

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, December 20, 2017, at 6:31pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
December 20, 2017

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

ROLL CALL  
[6:31pm]

Council President Susan Sandberg gave a summary of the agenda.

AGENDA SUMMATION  
[6:32pm]

Councilmember Isabel Piedmont-Smith moved and it was seconded to approve the minutes of September 25, 2017. The motion was approved by voice vote.

APPROVAL OF MINUTES  
September 25, 2017 (Special Session)  
December 06, 2017 (Regular Session)  
December 13, 2017 (Special Session)  
[6:32pm]

Piedmont-Smith moved and it was seconded to approve the minutes of December 06, 2017 as corrected. The motion was approved by voice vote.

Piedmont-Smith moved and it was seconded to approve the minutes of December 13, 2017. The motion was approved by voice vote.

Councilmember Dave Rollo spoke about the tax bill that had been passed by the United States Congress that day.

REPORTS

- COUNCIL MEMBERS  
[6:34pm]

Councilmember Jim Sims spoke about the Hoosier Hills Food Bank calendars and commended those who worked on them every year.

Councilmember Steve Volan thanked everyone who made viewing Council meetings possible.

Councilmember Allison Chopra congratulated the Bloomington Police Department on their defeat of the Bloomington Fire Department during the previous weekend during a basketball game. She also spoke about the importance of people not parking in bicycle lanes.

Councilmember Dorothy Granger spoke about the Annual Homeless Persons' Memorial Service that was being held that evening honoring the following people: Lori Blake, Will Calpin, Edna Collier, Jim Edwards, John Goldsby, Stephanie Harden, Michael Higgins, Bryan Holdreith, Michael Wayne Isbell, Kent Johnson, Harold Vernon Lindsay, Donald Mabry, John Riley, Chris Risley, Claude Sanders, Janice Sanders, James Keith Sullivan, Kalynn Sciscoe, Britany Simpson, Kevin Turpin, Richard Todd Wells, Charlie Wright, and Garnett York. Granger said she wanted to remember the people who passed, their lives, and the impact they had in our community.

Sandberg spoke about the need to invest in the wellbeing of children, especially in light of recent news stories. She said that communities should focus on funding on the front-end of problems rather than the back-end. She urged everyone to think about how money was being spent and to remember that children mattered.

Beth Rosenbarger, Bicycle and Pedestrian Coordinator, gave a report on the Transportation Plan and opportunities for public input.

- The MAYOR AND CITY OFFICES [6:47pm]

Rollo asked if the multi-modal approach of the transportation plan would allow some off-setting of road capacity expansion.

Rosenbarger said that the consultant will look at different ways to add capacity beyond expanding the roads.

Volan asked when the transportation plan would be finished.

Rosenbarger said that the goal was to bring it before the Council sometime between June and August of the following year.

Volan asked if the previous plan would apply until the new transportation plan was adopted.

Rosenbarger said that was correct.

Volan asked if there were any policies that were waiting to be implemented upon completion of the transportation plan.

Rosenbarger said there probably were.

There were no reports from Council Committees.

- COUNCIL COMMITTEES

Jim Shelton spoke about the need for Court Appointed Special Advocates (CASA) volunteers. Shelton explained that CASA was a volunteer-powered program which provided representation in juvenile court for child victims of abuse and neglect. He gave information on the training process.

- PUBLIC [pm]

There were no appointments at this meeting.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Volan moved and it was seconded that Ordinance 17-45 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 6-0-3.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:15pm]

Volan moved and it was seconded that Ordinance 17-45 be adopted.

Ordinance 17-45 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amending Chapter 20.03 “Overlay Districts” to Provide Clear Guidance on Downtown Overlay Development and Architectural Standards

Terri Porter, Planning and Transportation Director, presented the legislation to the Council. Porter said the legislation proposed a temporary amendment to the Unified Development Ordinance (UDO) of the Bloomington Municipal Code to reduce height and density maximums, minimum modulation standards, and revised review considerations in the six downtown overlay districts.

Council Questions:

Volan asked Porter about the criticism received about the legislation. The criticism was that the language was not very specific.

Porter said the legislation encouraged projects to come through the department and the Planning Commission, and to discuss how the proposed projects could align with community goals and the comprehensive plan moving forward.

Volan asked if Porter anticipated the number of projects seeking a waiver would go up with the proposed change.

Porter said that it was possible.

Volan asked if the city ran the risk of being called overly restrictive by the state.

Philippa Guthrie, Corporation Counsel, said that zoning was a local function. She said that things could still be built by-right, but they would be smaller and less dense.

Ordinance 17-45 (cont'd)

Rollo asked if there would be any stringency to granting waivers on the part of the Planning Commission.

Porter said that it was a difficult question for her to answer based on her short tenure with the city, but that she hoped that with the new guidelines there would be more predictability.

Chopra asked what the administration thought about the impact of reducing density in the downtown area and possibly increasing sprawl in other parts of the city.

Porter said the criteria in the legislation was not intended to be permanent and they wanted to encourage density in the downtown area.

Chopra asked if developers, who had difficulty developing downtown, might end up creating projects that were not desirable in other areas.

Porter said that she did not think the ordinance would stop development or density from growing in the downtown area.

Public Comment:

Jeff Goldin, Bloomington Board of Realtors, proposed changes to the proposed legislation and thanked the Council for their hard work.

Jan Sorby spoke in favor of the proposed legislation.

Jim Shelton, Chamber of Commerce, spoke in opposition to the proposed legislation.

Jon Lawrence, Council of Neighborhood Associations, spoke in favor of the proposed legislation.

Judy Berkshire, Eastside Resident Association, spoke in favor of the proposed legislation.

Cynthia Bethem spoke in favor of the proposed legislation.

Council Comments:

Sturbaum said good urbanism did not go out of style, and stated that buildings would last for over 100 years, that they would be reused, and that bad compromises stayed with the community forever. He said in 2002 the city wrote a set of long-term, form-based guidelines that outlined how the city should be built and shaped. He spoke of the need to look beyond the changes that occurred during the lifetimes of those present, and encouraged them to look to the past and reflect on the changes that happened after major events. Sturbaum said that the goal was to mend the fabric of the community with thoughtfulness and cooperation. He encouraged people to think of the legislation as a reset and an opportunity to view the city as something to be built wisely for the future.

Rollo spoke about the need to be careful with the language used when talking about the comprehensive plan. He said the city was six years overdue for a new comprehensive plan. He said the legislation presented that evening was an opportunity to take a pause before the new plan was completed within the next year. He said that he supported the legislation, that it was not a moratorium, and that it addressed the most out of scale developments. Rollo said that he hoped the city was judicious about the waivers granted. He said the public sector had invested a lot in the downtown area, which was what made it such an attractive area. He noted the public concern that development had gone too far in the downtown and thought their action that evening was appropriate.

Ruff said the legislation was a reasonable step to take to avoid a rush of development before the final comprehensive plan and new UDO were completed. He said downtown Bloomington was a defining aspect of the community character, and community character was in turn a major factor in quality of life, and economic vitality. He noted that the city had been dramatically altered by large residential structures in recent years that could have an effect on the city's economic vitality. He said not taking action was a risk to the community which was why he supported the legislation. Ruff said that the waiver process was not extortive and did not believe the Council or administration would support anything that came close to such a thing.

Sims said that many of the developments were driven by housing issues that led to vibrancy and economic sustainability in the downtown area. He said the goals had been attained and it was time to pause and review. Sims said that he wanted the conversations to be inclusive. He said that Bloomington was going to change and it would not necessarily lose character by doing so. He stressed that the proposed legislation was temporary and hoped that people did not think the Council expressed anti-growth ideas. He said he planned to support the legislation that evening.

Chopra said she had concerns about the legislation's ability to achieve the goals sought, the process by which it was brought forward, and the speed by which it would take effect. She said her constituents asked her to vote yes, however, so she would do as they asked. She appreciated staff's time given the legislation and all of those who came forward to speak.

Piedmont-Smith appreciated all of the comments the council had heard. She spoke about the need for a community housing study and a strategic housing plan. She noted that an amendment had passed that allowed for a task force to develop a housing plan. She said the UDO was a way to look more holistically at development in the city. She agreed that some of the language in the proposed ordinance was not as clear as it should have been, but felt that things would be built or get on the docket to be built quickly if the Council did not act. She said that the legislative process for the comprehensive plan could allow for more building by-right, which was not what the community wanted. Piedmont-Smith thought the reason it took so long to start on a new comprehensive plan was due in part to the high volume of development petitions. She thought this legislation was a good interim measure until the new UDO was adopted. Piedmont-Smith said the editorial in the previous day's Herald Times newspaper was unfair and one-sided. She said the legislation would provide more guidance and would not be onerous on developers. She said that it was temporary. Piedmont-Smith thought this was a good proposal and gave the city some breathing space and control over developments that would have a big impact on the character of the city.

Granger supported the legislation. She said a temporary measure was needed. She was not worried about the language because she wanted the focus to be on the language in the UDO. She said the legislation would give the city time to go through a thoughtful process. She said the changes suggested by a resident earlier in the evening would be considered when the council was reviewing the UDO. She hoped that everyone could come together in the UDO process and she would support the legislation that evening.

Volan said that they heard from developers that Bloomington was difficult to develop in because the process lacked predictability and that they heard from citizens that the development downtown was too monolithic. He agreed that the buildings built downtown since the GPP, the predecessor of the Comp Plan, went into effect were monolithic. He said the Council never took action to limit the Plan Commission's ability to waive height until a decade after the UDO passed. Volan said the city's form was good. He said this ordinance would reduce the assumption developers had; that they would get a waiver if they asked for one. He said the business and development community had a point. Volan said reducing density downtown would push development elsewhere. He said the Council could keep trying to keep Bloomington from growing upwards, but we had to get over the fact that the demographics of the city were relentless. Bloomington was growing in population. Tall buildings were definitely more sustainable than the same number of room spread out among lower buildings. He said more housing was needed or the city would become even more unaffordable. Volan said it was important to take concerns about predictability in development seriously for the sake of affordable housing. He said the coming year's debate over the actual standards in the UDO was crucial.

Ordinance 17-45 (cont'd)

Sandberg said she wanted to focus on what the proposed legislation was attempting to encourage in the twelve month period it would be in effect. She said that the proposal reinforced language from the UDO's existing environmental and design statement. She said the proposal encouraged best-practice sustainable design features and things that contributed to the diversification of the downtown area. She noted that the language could be better, but looked forward to working on it during the comprehensive plan. She also discussed the Herald Times editorial and the importance of the Housing Development Fund. Sandberg said the legislation was another opportunity to look at building standards and hold developers accountable to them. She said she supported the legislation.

The motion to adopt Ordinance 17-45 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Ordinance 17-45 [8:29pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

Volan moved and it was seconded amend the schedule for review of the Comprehensive Plan in January 2018 as followed: shifting the deadline for third round amendments from January 2, 2018 to January 9, 2018; reintroducing the Comprehensive Plan under Resolution 18-01 on Wednesday, January 10, 2018; and releasing 3rd round amendments on Friday, January 12, 2018; considering 3rd round amendments on Wednesday January 17, 2018 and, if ready, adopting the Plan as amended; and if not finished on the 17th, concluding review and action on the Plan on the fifth Wednesday of January (31<sup>st</sup>).

COUNCIL SCHEDULE

The motion was approved by roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on amending Comprehensive Plan schedule of review [8:34pm]

Dan Sherman, Council Attorney, reminded the Council that the winter recess began after the meeting and ended on January 5, 2018.

The meeting was adjourned at 8:34pm.

ADJOURNMENT

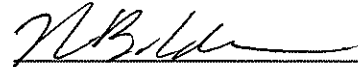
APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 7<sup>th</sup> day of February, 2017.

APPROVE:

ATTEST:



~~Susan Sandberg~~, PRESIDENT  
Bloomington Common Council  
Isabel Piedmont-Smith, Vice President



Nicole Bolden, CLERK  
City of Bloomington