and designers were cautious not to build too few parking spaces, but added that this was a good compromise.

Satterfield asked about the allocation of parking spaces, to which staff said the parking requirement was based on the number of bedrooms, not on occupancy or anticipated visitors, according to the UDO which provided one space per bedroom for multi-family developments. With the reduction in this amendment there would be 0.8 parking spaces per bedroom.

Mayer asked how the parking spaces would be reclaimed. Tapp said the homeowners' association would have to demonstrate need, and then be responsible for installing and paying for the parking spaces, subject to city approval.

Sturbaum asked if homeowners' dues increased when neighborhood improvements were made. Micuda said the homeowners' association could save money from membership fees in anticipation of installing future parking spaces or could assess the residents when the need arose.

Tom Calvert Rosenberger asked how the land bank would be developed. Staff said the land bank would be graded and seeded with grass.

Piedmont asked about on-street parking on Adams Hill Circle. Staff said on-street parking changes would go to the council, but moreover that on-street parking on that street would be considered substandard

because of the reduced street width. Micuda said that if on-street parking was desired this was the best time to add it because of the need to widen the street which probably wouldn't happen after completion of the housing development. He said he didn't anticipate that the land bank or on-street parking would be needed in the future.

Rollo commended Piedmont for this amendment since it moved in the direction of less vehicular traffic while preserving green space.

Sturbaum said based on his experience, there is need for additional parking for visitors, and would vote to keep these spaces.

Sandberg said she was inclined to support land banking.

RC-02 received a roll call vote of Ayes: 3 (Rollo, Piedmont, Sandberg), Nays: 3 (Sturbaum, Satterfield, Mayer). The vote failed for lack of a majority of 5 Ayes.

ORDINANCE 08-01, was introduced by planning staff who said it was supported by the Plan Commission, and would amend the Preliminary Plan of the Woolery PUD to allow 38 attached single family units on Parcel G, located in the far northeast corner of the PUD.

Main Motion 08-01 as unamended

Petitioner Phil Tapp said this development had been developed to provide quality affordable housing and to allow for preservation of the environmentally sensitive area and trees. He said that through the planning process he learned about different building materials and processes that should be incorporated into this project. He learned about new recycling and reduced parking concepts that were different from the practices of the past twenty-five years. It was an educational and positive experience.

Satterfield thanked the Langley Brothers and staff for their work.

Piedmont said she was glad that Mr. Tapp had said this was a good experience and she thanked him for his patience during this process. She said she was very pleased with the tree preservation and affordable housing in this development. She added that she still had reservations about the internal configuration of the townhouse portion of this development which was not conducive to pedestrians. Piedmont suggested that the parking requirements in the UDO were not satisfactory because the ratio was too high and needed to be reduced as occurred with this project. She said she hoped the requirements could be revisited.

Mayer said a critical aspect to this project was that it set aside important green space in the substantial portion of woods being preserved by the developer. He commended the developers for their work.

Sturbaum also thanked the developers for their cooperation.

Rollo said he appreciated the forested area that was preserved by the developers because it placed constraints on configuration and design making it more difficult for them. He added that while this project was good and he appreciated the work, that in the future he would like to adhere to new urbanism standards more.

Sandberg she appreciated the affordable housing aspect of this project as well as the respect for the environment.

ORDINANCE 08-01 received a roll call vote of Ayes: 6, Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

ORDINANCE 08-04 TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION" TO ESTABLISH A HISTORIC DISTRICT - Re: Prospect Hill Conservation District (Bloomington Historic Preservation Commission, Petitioner)

Ordinance 08-04

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

PUBLIC INPUT

The meeting was adjourned at 9:20 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Susan Sandberg, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington