



**City of Bloomington
Environmental Commission**

The mission of the Environmental Commission is to advise the City of Bloomington on how its actions and policies may preserve and enhance the quality of Bloomington's environment, including the life-supporting processes that natural ecological systems provide to humans and other organisms.

MINUTES

14 December 2017
City Hall—McCloskey Room, 401 North Morton Street

1. Introductions (7:00-7:05 p.m.)

Present: Matt Caldie, Chris Neggars, Chaim Julian, Mike Litwin, Dedaimia Whitney, Riley Zipper, Ramsay Harik, Linda Thompson, Andy Marrs, Nick Kappas, Dave Parkhurst

Absent: Erin Hatch, Dave Debikey

Guests: 3 guests

2. Approval of minutes (7:05-7:10 p.m.)

November minutes are approved by unanimous approval.

3. Public comment (7:10-7:30 p.m.)

One member of the public is interested in what the EC is doing for the next year.

4. Discussion from Environmental Commission working groups (A cycle) (7:30-7:50 p.m.)

A Cycle

A. ECPC/Planning Commission

- All cases were postponed until January or February. Only thing to talk about is the Culver's proposed on the west side.
- In order to have a variance, there are strict requirements for what BZA can approve:
 - Must be factual evidence that "approval [of the variance] won't be injurious to public health, safety, or the general welfare of the community".
 - EC has a proposed finding in the memo in which we believe the approval will be injurious to public health...
 - The use and value of the adjacent property included in the standards won't be affected in an adverse matter
 - The EC believes that this would be adverse to properties nearby
 - The approval of the development would result in practical difficulties peculiar to the property in question, and the variance would remove these practical difficulties
 - The EC believes that the UDO doesn't result in practical difficulties peculiar to this property
 - We also feel that they shouldn't be able to ignore the Tree Protection ordinance
 - Other reasons for denial besides the three mentioned before
 - Disregard for environmental regulations
 - No public benefit

- Disrupts habitat connectivity
- No green building
- Errors in demo plan - what they're telling the BZA isn't accurate
- Errors in petitioners statement
- Non-compliant landscape plan
- In-lieu payments - city attorney wants Linda to make changes to the memo because she "opened a can of legal worms"
 - So we should instead stress more why their plan is bad but not mention in-lieu payments
- The EC often doesn't agree with City positions regarding developments, and it's possible the P&T director doesn't realize this
 - Linda wants to make sure everything she said in the memo is factual before anything becomes official
 - Additionally, there are some concerns about Legal challenging the memo
 - Linda meant that Legal had a quibble with a particular section of the report re: in-lieu payments for taking down all the trees
 - They had a plan to plant more trees in place of the ones they took down, but it likely wouldn't be possible to do that
 - Chris and Linda had discussed the possibility of making payments to the Tree Fund so Lee Huss can plant trees elsewhere in the city
 - Legal would never allow this in the past
 - There's one person on the BZA who's a lawyer who would probably ask what Legal would say about this proposition, and Legal may not be able to have this worked out by Thursday (12/21) when the hearing is
 - The idea is a policy issue the city hasn't discussed before
 - The question is: is the practice legal, because it's not in the UDO, is it policy? Legal didn't want us to throw this out on the table
 - But why should the EC be prohibited from proposing this just because it could open a can of worms for Legal?
 - We're ultimately a part of the city and reflect the administration and we're under the policies and regulations of the city.
 - The lawyer has offered to come to the BZA meeting if this is resolved by Thursday and would represent the EC, but only if they can find an answer by then
 - Two issues: one, if they're allowed to remove the trees?
 - Second, if they can remove them how are they going to replace them?
 - When other organizations come in and remove trees (Duke, INDOT), there's a ratio that tells how they have to replace them
 - This was true, but the ruling now from the city is that we can't do that anymore because it's too much like inclusionary zoning is with housing
 - If the variance is approved, they won't have to replace the trees, but there's also nowhere in the UDO that says they should get a variance if they replace them
- Plan Commission
 - City Council is looking at approving the CMP by Jan. 31 with all their amendments.
 - The PC has 60 days after that to approve the amendments and the CMP

- Once approved by the PC (which could happen as soon as Feb. 5) language for the UDO will begin to be developed
- If not approved in Feb, it will go to the March meeting and if it isn't approved there, it's automatically approved
- If the PC doesn't like some of the amendments, it'll go back to the Council and they can override the PC and approve it as is
- Many projects have been postponed to the January meeting
- There was discussion about the height/density modulation in the UDO, which included lots of developers being mad at them
 - It isn't a moratorium, it just shrinks the box for by-right development, which compels developers to negotiate with P&T and the Plan Commission to work on a development that's more in line with what the city wants
 - It was approved for a final vote for next week (Wednesday)
 - Any developments that have gone through the petition process will be grandfathered in until it sunsets in 12 months when the PC revisits it

B. Waste/Hazards

- Waste/Hazards didn't meet this month

C. Water

- Water group also didn't meet, but Mike attended the Friends of Lake Monroe meeting
- The group started an adopt-a-shoreline program at Paynetown; wouldn't turn down a volunteer from an affiliate group
- They're involved with the water fund over a lot of different agencies
- There is a capstone class in the spring that'll be doing water quality testing, and the Nature Conservancy is planning to fund a grad student to work with them
- There was a speaker from DNR who spoke on forestry best management practices around the lake
- Councilmember Dave Rollo spoke about the CMP and how it addresses Lake Monroe (not enough in Cm. Rollo's opinion) and he's going to work on that

B Cycle

D. Outreach

E. ECPC/Planning Commission

F. Biodiversity

5. Old business (7:50-8:20 p.m.)

A. All end-of-year Working Group reports

- Only received one so far, from Water, so the other working groups need to submit a report by Dec. 28
- A paragraph or two so Nick can put it into a template
- Dedaimia has a request to Linda and/or Nick to pressure IT to give Riley access to the Meetings portion of the EC website so he can upload the minutes

B. Habitat Network update and vote on press release and brochure

- Riley sent out the brochure and press release a week or so ago
- Nick spoke with Cm. Rollo last night and they discussed the habitat network plan
- Nick made a motion to amend the agenda so we can discuss the prospect of him drafting an amendment to add the habitat plan in as an appendix, which passed unanimously by voice vote
- Nick knows that from talking with Cms. Volan and Piedmont-Smith that they were receptive to it
- We think it's an important piece of work and getting it attached to the CMP would prove to be a success

- The UDO says to look to the CMP for guidance for interpreting regulations, so it would be a guiding document to them
 - A motion was made to draft an amendment to add the habitat network plan as an appendix to the CMP, which was passed unanimously
 - A motion was made to approve the brochure and the press release, which was passed unanimously
- C. Last call for Comp Plan changes
- Jan. 2 is the last day for this
 - Council has been working on it since August so it's been a long process
 - A new draft will be posted online (P&T webpage) tomorrow (12/15) including all the Council's amendments
 - The EC did a good job with voicing their opinions to the council and the PC about the CMP and getting a lot of BEAP action items in so it's
6. New business (8:20-8:50 p.m.)
- A. BEC Handbook
- Riley and Erin have been working on expanding the handbook and have sent a first draft to Nick for him to review.
 - We could describe the EC's relative autonomy as a commission of the city
 - Would be a helpful document on our procedures and how we do things, especially for new Commissioners
- B. Look ahead to 2018 (budget, presenters, working groups, successes, improvements, etc.)
- Presenters
 - Green Camino (not ready yet)
 - Friends of Lake Monroe
 - After the recent snow and the massive dumping of salt on the streets we should have the people who do this talk about if they've looked into using more environmentally friendly alternatives to the salt - Adam Wason would be good to talk to
 - County EC - collaborative projects could be a good idea in the future, even a liaison.
 - Dave Rollo for peak oil?
 - BCOS - mostly focusing on the environmental aspect of sustainability, when Nick was trying to ask them about other things they were doing. Would be good to collaborate with them and just get a good idea of what they're doing
 - Deer person? Cm. Rollo could talk about this
 - Indiana Recycling Coalition
 - Budget
 - We have the intern budget like usual
 - The budget is through P&T, and as far as Linda knows, we have been allotted the same amount as before, but she's unsure if we have the same discretionary spending
 - We have the handbook binding, as well as Eco-Heroes, so we want to make sure we have full access to our budget
 - Linda says that the way it's been since she's been here, is that the P&T director had to approve anything we spend
 - Since Terri's been in, we haven't spent too much, and she didn't have any problem with what we've spent our money on
 - Back when David P. was on BCOS, some of them got \$50 or more to travel to a meeting in Indy
 - It would be good to be able to go to some conferences in Indy and at least have the travel expenses paid for

- The EC used to have money in a lot of different line items (one of which was travel and education) and people on the EC just didn't use the money, so they were put all into one line item
 - So if we want to use some for travel, we have to move money to another line item
 - One of the solutions to this problem would be to move the budget outside of P&T to the Mayor's office, where all the budgets of boards and commissions could be
 - EC never had a plan to turn in a budget where we specify how much we want from each line item, but the problem here is that the EC would have to know what they wanted to spend money on a year in advance, which is something that we could work on in the future, giving the treasurer more access
 - Working groups
 - Nick likes the working groups we have, doesn't seem to be an issue at the moment
 - We're pretty strong on land issues, but aren't as well-versed in water and air issues as we could be, so an inventory of our strengths would be a good exercise to undertake
 - Getting more diversity on other aspects is also important, like more women and people of color
 - Recruitment
 - Nick has applied to stay on for the next two years
 - Important to keep up our steam, so we don't get combined with another commission
- C. 2018 officer election
- Nick is running for chair again unopposed
 - Vice chair will be Mike Litwin again
 - Treasurer/Secretary will be David Parkhurst
 - Per our rules, nominations can be submitted for officers now, if anyone has them
 - No one else has any other nominations, so we can accept it as a slate by roll call vote
 - The slate was approved unanimously, the nominees are elected to their position:
 - Nick Kappas as Chair
 - Mike Litwin as Vice-Chair
 - David Parkhurst as Secretary/Treasurer
- D. Bucket-list meeting organization
- Important to have some ideas for the next meeting
 - City no longer wants to allow us to use funds for the bucket list meeting so it won't be at the cooking school this year
 - We could do it at a restaurant, like the backroom at the Uptown, Farm Bloomington or Crazy Horse
 - Or we could have pizza and cake in McCloskey, which is what we decided
 - It should be an informal meeting where we can be creative

7. Commissioner announcements and adjournment (8:50-9:00 p.m.)

Linda: No announcements.

Andy: No announcements.

Ramsay: Deep Roots is having its tree, poinsettia, and wreath sale ending on the 18th, so if you want one come by.

Riley: Would like to emphasize diversity in recruitments efforts

Dedaimia: When she decided to leave the Commission, it hasn't been sitting right with her. When she tells people she's leaving it and thinks about it, it doesn't feel right, so that's why she's reconsidering

Chaim: Would invite you to a holiday party this Friday from 6-9 in Upland banquet room put on by Democracy for Monroe County. They're a progressive organization that supports progressive candidates and issues.

Mike: No announcements

David P: Propose that we campaign to get rid of Daylight Saving Time. We're a quarter of the way into what should be the central time zone, so we suffer from DST a lot worse than others do.

Chris: A study found that people living on the eastern edge of time zones are actually more successful and active than people of the west side of time zones. Culver's restaurant in Muncie that has in-store recycling for consumer waste, so the Culver's here being resistant to green practices has a counter-point. The can of worms she opened with Legal was good, because we have to come up with good questions. He was hit by a tree yesterday, when cutting down a 4" DBH maple, and it hit his bicep and hurt a lot.

Matt: No announcements

Nick: Ended up getting about 11 people for the Blue Friday event at Lower Cascades. Half went to the north, half to the south, probably a quarter mile each way. Ended up collecting more than 50 pounds of trash near the road. Motorcycle parts were embedded in the creek near the salvage yard. Lots of used needles, just 100 feet from the playground. To the north, volunteers filled two five gallon buckets full. Very concerning that an area with so much attention has so much trash.

Meeting times

- A. Environmental Commission: 18 January, 2018, 7:00 p.m., McCloskey Room, City Hall
- B. EC Planning Committee: TBD, 4:00 p.m., Lemon Room, City Hall
- C. Tree Commission: 17 January 2018, 9:30 a.m., Rose Hill office
- D. BCOS meeting: 9 January 2018, 6:00 p.m., McCloskey Room
- E. MCEC Com.: 10 January 2018, 5:30 p.m., Nat U Hill Room, Courthouse
- F. ERAC: 14 February 2018, 4:30 p.m., TBD
- G. MPO CAC: 24 January 2018, 6:30 p.m., McCloskey
- H. MCSWMD Board: 11 January 2018, 4:00 p.m., Nat Hill III Room, Courthouse