In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, September 6, 2017 at 6:32pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.	COMMON COUNCIL REGULAR SESSION September 6, 2017
Roll Call: Sturbaum (6:34pm), Ruff, Chopra (left at 11:25pm), Granger, Sandberg, Sims, Piedmont-Smith, Volan, Rollo (6:34pm) Absent: None	ROLL CALL [6:33pm]
Council President Susan Sandberg gave a summary of the agenda.	AGENDA SUMMATION [6:34pm]
Councilmember Isabel Piedmont-Smith moved and it was seconded to approve the minutes of August 30, 2017. The motion was approved by voice vote.	APPROVAL OF MINUTES [6:36 pm] August 30, 2017 (Special Session)
Councilmember Andy Ruff spoke about the importance and meaning of Labor Day.	REPORTS • COUNCIL MEMBERS [6:36pm]
Mayor John Hamilton spoke about the importance of affordable housing in the city, and spoke in support of the (Affordable Dwelling Unit) ADU program that was on the agenda for later in the evening.	• The MAYOR AND CITY OFFICES [6:43pm]
Jennifer Cure and Lucy Donnellan spoke about the Compassion Project and shared an exercise to increase compassion on the planet.	• PUBLIC [6:50pm]
Council President Sandberg assigned Councilmember Jim Sims to Council Interview Committee Team A.	APPOINTMENTS TO BOARDS AND COMMISSIONS [6:57pm]
Councilmember Steve Volan moved and it was seconded that Resolution 17-33 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.	LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:58pm]
Volan moved and it was seconded that Resolution 17-33 be adopted.	Resolution 17-33 – Opposing Attacks on Our Health Benefits
Sandberg read the full resolution. She noted that it was written before the House and Senate had both tried and failed to repeal and replace the Affordable Care Act (ACA).	
Jackie Yenna, President of the White River Chapter of the Southern Indiana Regional Labor Council, AFL-CIO, spoke about the resolution. He thanked the Council for bringing it to a vote.	
Jerry Sutherland, Southern Indiana Regional Labor Council, spoke in support of the resolution and urged the Council to support the resolution.	
Wanda Savala, Michelle Carr, Karis Neufeld, and Trent Deckard spoke in support of the resolution.	Public Comment:
Councilmember Chris Sturbaum said, "let's fix it."	Council Comment:
Ruff said that it was unfortunate that the distribution of healthcare in the country was determined by profits, and said that it had to change.	

Resolution 17-33 [*cont'd*]

Piedmont-Smith thanked the Labor Council and her colleagues for bringing the resolution forward. She said that healthcare was a fundamental human right, and hoped this action would make a difference.

Councilmember Dorothy Granger concurred with previous comments.

Councilmember Dave Rollo said that healthcare should be considered a right, and that our current healthcare system was reflective of our political system being beholden to corporate interests.

Councilmember Jim Sims thanked the Labor Council and his Council colleagues for bringing the resolution forward. He thanked the public for their comments and reminded everyone that repealing the ACA would have a disparate impact on lower income and minority populations in the country.

Vote on Resolution 17-33 [7:25pm]

The motion to adopt Resolution 17-33 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Resolution 17-32 – Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

Volan moved and it was seconded that Resolution 17-32 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.

Volan moved and it was seconded that Resolution 17-32 be adopted.

Amber Skoby, Bloomington Housing Authority (BHA) Executive Director, explained the legislation was an annual request for a payment in lieu of taxes (PILOT). She said they were requesting $33,806.30 to be forgiven for the year. Skoby gave a brief rundown of all of the programs available through the BHA. She noted that the BHA was considered to be a top performing housing authority in the country.

Vote on Resolution 17-32 [7:31pm]

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

Ordinance 17-31 - To Amend the Zoning Maps from Residential Single Family (RS) to Planned Unit Development (PUD) and Approve a District Ordinance and Preliminary Plan - Re: 1100 N. Crescent (Mecca Companies, Petitioner)

Volan moved and it was seconded that Ordinance 17-31 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 recommendation of 8-0-1.

Volan moved and it was seconded that Ordinance 17-31 be adopted.

Eric Greulich, Zoning Planner, explained the legislation to the Council. He said that the request to rezone was to allow for the building of an affordable housing complex. He said that at least 70% of the approximately 146 units for the development would be designated for affordable housing for the first 30 years, and up to 50% for the next 30-99 years. Greulich showed the Council a rendering of the proposed project so they could see what it looked like from Crescent Drive. He said the petitioners were not able to provide a rendering of the project to show the view from the east, but said the existing vegetation would buffer the majority of the view of the back side of the property.

Ordinance 17-31 (*cont'd*)

Janna Hageman, Mecca Companies, said that they would be adding equipment for recycling in each unit. She said there would be a playground installed, and it would be added onto over time.

Council Questions:

Rollo asked if the elevation and vegetation would obstruct the view of the project for neighbors to the north.

Greulich said absolutely, and pointed out on the site plan where the trees would help to downplay the view of the building.

Sturbaum asked if the trees in the rendering were already in existence.

Greulich said there would be new trees planted and new construction of a side path on the street.

Sturbaum asked if the wall was blank cement-siding.

Greulich said that it was cement board siding. He said there were some windows on the north side of the building.

Sturbaum asked if there was a blank wall regulation that would have been part of the review process.

Greulich said the typical architecture requirements were a 360-degree architecture that referred to materials wrapped around the building.

Volan asked if there was a way to change the site plan so that a road did not have to cut through the environmentally sensitive area.

Greulich said that one of the buildings had been removed because of a steep slope. He said the building on the northwest corner was not in the buffer zone, and staff had recommended the drive for connectivity.

Volan asked if removing the parking from the edge of the blue area indicated on one of the slides would ease the concerns of the Environmental Commission.

Greulich said the petitioner's most recently submitted site plan proposed shifting the parking, which eliminated that concern.

Volan said that was not the area he meant, and with Greulich's help he pinpointed six parking spaces that were on the edge of the blue area.

Rollo asked if Glendora Street would extend into the development.

Greulich said that was correct.

Rollo asked if there were transit stops within a quarter mile of the development.

Greulich said that was correct.

Rollo asked if there was a street that extended to the east.

Greulich said 11th Street was the next closest transit route in the area.

Volan asked the petitioner to explain the conditions might preclude the possibility of reducing the parking to 0.5 spaces per bedroom.

Hageman explained that Indiana Housing and Community Development Authority's (IHCDA) Qualified Action Plan (QAP) had a list from which a minimum number of amenities and design standards had to be used in a development. Hageman said that the goal was to have as many as possible in order to increase the developer's score and get the project funded. She said that one-to-one parking was a design standard that was preferred by the IHCDA. She said that the petitioner was willing to approach the IHCDA to ask for reduced parking, but they would need to show that they were doing so at the request of the city, and not just to cut costs. She asked for a letter of support from the Council or a Councilmember to present to IHCDA to show that they had the support of the community and were not just trying to cut costs or corners.

Ordinance 17-31 (*cont'd*)

Volan asked if other projects had too much, too little, or just the right amount of parking in Hageman's experience.

Hageman said that it depended on the project, who the majority of the residents were, and what the market looked like. She said that this project, with the B-Line Trail, high walkability score, and available transit, was a good candidate for decreased parking.

Volan asked if reducing the spots as he suggested was too much.

Hageman said that she thought they could reduce parking spots by as many as 22 spaces if they added a phase two where they could add more if necessary.

Volan asked the Council Attorney how the Council could proceed.

Council Attorney Dan Sherman said that having a stated desire in the record, along with a letter, would be sufficient to pass on to the IHCDA. He said that it was not a Reasonable Condition, but it stated the intent of the Council.

Volan asked if the Council needed to make a formal action, or if they could just pass along their individual comments in a letter.

Sherman said that either option was available to the Council. He said that the Council could make a motion after passing the ordinance stating the intent of the Council, along with a letter urging the IHCDA to allow the reduction in parking.

Councilmember Allison Chopra asked Volan to verify that when he said "we", he really meant "I".

Volan said that was what he meant at the moment.

Chopra said that she wanted to make it clear that he was not speaking for the Council, but only for himself at the time.

Volan said that he was inquiring about how to structure a motion to allow the Council as a whole to make the endorsement rather than just himself.

Sims asked what would constitute enough of a burden to require additional parking in a second phase.

Hageman said that IHCDA would look at the parking to see if the ratio was appropriate and to see where the spaces were located. If spaces were not available close to a resident's building that would be probably be considered a burden. She said that they would have to be careful to remove spaces in a manner that made sense, would not cause a burden, but would be easy to implement in the future if needed.

Rollo asked staff if the drive that extended out of the development was 14th Street, and if the infrastructure would be put in place by the petitioner or the city.

Staff said that it was and the infrastructure would be put in place by the petitioner.

Piedmont-Smith asked how many parking spaces were in the buffer area.

Greulich said there were six in the middle area and eight on the south side. He said the petitioner had suggested moving the eight on the south side up somewhat, which would put them in the setback area, but that could be modified to permit that encroachment.

Piedmont-Smith asked if it was only six spots, since the others were set to be moved.

Greulich clarified that the official site plan still showed all of the spots listed. He said that if the Council wanted to allow for the reduction in spaces or allow for a reduction in the setback, then it could do so and remove those eight spaces from the southern buffer area.

Ordinance 17-31 (*cont'd*)

Piedmont-Smith asked if voting for the PUD guaranteed that the eight spaces would be moved.

Greulich said there would have to be a condition allowing for a modification to the setbacks.

Motion to amend the ordinance:

Volan moved and it was seconded to add the following phrase to the ordinance, "The Council would prefer to see the project parked at a ratio of 0.5 spaces per bedroom, as long as it does not harm the Qualified Action Plan for this project."

Council Questions:

Piedmont-Smith asked how many parking spaces that was.

Volan said that it would be 123 parking spaces if there were 245 bedrooms, or a reduction of about 22 spaces.

Volan asked if there were 245 bedrooms or 247.

Greulich said there were 245 bedrooms, but what was being proposed was parking spaces per unit, so half of 146 would be 73.

Volan said that his parking space proposal was based on the number of bedrooms, not the number of units, so the reduction of spaces would only be 22-23 spaces.

Rollo asked if the motion left the parking spaces up to the discretion of the petitioner.

Volan said that was correct. He said it was not up to the level of a Reasonable Condition, but allowed the petitioner to build less parking.

Chopra asked if reducing parking was something the petitioners truly wanted to do or were just willing to do.

Hageman said that it was something they wanted to do if they had an option for building more parking later. She said that she would be more comfortable reducing parking by 5-10 spaces at the outset.

Granger asked if it made more sense to reduce the 14 spaces in the buffer zone than the 22 proposed spaces.

Hageman said that she would be more nervous about reducing some of the spaces in the buffer zone because it would limit the available parking to residents in that building.

Granger asked if Hageman wanted to switch it.

Hageman said that it would be fine.

Volan said he was not trying to restrict the petitioners, he was trying to give them the option to reduce parking and to signal the Council's support of such an effort.

Chopra said she did not understand why the motion was brought forward because any interested party could write a letter, and it did not need to be part of the deliberations on the ordinance itself.

Hageman explained that the petitioner's concern was that if parking was reduced it would be a problem for the IHCDA, so she wanted some support for the application.

Chopra reiterated that the phrase did not have to be part of the ordinance, and support could be offered separately. She said there was too much on the agenda to discuss a matter that could be handled at another time.

Volan said that the Council had been told it was not appropriate to take action outside of the meeting as a whole body, and he did not think the insertion of a sentence would generate that much debate. His intent was to enable but not require, and he did not think it was complicated. He said that he planned to follow-up with the IHCDA on his own, and thought it was a reasonable request for the Council.

Ordinance 17-31 (*cont'd*)

Sandberg asked for a re-reading of the requested sentence addition.
Volan read it again.

Piedmont-Smith asked if Volan would accept a friendly amendment to just reduce the parking spaces by six so the spaces in the buffer zone could be eliminated.
Volan thought that was more complicated than what he proposed, and said that his motion did not require any action on the part of the petitioners.

Sandberg asked if he accepted the friendly amendment.
Volan said that he did not know what it was, but felt like it would be a substitute for his proposal. He thought his proposal was simpler and enabled the petitioners without requiring action.

Chopra asked if the vote had to be unanimous for a statement from the Council.
Sherman said it did not, but that if the motion passed, it would become a statement of the Council as a whole.

Granger asked how many units there were in the project.
Staff confirmed there were 146 units.

Council Comment:

Piedmont-Smith said that she did not agree that 0.5 spaces per bedroom was a good idea, so she was going to vote no.

Granger agreed with Piedmont-Smith.

Chopra also agreed, and said that she did not think that the Council used half a car per bedroom.

Volan called attention to the fact that Smallwood had 704 bedrooms, and 213 parking spaces because it had two bus lines that went past it. He noted that the proposed project had a bus line and the B-Line Trail. He said the city was trying to achieve a standard of 0.5 parking spaces per bedroom for downtown parking. He said that if the city required as much parking as some members of the Council seemed to think it was needed, there would be more surface lots and garages. He said it was a reasonable request and urged his colleagues to vote in favor of less parking. He said that anything was better than parking, such as greenspace or more units. He said that the Council should give the developer the support it needed to talk to the IHCDA about reducing an unnecessary requirement.

Granger said that she was in favor of reduced parking, but was not in favor of limiting parking to 0.5 spaces per bedroom. She said the reduction was fine, but not by that much.

Rollo said it was up to the discretion of the petitioner. He agreed with Volan and said that the connectivity made it less likely that as many parking spaces would be required. He said he was willing to take the reduction and allow the petitioner to minimize the environmental effects.

Ordinance 17-31 (*cont'd*)

Volan said that the motion did not require the building of only 0.5 spaces per bedroom, but that it permitted it. He said that if they needed the extra parking they could build it, but the motion was just an endorsement of the idea of reduced parking. He said it was a message to the IHCDA, not a message to the petitioner. He said that it was not a reasonable condition that required action from the petitioner.

Piedmont-Smith said she understood the motion. She noted that the motion did not say the Council preferred fewer parking spaces, it said the Council preferred 0.5 parking spaces per bedroom. She said it was pretty specific. She said she did not want to see the six spaces that were in the buffer area. She said that she would like to see what the final site plan was when it went to the Plan Commission. She said she was happy to support the application to the IHCDA with a letter to support less parking. She said the arguments were very strong given the environmental sensitivity of the site. But she did not agree with the statement that was up for a vote.

Volan said that a letter signed by a majority of the Council would have to be done through the resolution process. He said that his suggested language would be a minor addition to the legislation that was in front of the Council right then. He said he understood what Piedmont-Smith was saying, but his proposal was a simpler addition.

Vote on motion to amend the ordinance [8:10pm]

The motion received a roll call vote of Ayes: 4 (Sturbaum, Ruff, Volan, Rollo), Nays: 5, Abstain: 0. FAILED

Council Comment:

Rollo said that he thought the project generally followed the Growth Policies Plan (GPP). He said the petitioner had done a lot of work to minimize the environmental constraints. He said that he rarely went against the Environmental Commission's (EC) recommendations, but he thought the balance of the 100-plus affordable housing units was really needed in the community and that it was a good place for the development. He appreciated the work of the administration and the petitioner.

Sturbaum said kudos to the mayor, petitioner, and the administration for bringing so much affordable housing into the community.

Granger said she saw it as a truly affordable housing project and she was excited, pleased, and planned to support it.

Piedmont-Smith regretted the conflict between environment and affordable housing that was seen in the development. She said she took the concerns of the EC seriously, but she thought the community desperately needed the affordable housing. She said the site plan had improved a lot to protect environmental features from the first version that the Council saw, and she would be supporting the project.

Chopra said she was excited, especially by the location. She said that having it next to the B-Line was particularly nice. She was happy with the foliage remaining in the lot, and the affordable housing. She said it was a nice merging of city, federal, and private funding.

Ordinance 17-31 (*cont'd*)

Volan said that it was one of the best projects they had ever seen in terms return on investment. He said there was an opportunity earlier to easily mitigate some of the environmental concerns and the Council failed to take it. He said he would take Piedmont-Smith up on her idea to follow up with the final site plan and say what they as a body recommended if the reason for the no votes was that it was the wrong time for the discussion. He said it was a simple change that did not harm anybody. He supported Piedmont-Smith's idea of reducing parking spots by five or six, but thought the Council could do better. He said it would not have hurt the petitioner to do it, and would have helped the petitioner have more flexibility and opportunity. Other than those concerns he thought the project was good and he supported it.

Ruff agreed with Rollo. He said that if you look at the aerial photo you could see the large, intact green space. He recognized the environmental factors, and said it was a difficult decision given the community needs. He noted that the I-69 corridor was 1,000 feet away to the west, which diminished its significance a bit for environmental connectivity. He appreciated the work of the EC, and said it was not easy to go against its recommendation. He thought he would support it because of the balance of priorities and return on investment of affordable housing, but he was not happy about it.

Sims said that it was a much needed project and thought the entire Council was looking forward to it. He said he would like to see a loss of six net parking spaces in the buffer space, along with moving the other eight parking spaces in the final site plan. He said it would not encroach into the environmentally sensitive area that way. He said that although it was affordable housing individuals with lower incomes drove cars and needed parking spaces too.

Sandberg supported the project and said it was needed. She said the city needed affordable housing and it was time to put teeth behind the rhetoric. She praised the petitioners, and welcomed them. She said she hoped to see similar projects in the future.

Volan told Sims that the petitioner said they could use the option for less parking, because not all of their projects needed as much parking. He said it was not about denying anyone parking but about giving the petitioner the option of reducing parking that would never get used and was not needed.

Vote on Ordinance 17-31 [8:19pm]

The motion to adopt Ordinance 17-31 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Volan moved and it was seconded that Resolution 17-30 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis.

Resolution 17-30 - To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Real Property Improvements – Re: Property Located at N. Crescent Road and Identified by the Monroe County Parcel ID Number 53-05-32-200-006.001-005 (Union Development at Bloomington GP, LLC, Petitioner)

Volan moved and it was seconded that Resolution 17-30 be adopted.

Alex Crowley, Economic and Sustainability Director, explained the resolution to the Council. He said the Economic Development Commission approved the Economic Revitalization Area (ERA) designation and tax abatement for the project and sent it to the Council for review. He said there were 102 affordable units. He noted that the tax abatement was a 100% abatement for each year for ten years. Crowley said the petitioner would also be seeking local incentives totaling $800,000, of which $300,000 would be from home funds and $500,000 would be from the Housing Development Fund. He said the cumulative local incentive was within the boundaries of what had been seen in recent developments, and thought it was a reasonable request. He reminded the Council that being able to leverage local incentives provided the city with three dollars in federal funding for every one dollar spent. He said that without the abatement the project would not happen, and urged the Council to grant it.

Amendment 01 to Resolution 17-30

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Resolution 17-30.

Amendment 01 Synopsis: This amendment is sponsored by Councilmember Piedmont-Smith and makes changes to the "Whereas" clauses in the resolution. First, it corrects the building number and configuration in the fifth "Whereas" clause of the resolution. Instead of "four attached buildings," the "Whereas" clause should reflect "three detached buildings." Secondly, it deletes the assertion that the property has experienced a cessation of growth and replaces it with a finding that the property is characterized by environmental conditions which have impaired values and prevented normal development of the property. Both the deleted language and the proposed replacement are features which may make an area an "Economic Revitalization Area," pursuant to I.C. § 6-1.1-12.1-1.

Piedmont-Smith said the first part of the amendment was a correction because the site plan changed. She said the second section clarified which part of Indiana Code was most appropriate to reference to establish the ERA.

Council Questions:

Rollo asked for the administration's opinion.
Staff said they were valid changes.

Vote on Amendment 01 to Resolution 17-30 [8:26pm]

The motion to adopt Amendment 01 to Resolution 17-30 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Council Questions:

Volan asked Crowley to restate the total amount of city support going into the project in addition to the requested tax abatement. He also asked what else the administration was doing to get the project underway.
Crowley restated the numbers he listed before, and explained that the Housing Development Fund was the one that was established the previous year with the Dunnhill project.

Resolution 17-30 [*cont'd*]

Public Comment:

Michael Kaczorowski spoke in opposition to the tax abatement because he said the overall proposal was third-rate and substandard.

Council Comment:

Granger felt strongly about the need to increase housing stock and thought it was a good project.

Volan said that the previous year the Council approved an abatement in order to get 10% workforce housing levels. He said the current project was a more significant project which had truly affordable housing. He noted that it was for 70% of the units would be affordable, which he thought was a remarkable achievement. He said that the Council had increased its standards for what an abatement could purchase, and he was happy to raise the standard with this project. He disagreed with Kaczorowski about the quality of the project. He said it was a genuine opportunity to build affordable housing and the standard being set served as a signal to other developers that the Council was willing to bring money to the table if developers were willing to bring affordable housing to the table. He supported the resolution.

Sandberg said that the project was what tax abatements were for, to incentivize what the Council wanted to see more in the community. She said she supported the abatement because, without it, the project would not be able to move forward. She said affordable housing was not easy to do, which was why there were so many challenges and such a lack of affordable housing in the community. She thought the project was a major step in the right direction and congratulated the administration for being so bold and encouraging that type of project. She said there were few tools in the Council toolbox to incentivize, with many of them having been stripped away by the Indiana General Assembly, but tax abatements were for that very common good, which was more affordable housing in the community.

Volan said that an abatement did not mean that taxes were not collected. It meant that the taxes got spread amongst all other taxpayers. He said that the city did not lose revenue, but instead asked the community to carry a part of the burden that the project would create. He said it was a burden that everyone should be willing to take on.

Vote to adopt Resolution 17-30 as amended [8:32pm]

The motion to adopt Resolution 17-30 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Council Recess [8:32-8:44pm]

Volan moved and it was seconded to take a five minute recess. The motion was approved by voice vote.

Ordinance 17-29 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Adding Section 20.05.110 ("Accessory Dwelling Unites") and Amending Section 20.11.020 ("Defined Words") [8:44pm]

Volan 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, and gave the legislative history of the Ordinance as follows: Motion to Postpone to September 6th Regular Session: June 28, 2017 (7-2-0), Committee Recommendation: June 21 (1-2-5), and Amendment 01: (5-1-2).

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

James Roach, Development Services Manager, presented the legislation to the Council. He said the ordinance was an amendment to the city's Unified Development Ordinance (UDO), which contained the city's zoning and land development regulation. He said the ordinance would permit Accessory Dwelling Units (ADUs), which were small accessory apartments, within a single family home or on the same established lot as a single family home. He noted that Mayor Hamilton spoke about the issue at the beginning of the meeting, and called it one of the many housing options in the city that was not available at the time. He said it was an opportunity to provide a limited number of small affordable units that would gradually allow for an increase in density and change in housing types in single family neighborhoods. He said the administration was looking at it for many reasons; including increasing affordable housing stock, the changing nature of families, and concerns about allowing people to age in place. He emphasized the limited nature of the proposal, and said that restricting the program to 30 ADUs provided an opportunity to evaluate any consequences before the cap was raised or eliminated. He said that the proposal came to the Council with a positive recommendation from the Plan Commission, with a vote of 6-2. The ordinance would allow ADUs as a permitted use in all single-family zoning districts. He listed the key limitations in the ordinance which included that: one unit had to be owner occupied, it had to be at least 300 feet from another ADU, the lot had to meet the minimum lot size for the zoning district, the maximum size was 2 bedrooms, attached ADUs could only be 600 square feet, detached ADUs could only be 440 square feet, there was a recorded zoning commitment, and there was a limit to the number allowed. He urged the Council to think of the ordinance as a pilot project until it could be reevaluated as the city neared the 30 unit maximum. Roach briefly discussed some of the anticipated amendments, which dropped the "pilot" nature of the project, switched to a conditional use process, limited the ADUs to 1 bedroom, and changed the definition of family. He said the administration did not support dropping the pilot nature of the program or switching to a conditional use process, but could work with the other anticipated proposals. He pointed out that changing the family definition could prevent two unmarried couples from living in a main structure and an ADU, because they would violate the redefined family limitation. He also suggested that extended families would not be able to rent the ADU to an unrelated adult. He said staff thought it was a good compromise, but wanted Council to be aware of what the limitations could mean for families.

Sandberg said that there were two amendments that were coming forward that were somewhat in competition, and asked the sponsors of Amendment 02 and Amendment 03 to briefly discuss the amendments and how each differed from the other.

Ordinance 17-29 (*cont'd*)

Sturbaum said both amendments reduced the number of allowable bedrooms to one. They both also reduced the number of unrelated adults allowed to live on a lot with an ADU from five to back to the currently-allowable limit of three. He said there were several other items involved, but the key item was conditional use, which he saw as a protection for neighbors. He said making ADUs a conditional use would allow for a public meeting and a transparent process where people could apply for the ADU to be granted.

Piedmont-Smith said that the amendment was a version of an amendment heard in June. She said the main difference was that they felt ADUs should only be allowed as a conditional use. She said the amendment also eliminated the pilot nature of the project, meaning it was not limited to 30 ADUs because she thought the conditional use process provided ample opportunity for the public to participate in the decision-making process. She said the amendment required an annual report from the Planning and Transportation Department on how many ADUs had been approved, where they were, and what the impact (if any) was to be collected on the neighborhood. She said that reporting would allow for some data and would let the Council revisit the issue in the future if necessary. She said the amendment added a request to the Housing and Neighborhood Development (HAND) Department to reach out to neighborhoods with covenants preventing ADUs, to explain why ADUs could be a good option for people, and to encourage the neighborhoods to reconsider their covenants and vote to allow them. She said the conditional use approval requests could go either to the Hearing Officer or to the Board of Zoning Appeals (BZA). She said in either case, the neighbors would be notified and given a chance to speak to the matter.

Ruff said there was a lot of overlap in the amendments, and both tried to provide some level of protection to neighborhoods. He said that he lived in the Elm Heights neighborhood and respected people's concerns. He said his amendment did not require those interested in adding an ADU to go before the BZA. He said research indicated ADUs would provide a worthwhile type of affordable housing option. He said that there had been a couple of studies that showed about 20% of ADUs ended up being rented or used far below market value. He said the analysis showed that owners with ADUs had different priorities and needs than normal developers, so they were not motivated by the need to get maximum rental value out of the units. He said it was a sustainable way to add a unit because they would tend to be in the dense core neighborhoods that were totally served by infrastructure. He said there would be reduced environmental impact. Ruff said that given those benefits, which were in line with stated Bloomington values, any process that deterred people from pursuing an ADU was a bad thing. He said it would reduce the chances of achieving some of the goals of the city, such as affordable housing, sustainability, more diverse housing options, and more density. He said a few weeks prior the Council had a discussion on reserved parking spots where several members said that having to request a permit from the Board of Public Works would be a burden and intimidating for the public. Ruff said it was inconsistent to then argue that going in front of the BZA was not onerous or intimidating. Ruff thought it was onerous and intimidating in both cases. He said the rules and conditions in the proposal provided ample protection to the neighborhoods. He said that asking people to go in front of the BZA could reduce interest, which was counter to the goals of the ADU program.

Ordinance 17-29 (*cont'd*)

Piedmont-Smith said she did not realize there would be arguments made, and asked for time to rebut some statements.

There was a brief discussion about how to proceed.

Volan moved and it was seconded to give the presenters an additional five minutes to discuss their proposed amendments. The motion was approved by voice vote.

Piedmont-Smith said that, if Ruff was referring to an article written by Martin John Brown, the ADUs referred to in the article were located in Portland, Oregon and San Francisco, California. She said those were big cities, not college towns, and Bloomington was in a very different situation. Piedmont-Smith said there had been a strain on core neighborhoods due to the fact that they were near IU's campus and developers were always looking to find an opportunity to make money, which she thought would be the case with ADUs. She said that loopholes would be found, and that having a conditional use would let the BZA evaluate every case on its merits. She said that it did not mean she was opposed to ADUs, but she thought that the core neighborhoods needed a level of protection that would come from a process that gave an opportunity for hearing from all involved. She said reviews of the ADUs could be be before either the BZA or the Hearing Officer. She thought that an elderly person, a person with an injury, or a person with a medical condition who needed to come forward to discuss a need for a parking space would have a hard time doing so in public. She contrasted that with people who might say they had space to build so a family member could live closer. She said it was less personal and she did not find it to be as intimidating. She ceded the remainder of her time to Sturbaum.

Sturbaum said the amendments were not about whether the Council approved of ADUs, but were about how to introduce them safely. He said he was glad that Ruff brought up the issue of 20% of ADUs being affordable, but said that it was mostly for family members. He said that meant that 80% were at market rate and profitable. Sturbaum said that those were developments and additions, and that people were not too intimidated to get a building permit or follow the necessary rules. He said the processes were in place to protect citizens, not intimidate them. He said the process had criteria; which said that the project would cause no harm to the adjacent property. He said the difference between conditional use and by-right use was that citizens would not get notified about a project even if it was right next door to them. Sturbaum said the process would allow for review of the proposed projects. Sturbaum listed some of the conditional use criteria, and said that they helped to avoid undue adverse effects. He said that he supported ADUs in the city, and that the amendment was a good way to guarantee both citizens and those who would install ADUs ensure they had a voice. He said it was important to have a public transparent process and thought conditional use was the way everyone could be comfortable with it.

Ruff said that limiting the number of unrelated adults and the number of bedrooms addressed the concerns that some people had expressed. He said San Francisco and Portland were more comparable that Piedmont-Smith suggested. He expressed doubt that the BZA was the best place to judge projects.

Ordinance 17-29 (*cont'd*)

Amendment 02 to Ordinance 17-29

Piedmont-Smith moved and it was seconded to adopt Amendment 02 to Ordinance 17-29.

Amendment 02 Synopsis: This amendment makes a number of changes to Ord 17-29 in the interest of providing further protections for single-family zoning districts in which Accessory Dwelling Units (ADUs) may be located. First, the amendment shifts the allowance for ADUs from a "by-right" allowance capped at 30 ADUs, to a conditional use without a cap, where approval is granted by the Board of Zoning Appeals (BZA) or the Hearing Officer. The amendment shifts the allowable number of bedrooms from two to one and shifts the number of unrelated people constituting a family and allowed to live on a lot with an ADU from five to back to the currently-allowable limit of three. Additionally, the amendment provides that the rear setbacks for ADUs shall be at least ten feet from any property line, rather than five feet; however, where an ADU is located on a lot that abuts an alley, the rear setback may be no less than five feet. The amendment retains the general requirement that ADUs should be located on a lot that is at least 300 feet from another ADU, but provides that ADUs may be located closer where the BZA or Hearing Officer finds that such proximity does not result in an undue concentration of ADUs leading to adverse impacts on a block or neighborhood. Furthermore, the amendment requires the owner of property upon which an ADU is located to file an annual affidavit with the Planning and Transportation Department pledging agreement with the ADU requirements. Lastly, the amendment deletes a no-longer relevant "Whereas" clause referring to an ADU cap and adds two new clauses: one requesting that the HAND department reach out to neighborhoods with covenants limiting or restricting ADUs to encourage removal of such restrictions and a clause requesting that the Planning and Transportation Department report back to the Council annually on the number and location of ADUs approved and an assessment of the impact of ADUs on neighborhoods.

Council Questions:

Volan asked for a formal presentation of the amendment.

Piedmont-Smith reviewed the main points of the amendment.

Sturbaum added that there was an exemption for setbacks on existing structures.

Rollo asked staff if they thought that one out of five units would be in the affordable range.

Terri Porter, Planning and Transportation Director, said that was one of the reasons staff wanted to keep the pilot program, so the administration could examine what happened with the ADUs as they were built. Porter said there was limited information on ADUs because they were not widespread throughout the country. She said they could be affordable in different ways, but it was difficult to come to a percentage of units that would be affordable without more data.

Rollo asked if the city was pricing people out from within neighborhoods because of the way that ADUs would increase the value of homes that had them. Porter said that she could not answer the question because she had not been able to find research that supported or did not support that notion.

Rollo said that it was clear that ADUs increased the value of a home.

Porter said that it had been argued both ways.

Amendment 02 to Ordinance 17-29 (*cont'd*)

Chopra asked what types of complaints the sponsors anticipated from neighbors that would meet the conditional use criteria for application denial from the BZA would deny an application.

Sturbaum gave a few examples of details that could get reviewed by the BZA.

Piedmont-Smith said lack of parking could be a legitimate reason for the BZA to deny an application, and people might not know it was a problem without the neighbors being involved.

Chopra asked Sturbaum to re-read the wording for conditional use.

Sturbaum read Conditional Use General Standard 1(b)(3) again, which said "The proposed use and development will not have an undue adverse impact upon adjacent property, the character of the area, or the public health, safety and general welfare."

Chopra asked what a substantial burden was.

Sturbaum said it was for the BZA to decide. He said the problem with by-right building was that one size did not fit all. Conditional use solved that problem by having an objective review.

Ruff asked if a homeowner got a notification for other types of home additions that could have a negative impact on their neighbors.

Sturbaum said they did in historic districts, but thought other places would not. He said that building something in a backyard with a five or ten foot setback was more likely to be close to the neighbor.

Ruff asked Rollo what he thought about having unsubsidized, voluntarily-built affordable housing, even at a lower rate of 20%, which contrasted with the heavily-subsidized housing that the Council had passed earlier that evening.

Rollo said that it was an externality borne by the neighbors, not the city, which was the reason for conditional use. Rollo said he could see the utility. But he said the number of ADUs that would have to be built to equal the value of the project they passed earlier that evening was significantly higher than the number of ADUs in larger cities.

Volan asked Porter to confirm that people argued ADUs could decrease property values.

Porter said there was data that she read, but she did not have it with her at the time.

Volan asked if she really believed ADUs could cause a drop in property value.

Porter said that she hoped it would not.

Ruff said that density could decrease property values in an overall neighborhood.

Volan asked why the maximum square footage allowed in an ADU had not also been reduced since the number of bedrooms had been reduced.

Piedmont-Smith said she did not think ADUs needed to be that big but that was not one of the concerns that any of the neighbors brought to her attention. She thought flexibility on the size was good and what was in the ordinance seemed reasonable.

Sturbaum said that family could occupy the space, so having the space could make it easier for people to live together.

Ruff said that reducing the space did not make sense to him and that it seemed small for even two bedrooms.

Volan asked staff if they had a way of limiting structures to one bedroom.

Roach said that, if a room met the building code requirements to be a bedroom, it would be called a bedroom.

Amendment 02 to Ordinance 17-29 (*cont'd*)

Volan asked the sponsors of the amendment what the effect of bringing the amendments in another year would be.

Piedmont-Smith said there could be up to 30 ADUs built with 90 neighbors impacted, which could create a lot of negative impact before the problem would be addressed.

Ruff said that the number of unrelated adults would be five and the bedrooms would still be at two, so there was a lot of reason to consider the amendments that evening.

Sturbaum said there was not a lot of support for that idea, and it would mean that the Council was experimenting with the neighborhood.

Sims thanked everyone for their patience thus far. He said that he viewed part of affordability as increasing the housing stock. He asked if staff had anticipated how to add housing stock beyond the pilot. Next, he asked what the specific conditional use criteria were.

Porter explained that staff had not done many projections because there was not a lot of literature, and other cities did not have a lot of data.

Sims asked how conditional criteria differ from by-right.

Roach said there were some criteria that remained and some that were different. He reviewed the criteria, and pointed to Conditional Use General Standard 1(b)(3) as being of concern to staff with regard to ADUs.

Public Comment:

Sandberg called for public comment.

Daniel Bingham spoke against the amendment. He observed that the research presented by Ruff showed that no observable affects could be isolated to ADUs. He gave an example of an ADU being used to house a caretaker as evidence for his belief that ADUs would not simply become student housing. He stated that Bloomington would continue to grow for years to come and asked the Council to prepare for increased density as well as the negative effects of climate change.

Richard Lewis affirmed his support for the Amendment. He stated that an ADU built in proximity to his property would negatively affect it. He disliked the bedroom limitation as presented in the amendment and proposed it be increased to two.

John Kennedy, current chair of the Council of Neighborhood Associations (CONA), said he strongly supported ADUs as well as the amendment.

Tom Shafer supported the amendment. He cited concerns about the enforceability of neighborhood covenants, viewing the amendment as a solution to said enforceability issues. Without the amendment he saw the ordinance as having the potential to pit neighbor against neighbor and asked the Council not to pass Ordinance 17-29 without Amendment 02.

Tim Miller, a member of the CONA Executive Committee, reviewed the meaning of conditional use. He supported the amendment as it added transparency to the ADU process and informed citizens of relevant standards.

Cynthia Bretheim, CONA member, supported the amendment.

Amendment 02 to Ordinance 17-29 (*cont'd*)

Jan Sorby, member of the CONA Committee of ADUs, showed data that demonstrated that ADUs reduce the affordability of currently affordable houses, reducing the options for those in need.

Nan Brewer stated she was against the ordinance without the Sturbaum and Piedmont-Smith Amendment. She believed the Ordinance would harm the affordable housing initiatives.

Judy Berkshire supported Amendment 02. She questioned whether ADUs were able to provide affordable housing or help residents age in place. She stated that current conditional use was a requirement for building a chicken coop or large fence, therefore she believed conditional use should be a requirement for building an ADU.

Reverend Forrest Gilmore he stated that his opposition to the amendment hinged on the scale of the affordable housing crisis in Bloomington. He felt it was time for Bloomington to experiment to find solutions to these issues, using the pilot program without the conditional use clause. He was concerned that discrimination against the poor would be able to take hold in a public process as outlined in the amendment.

Matt Flaherty stated his support for dropping the pilot element in the amendment although he did not support the rest of Amendment 02. He expressed particular concern about limiting the bedrooms in ADUs and about the definition of family.

Rachel Glago, renter of a Prospect Hill neighborhood ADU, pointed out that ADUs were often used by young professionals who contribute to the local community. She stated she saw student rentals and parking as non-issues. She raised concerns about family planning and ADU occupancy, and how the amendment in question would affect individuals.

Tom Miller, the city's Director of Innovation, spoke in favor of Ruff's amendment. He cited many sources calling ADUs a commonplace tool to increase affordable housing. He preferred the pilot approach and was against the notion of conditional approval. He felt the pilot approach would increase flexibility and allow the city to test its projections. He pointed out that conditional use in housing had a long history of being used in a discriminatory manner.

Sandra Clothier commented that she did not understand the opposing side's arguments. She challenged the perception that going through a conditional use process was onerous.

Sherman Guth spoke about his own personal negative experience building an ADU and having to require letters from all neighbors whose property touched his own and all neighbors whose property touched those adjacent lots. He complained about the one bedroom provision in the amendment, which he viewed as an elimination of many potential tenants and a limiting factor to differing family dynamics.

Alyssa McPherson expressed her sentiment that Bloomington was deeply underestimating the effects of the aging baby boomer generation. She stated that such changes might end up removing her from the Bloomington community.

Janna Jackson stated that to gauge the population and parking situation one must walk in the alleys of Bloomington.

Amendment 02 to Ordinance 17-29 (*cont'd*)

Marc Cornett cited his own building experience of creating ten lots with ADU permissions, only one of which was actually purchased with the intent of building an ADU.

Jon Lawrence, executive committee member of CONA, supported the conditional use clause. He suggested the use of affidavits to help increase transparency and limit occupancy.

Jenny Southern made the point that occupancy enforcement was very difficult in all communities but especially in Bloomington, as it required a neighbor complaint. She expressed her fear of ADUs.

Robert Wintsch believed that the ADUs in question would all be occupied by students, which was why he supported the conditional use provision.

Phillip Stafford supported a pilot program with no conditional use provision or the amendment with no pilot and the conditional use provision. He wished the amendment had been considered in the Comprehensive Plan instead of as a standalone provision. He suggested that the Bloomington Common Council should link issues of accessibility and affordability.

Tom Evans urged the Council to consider the opinions of constituents outside the organization of CONA who might not be present at the meeting. He supported the idea of a pilot program and data compilation initiative. The conditional use provision, he felt, would create conflict amongst constituents and neighbors as they would be airing their opinions in a potentially combative public setting.

Deborah Myerson supported the pilot program for the ADUs. She believed ADUs were a baby step in the right direction and should be viewed as one tool among many. She urged the Council to develop a comprehensive strategy to help solve Bloomington's growing housing issue.

Leigh Bush, currently homeless but seeking single non-student accommodations, stated that an ADU with multiple bedrooms would be an ideal situation for her. She said that she felt that single, young professionals were an unrepresented demographic in both the Council meeting and by the neighborhood associations. She disagreed with the bedroom limitations, pilot process, and conditional use provisions.

Jacqui Bauer expressed her excitement about the discussion and ADUs in general, although she did not favor the proposed amendment. She felt that Bloomington should make a commitment to experimental thinking and give the idea of ADUs a chance to really work.

Amendment 02 to Ordinance 17-29 (*cont'd*)

Beth Rosenbarger thought the distinction between pilot and non-pilot programs was virtually irrelevant due to the slow adoption and data gathering rates. She stated that she and her partner would not be able to live in a one bedroom ADU and she did not see why this constraint should exist or how it made sense. She urged the Council to diversify the housing options in Bloomington because regardless of the affordability outcome of ADUs, such units would have a positive impact on the community as they would increase the amount of housing options residents had. She urged attendees to view renters as regular people with similar motivations to those already living in neighborhoods. She felt that the square footage restrictions were unreasonable as such an amount of space was smaller than the smallest permitted garage in the city.

Ernesto Castaneda urged the Council to make certain that any new neighborhoods were not exempt from ADUs.

Council Questions:

Volan spoke about enforcement, and asked staff what they could do to ensure enforcement of the new rules.

Philippa Guthrie, Corporation Counsel, said enforcement was difficult and relied on a complaint system. She said staff investigated when called, but they enforced to the best of their ability.

Volan suggested increasing the cost of rental permits, hiring more inspectors, having affidavits of residency, and checking license plates.

Guthrie said that it could be problematic to police cars, especially when people had visitors. She said she would pass along the ideas and staff would look at all options for improving the system.

Volan said he did not blame HAND for doing its best, but hoped that increased confidence in enforcement would alleviate some of the concerns of neighbors about ADUs.

Sandberg said rules regarding ADUs might be more enforceable than rental inspection program rules due to having owners on site.

Guthrie said that it would be difficult to have a lot of residents in 400 square feet.

Volan asked about the potential for turning ADUs into walled-off party houses.

Porter said that staff addressed that issue by reducing the occupancy.

Guthrie added that the administration consented to the change in occupancy and the reduction in bedrooms.

Rollo asked if existing ADUs were included in the number for the pilot program.

Porter said they were not included in the pilot program.

Rollo asked if there was a map of the potential places ADUs could be located.

Porter said that staff did not have such a map, but they were looking into options so people could acknowledge having done their due diligence.

Rollo asked if it was correct to assume that most ADUs would be built in the core neighborhoods.

Roach said there were other areas in the city that could also house ADUs.

Amendment 02 to Ordinance 17-29 (*cont'd*)

Ruff asked how detached ADUs could be built before anyone would notice if they followed the proper building permitting procedures.

Roach said that they would be noticed in almost all cases. He said there had been cases where homeowners began construction prior to getting building permits.

Ruff asked if that was legal.

Roach said it was not.

Ruff asked if interior improvements were subject to building permits as well.

Roach said yes, because new kitchens required building permits.

Ruff asked how much of an issue over-occupancy really was.

Porter said there had only been four complaints related to the issue in the last year. She said that people knew how to use the city complaint line, but she did not know why there were not more complaints about occupancy.

Volan said that people in his district had given up complaining.

Council Comment:

Rollo said that he supported ADUs. He thought they had limited potential for affordability, but they were valuable for aging in place. He thought the proper use was to have conditional use standards, that it was a good way to gather data, and they could revisit the issue in a year if needed. He said he supported the amendment.

Granger said that conditional use allowed the city to make certain the process of introducing ADUs was the best it could be. She said that keeping ADUs limited in occupancy was helpful. She said she thought she would support the amendment.

Volan said he was conflicted. He wondered if the amendment was too restrictive. He said the 30 unit pilot plan was a form of conditional use. He said that enforcement was a problem, and urged the administration to make sure it was handled properly. Volan also suggested the administration think about reviewing parking policies. He said he did not support either amendment.

Sturbaum said it seemed that people feared government. He said that government was not the enemy but was a friend. He said the conditional use process would make ADUs work, because it was transparent and open. He said it was not perfect but was a start.

Sims said that he supported the pilot and that he supported by-right usage. He did not support conditional use, because he feared it would be unlimited. He said that he preferred Ruff's amendment, but thought that neither amendment was ideal. He thanked everyone who spoke that evening.

Piedmont-Smith said she felt lucky to live in a community where so many people cared and participated. She wished she had heard from more people before that night so she could have had more time to weigh the points that they made that night. She thought it was a mistake to have a by-right pilot because it would still have an impact. She took to heart what people said about discrimination based on who would be in the ADU. She said that the BZA would have to consider what an adverse impact would be, and said that it should not discriminate. She said she was conflicted, but would stick with the proposed amendment. She said that if the Council found the BZA was letting bias impact the ADU decisions, the Council would need to revisit the issue. She said a cautious approach was best, and supported the amendment. She thanked everyone for their input that evening.

Amendment 02 to Ordinance 17-29 (*cont'd*)

Ruff said he worked with the Mayor on his amendment. Ruff said the biggest difference between the two amendments was the conditional use. Ruff said that he was concerned about the BZA's ability to judge ADU usage. He said he was going to vote against the amendment, and said that it had been a great discussion.

Sandberg said this was an issue where the Council had to balance competing interests. She compared the issue to the Affordable Care Act, and talked about it being a compromise. She said that conditional use was not an onerous process, but encouraged people to be respectful of their neighbors. She said that she was voting in favor of the amendment.

Vote to adopt Amendment 02 to Ordinance 17-29 [12:32am]

The motion to adopt Amendment 02 to Ordinance 17-29 received a roll call vote of Ayes: 5, Nays: 3 (Ruff, Volan, Sims), Abstain: 0 (Chopra left early).

Public Comment:

Sandra Clothier said she appreciated the vote.

Daniel Bingham spoke about affordability, and said that ADUs were not classically affordable, but that they did make homes more affordable.

Bob Wintsch said that Bloomington had very different types of neighborhoods, and should not be treated as a homogenous unit. He suggested local rule to the neighborhoods to decide on ADUs.

Beth Rosenbarger spoke in favor of reducing the 300-foot setback. She said the size of ADUs should be increased to match the smallest allowable size of garages. She said the Council should also consider a minimum lot size.

Forrest Gilmore spoke in favor of the ordinance.

Jan Sorby thanked the Council for the amendment, and said it might be time to start looking for the missing middle in the city's housing stock.

Tom Miller suggested the Council make a statement encouraging the BZA to have a non-discrimination policy.

Marc Cornett said it was a well discussed ordinance. He looked forward to ADUs, and hoped it could all work.

Council Comment:

Rollo said the ordinance would add housing stock that he hoped would help with aging in place, housing for young couples, or helping with elder care. He thanked everyone for their work.

Sturbaum said the BZA had clear and professional reviews, and would not have problems with discriminatory practices. He said the admendment allowed for less than a 300-foot setback, so the BZA could consider it in its review. He said it was a good start, and the Council listened to everyone's comments. He thanked everyone for their participation.

Volan spoke about his district and what happened when there were no zoning rules. He said that Ms. Rosenbarger had made several good points that were worth revisiting. He said ADUs were welcome in Bloomington, and thought that there would be fewer restrictions in years to come.

Granger said that she was going to support the ordinance as amended. She said it would add to the diversity of housing stock. She said that ADUs would not fit every renter's need, and she did not think they were intended to do so. She said there was a large need for more options for renters. She said it was not an easy process, and she appreciated all the work that everyone had done.

Ordinance 17-29 (*cont'd*)

Piedmont-Smith said she was in favor of ADUs. She said they could provide a way to age in place or care for family members. She thought the most important accomplishment of the ordinance as amended was the increased transparency that allowed neighbors to know when an ADU was proposed. She emphasized that the BZA could not discriminate based on race, income, gender, or sexual orientation in its decision making, and members would be replaced if they did so. She recognized that it would be more work for staff. She was pleased that ADUs were moving forward, and encouraged people to talk to the Planning Department and to their neighbors.

Ruff said he was not happy with the final product but was going to vote yes. He thought the conditional use process could be a deterrant, and ran the risk of creating neighborhood conflict. He wished people were not so dismissive of the idea of ADUs increasing affordability. He thanked everyone for the fair process, and said that all of the ideas got a fair hearing.

Vote to adopt Ordinance 17-29 as amended [1:04am]

Sandberg said affordable housing was a challenge. She said that she was pleased to have been a part of the process and would support the legislation.

The motion to adopt Ordinance 17-29 as amended received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Chopra left early).

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

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

PUBLIC COMMENT

There were no changes to the Council schedule.

COUNCIL SCHEDULE [1:05am]

The meeting was adjourned at 1:06am.

ADJOURNMENT

The meeting reconvened at 1:06am.

COUNCIL SCHEDULE

Volan moved and it was seconded to cancel the Committee of the Whole on September 13, 2017. The motion was approved by voice vote.

The meeting was adjourned at 1:06am.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 4 day of October, 2017.

APPROVE:

Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

Nicole Bolden, CLERK
City of Bloomington