COMMON COUNCIL
REGULAR SESSION
June 28, 2017

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 28, 2017 at 6:30pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

ROLL CALL
[6:30pm]

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

AGENDA SUMMATION
[6:31pm]

Council President Susan Sandberg gave a summary of the agenda.

APPROVAL OF MINUTES
[6:32 pm]
November 14, 2001 (Regular Session)
June 14, 2017 (Regular Session)
June 21, 2017 (Special Session)

Councilmember Tim Mayer moved and it was seconded to approve the minutes of November 14, 2001. The motion was approved by voice vote (Piedmont-Smith abstained).

Mayer moved and it was seconded to approve the minutes of June 14, 2017. The motion was approved by voice vote.

Mayer moved and it was seconded to approve the minutes of June 21, 2017. The motion was approved by voice vote (Chopra abstained).

REPORTS

- COUNCIL MEMBERS
  [6:34pm]

Councilmember Steve Volan expressed his appreciation to those council members who intended to work during the upcoming Council recess and reported his intention to vacation.

Councilmember Isabel Piedmont-Smith shared her recent observations of the downtown area. She described the emptiness of Peoples Park and shared that there was a congregation of people yelling on the sidewalk. She said there was an ambulance that appeared to be responding a possible a drug overdose. She commended County Commissioner Amanda Barge, County Councilmember Eric Spoonmore, County Councilmember Shelli Yoder, and City Councilmember Allison Chopra for organizing a seminar on the opioid crisis to be held in Bloomington on September 28. She urged everyone to be careful.

Mayer commented on the official start of summer and the beautiful weather.

Councilmember Chris Sturbaum reported seeing more displaced people in Bloomington than on recent trips to Detroit and Brooklyn. He said there was a problem and the Council needed to find a solution that was compassionate yet fair. He spoke about the proposed changes to the national health care law and called cuts to Medicaid dangerous. He said that only wealthy people would not be hurt by the law and he urged people to pay attention.

Sandberg expressed her concern for the displaced people in the downtown area. She pointed to the Downtown Safety and Civility Taskforce as a group that was working towards solutions. Sandberg acknowledged homelessness as a multifaceted issue, affected by mental health issues, drug addiction, and affordable housing. She expressed her appreciation for Councilmember Sturbaum's healthcare concerns. She thanked her colleagues for their shared concern.

- The MAYOR AND CITY OFFICES [6:45]

Mayor John Hamilton commented on the connection between homelessness and the need for affordable housing. He said that despite recent work by the Council and administration, the problem had not been fixed. He mentioned upcoming efforts and projects designed to increase affordable housing but emphasized more experimentation was necessary. He said Accessory Dwelling Units (ADUs) would be part of affordability efforts and said that the pilot nature of the proposal addressed concerns. He urged the passing of the proposed original legislation, not an amended version. Hamilton noted that if the ADUs did not work, the damage would be small. He said affordable housing was a major obstacle for many families in the community and it required responsible action.

Tom Miller, Director of Innovation, presented a report on innovation in Bloomington. He explained research showed that revealed people wanted more innovation within the city organization. He presented ideas from the innovation team that centered on technology and communications. He presented a case study that exemplified the ability of ideas to become solutions. He detailed several innovation initiatives, including an "App Challenge" for Bloomington Transit, speech-to-text abilities for transcribing meeting minutes, and a portal on the city's website for potential business owners. He reported that he had not spent any of his allocated funds yet detailed possible innovation projects for City Hall. He expressed hope for the city to prioritize innovation in the future.

Council Questions:

Piedmont-Smith asked Miller if the purpose of the App Challenge was to prepay for a bus ticket, considering the small number of people who would purchase one-time tickets. She asked for clarification as to whether physical bus tickets still existed.

Miller confirmed there were still physical tickets and they must be purchased with cash. He emphasized the purpose of this project was to achieve convenience.

Chopra asked Miller about the unused funds and mentioned the upcoming budget meetings.

Miller laid out his plans to use the allocated funds for inspection digitization, a public works asset survey, and upcoming innovation challenge.

Volan thanked Miller for the report.

- PUBLIC

There was no public comment.

APPOINTMENTS TO BOARDS AND COMMISSIONS

There were no appointments to Boards and Commissions.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:18]

Ordinance 17-32 - To Authorize Disposition of the Switchyard Park Property (1901 South Rogers Street)

Mayer moved and it was seconded that Ordinance 17-32 be introduced and read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee Do Pass recommendation of 8-0-0.

Mayer moved and it was seconded that Ordinance 17-32 be adopted.

Paula McDevitt, Director of Parks and Recreation, outlined plans for the Switchyard Park Property. She displayed an aerial photo of the property and outlined the different sections, including the park areas and portions of land deemed not necessary for the park. She pointed out the parcel that would be used for affordable housing.

Council Questions:

Chopra asked McDevitt if there were other sections of the property that were also deemed unnecessary.

McDevitt explained that the other sections of the property were a part of the Switchyard Park Plan. She displayed the Switchyard Park Plan and pointed to areas that would be reused as park maintenance.

Chopra asked if McDevitt had any expectations of future proposals similar to Ordinance 17-32.

McDevitt reported that the park was already laid out and there was not any more space for additional projects.

Councilmember Dave Rollo asked if the soil in the area was contaminated due to the past use of the land as a switchyard.

McDevitt reported that they were not aware of any contamination in the particular parcel being discussed.

Rollo asked McDevitt how many units the land would accommodate.

McDevitt replied that the property would accommodate approximately eight units.

Vote on Ordinance 17-32 [7:26pm]

The motion to adopt Ordinance 17-32 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 17-25 – To Amend the Zoning Maps from Single Family Residential (RS) to Industrial General (IG) – Re: 1.5 Acres Located at 1920 West Fountain Drive (Shelby Bloomington, LLC)

Mayer moved and it was seconded that Ordinance 17-25 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis, giving the committee Do Pass recommendation of 5-1-2.

Mayer moved and it was seconded that Ordinance 17-25 be adopted.

Eric Greulich, Zoning Planner, presented slides showing the location and general area of the property proposed to be rezoned. He explained that the property was surrounded by industrial areas on three sides, with the fourth side being residential. He noted that the rezoning would match the city's Growth Policy Plan and that the residential property side would be buffered by a fence. He explained that the site was currently empty and the petitioners intended to build a storage building should the property be rezoned. He presented slides showing what the building would look like and said that the property was too small to accommodate many functions on the Industrial General use list.

Ordinance 17-25 (*cont'd*)
Council Questions:

Chopra asked Greulich if the residents surrounding the property were notified of the intended rezoning use.

Greulich answered that residents within 300 feet and two properties from the site received notification by mail and the residents to the east of the site were contacted directly.

Chopra asked if communication with the residents happened only after the residents learned of the request for the rezone.

Greulich replied that he had spoken to the residents long before the petition for the site had been submitted and that their concerns had been addressed.

Rollo asked if staff would object to removing sexually-oriented businesses as a permitted use for the property.

Greulich answered that staff would not object.

Rollo mentioned that he had brought the matter up with Dan Sherman, Council Attorney, who was working on an amendment.

Piedmont-Smith asked what the asterisk following some of the items on the Industrial General use list indicated.

Greulich explained that the asterisk indicated that the use had additional special conditions.

Rollo asked Sherman if removing sexually-oriented businesses as a permitted use of the property would need to be done in writing.

Sherman answered that a zoning commitment might be all that was required but said he would look into the matter. Sherman asked Rollo if he was unsatisfied with Greulich's answer that a sexually-oriented business could not be on the property because of proximity to a residential area.

Rollo asked staff if that was the case, and said if so, he would withdraw his request.

James Roach, Development Services Manager, answered that a sexually-oriented business was a standard industrial use and one of the conditions of that use was distance from single family residential areas. Because of the particular property's adjacency to a residential area, a sexually-oriented business would not be allowed.

Rollo asked if there were any other uses that would not be allowed due to proximity to a residential area.

Greulich answered that a sexually-oriented business was the only use not allowed to be adjacent to single family residential areas.

Rollo withdrew his request.

Council Comment:

Volan explained that he would vote against the ordinance only because he was not satisfied with the site plan.

Chopra explained that she would abstain from the vote due to her absence in the previous weeks.

Rollo asked if the site design would be going through any additional review.

Greulich said that the designs were conceptual though were also what was likely to be built.

Councilmember Dorothy Granger supported the property becoming an industrial zone. She noted the increase in number of windows to make the building look less industrial.

Vote on Ordinance 17-25 [7:38pm]

The motion to adopt Ordinance 17-25 received a roll call vote of Ayes: 7, Nays: 1 (Volan), Abstain: 1 (Chopra).

Mayer moved and it was seconded that Ordinance 17-28 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis, giving the committee Do Pass recommendation of 8-0-0.

Ordinance 17-28 – To Amend Chapter 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Adding Section 20.05.0332 ("CU-13 [Conditional Use – Pocket Neighborhoods]") and Amending the Following Sections: 20.02.070 ("Residential Core [RC] – Conditional Uses"), 20.02.110 ("Residential Single-family [RS] – Conditional Uses"), and 20.11.020 ("Defined Words")

Mayer moved and it was seconded that Ordinance 17-28 be adopted.

Roach explained the definition of a pocket neighborhood. He listed the benefits of pocket neighborhoods and gave local examples, including Dandelion Village and Bloomington Co-Housing. He presented the building conditions, including allowing the projects in both RC and RS districts, conditional use, minimum and maximum size of lots, density of properties, and a maximum house size.

Amendment 01 to Ordinance 17-28

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Ordinance 17-28. Piedmont-Smith explained the purpose of the amendment was to ensure open space by allowing community buildings or clubhouses to take up only half of the mandated central space.

Council Questions:

Sturbaum asked Roach if there was enough land in the city for the five-acre projects.

Roach said there were some parcels large enough available, though not a lot. He said opportunities might increase when properties were combined.

Sturbaum asked if the combined properties would be vacant lots or if demolition would be involved.

Sandberg suggested keeping questions related Amendment 01 and that general ordinance questions would be addressed later in the meeting.

Rollo asked Roach what would be allowed to occupy the shared open space.

Roach said that the definition of open space included all allowable uses.

Rollo asked if ponds would be allowed as open space.

Roach answered that ponds would not be included as part of the mandated open space.

Rollo asked to clarify if "open space" meant no structures or pavement.

Roach answered that common buildings could count as open space, but the amendment clarified how much could count as common open space.

Council Comment:

Chopra thanked Piedmont-Smith for the amendment as it addressed her concerns and stated her support for the amendment.

Vote to adopt Amendment 01 to Ordinance 17-28 [7:50pm]

The motion to adopt Amendment 01 to Ordinance 17-28 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Council Questions:

Sturbaum said he supported pocket neighborhoods and asked if staff anticipated that investors would want to put properties together.

Roach explained that some properties had structures that would be demolished and noted that demolition delay rules would apply to properties on the historic survey.

Ord 17-28 (*cont'd*)
Public Comment:

Sandy Clothier returned to discuss the cost of demolition to create pocket neighborhoods. She said the neighborhoods not protected by a local historic district would be hurt. She said that the cost per unit in Bloomington Co-Housing was not affordable.

Diana Jackson spoke about the lack of sidewalks in her neighborhood and the need for the Council to take care of existing neighborhoods before building new ones.

Council Comment:

Volan responded to Clothier's concerns and asked Roach if a protection against demolition could be created.

Roach responded that each proposal would be evaluated and noted that a blanket statement prohibiting demolition would not be appropriate.

Volan asked Roach if he shared the concern of houses being torn down to make way for pocket neighborhoods.

Roach said he understood the concern, and one solution would be to designate more properties as historic structures. He noted that most properties were on one-fifth of an acre parcels and a developer would need to buy and demolish five properties, which he speculated would not be profitable.

Granger said she supported pocket neighborhoods. She noted that although she did not believe the neighborhoods were a part of affordable housing, the neighborhoods were an opportunity for the tiny-home movement.

Rollo said that affordable housing depended on the builder and mentioned Dandelion Village as an owner-built neighborhood. He explained shared living was a part of affordability. He thanked staff for the work.

Sturbaum said he supported pocket neighborhoods.

Volan said he supported the ordinance because it enabled the tiny-home movement.

Sandberg said she supported pocket neighborhoods because it would encourage community and sharing.

Vote on Ordinance 17-28 [8:05pm]

The motion to adopt Ordinance 17-28 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0

Ordinance 17-29 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Adding Section 20.05.110 ("Accessory Dwelling Units") and Amending Section 20.11.020 ("Defined Words")

Mayer moved and it was seconded that Ordinance 17-29 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis, giving the committee Do Pass recommendation of 1-2-5.

Mayer moved and it was seconded that Ordinance 17-29 be adopted.

Roach explained the definition of an ADU. He said the goals of the ordinance included promoting affordability, allowing people to age in place, and increasing neighborhood density. The proposed pilot would allow for a maximum of 30 ADUs in the city. He explained the conditions and restrictions that would be placed on ADUs.

Ord 17-29 (*cont'd*)

Terri Porter, Director of Planning and Transportation, presented research done in response to questions from a previous meeting. She compared Bloomington's ADU policy to policies in other cities. She pointed out that most communities did not have large numbers of ADUs and noted that Lawrence, Kansas, a comparable city to Bloomington, had 15 units since their program began in 2006. She pointed out that Wellfleet, Massachusetts required ADUs to be an affordable unit. She addressed concerns over the ability to finance the program and spoke about the Section 203(k) FHA loan program.

Sandberg thanked Porter and Roach for the presentation and mentioned a possible postponement of the vote on the ordinance after hearing amendments and a discussion.

Council Questions:

Volan explained he had been on the HUD website and could not find any Bloomington banks that offered the 203(k) loan. He asked Porter how a person could get the loan if there were no Bloomington lenders who offered it.

Porter responded that the bank would work with the closest lender that specialized in that type of loan.

Volan asked Porter if she knew of people with FHA loans.

Porter said the data was available somewhere online but she would have to find it.

Volan thanked Porter and said would have additional questions later.

Sturbaum asked Porter if her research of other cities included single or multi-family homes and different zoning regulations.

Porter answered that the ADU program in Ann Arbor, Michigan excluded neighborhoods near the university, but that had been relaxed last year.

Sturbaum asked if cities had different allowances for single family and multi-family zoning areas.

Porter explained that she had not checked on that particular element.

Sturbaum explained that some communities had different restrictions for different neighborhoods.

Mayer asked what architectural standards would apply if a detached ADU was proposed in a historic district. He gave an example of a limestone home that would require a limestone ADU.

Roach explained that the zoning code required that the accessory unit would need to be complimentary to the main structure. The historic district restrictions varied.

Mayer asked if the detached structure would have its own utilities, apart from the main structure.

Roach answered that city utilities would be from the main structure, as the property would be used as one unit.

Sturbaum explained that an ADU would be treated as an addition and would need to be compatible to the main structure.

Piedmont-Smith asked if the affordable ADU program from Wellfleet would be allowed in Indiana.

Anahit Behjou, Assistant City Attorney, explained that the City could not require a person building on private property to use the structure for affordable housing.

Ord 17-29 (*cont'd*)

Chopra asked for the definition of a core neighborhood.

Roach explained that a core neighborhood was a distinction identified by the Unified Development Ordinance. They were characterized by older homes with smaller lots, which had different standards in the zoning code.

Chopra asked why that distinction was necessary.

Roach answered that there were separate standards for different types of lots because they were not developed in the same way.

Chopra noted that there were homes in Renwick with those characteristics that were not grouped as Residential Core (RC). She asked what the difference was.

Roach explained that Renwick was built as a Planned Unit Development and had a mix of housing types.

Chopra confirmed whether a person could buy a lot the size of a core neighborhood lot and build a home to code in a non-core neighborhood.

Roach said yes and explained that lot size standards were designed for creating new lots and subdivisions.

Chopra asked what the minimum lot size was for residential core zoning districts.

Roach said that minimum lot size was 7,200 square feet and the Residential Single-Family (RS) minimum was 8,400 square feet.

Chopra asked why there was a need to differentiate ADU eligibility by neighborhoods. She asked why the minimum lot size by zoning district was used.

Roach explained a minimum lot size was necessary for ADUs to ensure that the lot had sufficient room for the ADU.

Chopra asked for further explanation as to why there was a differentiation between different residential zones.

Roach said that there has been no real differentiation.

Chopra pointed out the different minimum lot sizes of RS and RC districts

Roach explained that the 7,200 square feet and 8,400 square feet requirements came out of the UDO.

Chopra said there was a differentiation because one area of town required more property for an ADU than in another area. She asked why that was necessary when an ADU could fit on the property either way.

Roach explained that the majority of properties would meet the minimum lot size requirement and the differentiation simply recognized the different developmental patterns of the neighborhoods.

Doris Sims, Director of Housing and Neighborhood Development, asked the councilmembers to support the ordinance because of the potential for affordable housing. She had called local appraisers about ADU funding and said that ADUs had been viewed as single-family, non-income producing structures. She said that because of the owner-occupied requirement of the current ordinance, the ADUs would be looked at as a single family dwelling unit with an accessory dwelling unit.

Public Comment:

Jenny Southern spoke about where she thought ADUs would be most appropriate and against higher occupancy limits in her neighborhood.

Elizabeth Cox-Ash expressed concerns she had with the FHA loan program and the speed of the ordinance.

Sandy Clothier commented on the speed of the ordinance, and asked the council to reconsider the by-right condition of ADU structures.

Ord 17-29 (*cont'd*)

Tim Mueller shared his concern that the legislative process was going too quickly. He asked that the overall occupancy be a maximum of three unrelated adults instead of five. He asked for conditional use instead of by-right use.

Cynthia Jathe commented on the smoking ban in HUD housing, the lack of Section Eight housing, and the high level of red tape in government.

Paul Ash said there was no need for ADUs and high density living in the McDoel neighborhood.

Council Comment:

Sturbaum moved to postpone the ordinance.

Piedmont-Smith asked Sherman if the amendment needed to be on the table in order to postpone.

Sherman said if the amendment was picked up, the amendment could be postponed, which would postpone the legislation. He recommended to postpone the legislation before the amendment was on the table.

Sturbaum moved and it was seconded to postpone the ordinance until August 9, 2017.

Volan asked for an opportunity to debate the motion.

Chopra asked what else was on the August 9, 2017 Regular Session meeting agenda.

Sherman answered that a traffic ordinance was also slated for that date. He suggested that the Council could postpone the traffic ordinance until the September 6, 2017 meeting if the ADU ordinance was postponed until August 9, 2017.

Chopra asked if it would make more sense to move the ADU ordinance to September 6, 2017.

Sherman stated that the date was more of a matter of council priority.

Volan suggested that Chopra make a friendly amendment to Sturbaum's motion if she would like to postpone the ADU ordinance until September 6, 2017.

Chopra stated she had only asked a question and had not made a motion.

Sandberg stated that the Council leadership had decided in another meeting that the traffic ordinances could be postponed until September 6, 2017. She reminded the Council to be mindful of other agenda items slated for August 9, 2017.

Volan asked Sturbaum if he considered August 9, 2017 enough time to develop the ADU ordinance.

Sturbaum answered that he would be willing to change his motion for postponement to September 6, 2017.

Sherman stated that there was a 90-day deadline with the ADU ordinance and the deadline would expire in mid-September which would give the Council little time to correct the ordinance should it be postponed to September 9, 2017.

Sherman and Sturbaum discussed the most appropriate date to take up the ADU ordinance.

Ord 17-29 (*cont'd*)

Chopra clarified that she was not questioning the time needed for the ordinance. She said she had asked about the procedure of postponing an item to another meeting only to postpone it again.

Sturbaum commented that moving the ADU ordinance to September 6, 2017 was the solution.

Volan said that no motion had yet been made to postpone the ordinance to September 6, 2017.

Sandberg commented that the ADU ordinance could be postponed again on August 9, 2017 and mentioned that the amendment had not even been heard yet.

Piedmont-Smith interpreted Sturbaum's comments as an acceptance of a friendly amendment to change his motion to postpone the ADU ordinance until September 6. She asked if the person who seconded his motion would second the friendly amendment.

Sturbaum explained he attempted to change his motion to September 6, 2017.

Rollo seconded Sturbaum's motion.

Sandberg asked Sherman if that was allowed.

Sherman explained the procedure was necessary to make an amendment to a motion.

Volan explained that he favored August 9, 2017 because it was possible to do a third reading of the legislation.

Sturbaum said he would rather have the ordinance ready for September 6, 2017 and asked if Volan would vote for postponement to September 6, 2017.

Volan said yes.

Granger asked how many councilmembers were necessary to pass the friendly amendment.

Sherman said a simple majority.

Sturbaum asked Sandberg if the Council should make comments on the ordinance before the postponement vote.

Sandberg said a postponement vote would allow for more time to develop the ordinance and therefore a discussion would not be needed.

Volan said some discussion was necessary because of the public's concerns.

Sherman disagreed with Volan because the motions were subject to limited debate.

Volan said it was premature to make the motion to postpone if the Council intended to discuss the ordinance.

Sturbaum asked if final comments on the ordinance would be out of order.

Sherman explained that the rules could be suspended to allow final comment with a 2/3 majority.

Sandberg clarified that the vote would be on the postponement of the friendly amendment to delay the ordinance to September 6, 2017.

Sturbaum moved and it was seconded to suspend the rules to allow for final council comment. — Ord 17-29 (*cont'd*)

The motion to suspend the rules for final council comment on Ordinance 17-29 received a roll call vote of Ayes: 3 (Piedmont-Smith, Volan, Sturbaum), Nays: 6, Abstain: 0. Motion failed.

The motion to postpone Ordinance 17-29 to September 6th received a roll call vote of Ayes: 7, Nays: 2 (Sandberg, Volan), Abstain: 0.

There was no legislation for first reading. — LEGISLATION FOR FIRST READING

There was no additional public comment. — PUBLIC COMMENT

Sherman reminded the Council of the July recess and said the next meeting would be an Internal Work Session on July 28, 2017. He said a Special Session could be called by the president if necessary. He reminded the Council of Public Safety Local Income Tax Committee meetings on July 25 and 27, 2017. — COUNCIL SCHEDULE [9:33pm]

The meeting was adjourned at 9:36pm. — ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 9th day of August, 2017.

APPROVE:

Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

Nicole Bolden, CLERK
City of Bloomington