

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 21, 2018, at 6:31pm with Council President Dorothy Granger presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 21, 2018

Roll Call: Chopra, Piedmont-Smith, Granger, Volan, Sandberg, Sims, Rollo, Ruff (arrived 6:35pm)
Absent: Sturbaum

ROLL CALL
[6:31pm]

Council President Dorothy Granger gave a summary of the agenda.

AGENDA SUMMATION
[6:32pm]

Councilmember Steve Volan moved and it was seconded to approve the minutes of October 24, 2017. The motion was approved by voice vote.

APPROVAL OF MINUTES
October 24, 2017 (Special Session)
November 07, 2017 (Special Session)
[6:33pm]

Volan moved and it was seconded to approve the minutes of November 07, 2017. The motion was approved by voice vote.

Councilmember Jim Sims presented a Conflict of Interest Disclosure Statement related to Resolution 18-04 and explained that he would be recusing himself from the discussion and vote for that resolution.

REPORTS
• COUNCIL MEMBERS
[6:35pm]

Granger moved and it was seconded to accept the Conflict of Interest Disclosure Statement of Sims.

The motion was approved by roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to Accept Conflict of Interest
Disclosure Statement [6:35pm]

Councilmember Susan Sandberg recommended her colleagues read *A Better Way to Zone* by Donald Elliott.

Volan addressed the Critical Incident Response Team (CIRT) armored vehicle town hall meeting that took place the previous night. He said he had posted a letter online that detailed his thoughts on the issue.

Councilmember Isabel Piedmont-Smith thanked people for attending the CIRT town hall meeting. She emphasized the importance of time and reflection on the matter.

Byron Bangert, Chair of the Bloomington Human Rights Commission, presented the 2018 BHRC Award to Bloomington PRIDE.

• The MAYOR AND CITY
OFFICES [6:42pm]

There were no reports from Council Committees.

• COUNCIL COMMITTEES

Mark Haggerty spoke about the need for dialogue with the Council regarding the CIRT vehicle and assault weapons.

• PUBLIC [6:48pm]

Andrea Ford spoke about making Switchyard Park Bloomington's first natural playground.

Sandberg moved and it was seconded to appoint Erin Hatch to the Bloomington Commission on Sustainability. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:00 pm]

Sandberg moved and it was seconded to appoint Andrew Findley to the Bloomington Arts Commission. The motion was approved by voice vote.

Volan moved and it was seconded to reappoint Brian Richardson, Jr. to the Commission on the Status of Black Males. The motion was approved by voice vote.

Volan moved and it was seconded to reappoint Jim Rosenbarger to the Bicycle and Pedestrian Safety Commission. The motion was approved by voice vote.

Volan moved and it was seconded to reappoint Larry Haywood and Sarah Ryterband and appoint Colin Elliot to the Traffic Commission. The motion was approved by voice vote.

Volan moved and it was seconded to reappoint Chris Neggers and Nicholas Kappas to the Environmental Commission. The motion was approved by voice vote.

Volan moved and it was seconded that Resolution 18-04 be introduced and read by title and synopsis only. Chief Deputy Clerk Stephen Lucas read the legislation by title and synopsis.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:02 pm]

Volan moved and it was seconded that Resolution 18-04 be adopted.

Resolution 18-04 – To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2018

Doris Sims, Director of the Housing and Neighborhood Development Department, presented Resolution 18-04. Sims explained that the City was eligible to apply for the Community Block Development Grant (CDBG) on a yearly basis. She said 15% of the funds were allotted to social services, 20% of the funds were used for administrative costs and 65% of the funds were for physical improvement projects. There was an application process through which community organizations could ask to receive CDBG funding. Sims estimated that the city would have \$700,000 to allocate from the CDBG program. Sims outlined organizations and projects that would receive CDBG funding for 2018 in the social services, administrative, and physical improvement categories.

Councilmember Dave Rollo noted that the Crestmont renovation had been part of CDBG funding in previous years. He asked if that project was close to being finished.

Council Questions:

Sims said the project was about 75% complete.

Rollo asked if the Crestmont renovation would require further funding after 2018.

Sims answered that the renovation could require several more cycles of CDBG funding.

Rollo mentioned that there had been discussion about ending CDBG funds. He asked Sims if she had any insights.

Sims was confident that the Housing and Neighborhood Development department would receive funds for 2018. She was unsure about receiving allocations in future years.

Councilmember Andy Ruff added that Crestmont was built at different times and therefore needed renovations at different times.

There was no public comment.

Public Comment:

Sandberg noted that there were limited funds for social services and that all organizations seeking funds were worthy.

Resolution 18-04 (cont'd)
Council Comments:

Rollo thanked Sims and the committees for their work and spoke against cutting CDBG funds by the federal government.

Piedmont-Smith thought the sidewalk project on West Adams Street was a very important project and was happy to see it funded.

Granger said she appreciated the thoughtful way Sims has planned for a potential cut of CDBG funds.

The motion to adopt Resolution 18-04 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Sims out of room).

Vote on Resolution 18-04 [7:19pm]

Volan moved and it was seconded that Ordinance 18-02 be introduced and read by title and synopsis only. Lucas read the legislation by title and synopsis, giving the committee do-pass recommendation of 9-0.

Ordinance 18-02 – An Ordinance Re-Establishing the Cumulative Capital Development Fund under IC 36-9-15.5

Volan moved and it was seconded that Ordinance 18-02 be adopted.

Jeff Underwood, Controller, presented Ordinance 18-02. Underwood explained that the Cumulative Capital Development (CCD) fund was used mostly to maintain infrastructure within the city, such as sidewalks, trails and streets. It was funded primarily by property taxes. The rate was indexed, so if a community grew, the rate was lowered in order to maintain a flat amount. Underwood stated that the purpose of Ordinance 18-02 was to reset the rate from 4.8 cents per 100 dollars of assessed value to 5 cents, which would result in an additional \$100,000 of funding to start in 2019. The priority for the funds would be installation and repair of city sidewalks. The city also intended to resurrect a previously-available cost-share program for low income areas. This sidewalk repair program involved the city paying for the labor and the resident paying for materials. Underwood explained that the meeting served as the public hearing for the CCD fund and a 30-day remonstrance period would follow.

Rollo asked for clarification as to whether the Department of Local Government Finance (DLGF) would approve raising the rate to 5 cents and if it would automatically reduce the rate with growth.

Council Questions:

Underwood said he anticipated approval as long as the city adhered to the statute. He confirmed that the rate was automatically indexed, so the new rate was only guaranteed for one year.

Volan asked if the CCD funds could be used for the repair of sidewalks and asked how the labor would be funded.

Underwood said that CCD funds could be used for the repair of sidewalks. He said that the city could perform the work but could also contract out to allow for more flexibility.

Volan asked how the cost-share program would work.

Underwood explained that the money from homeowners would go to the city and the city would subsequently buy the materials, but the city could contract the labor to offset costs. Discussions about hiring more staff or contract out would take place after approval.

Volan asked how the public could let the city know they wanted a sidewalk repaired.

Underwood replied that the city would establish methods online and in person.

Volan asked if the fund was solely dedicated to sidewalk repair.

Ordinance 18-02 (cont'd)

Underwood said that the funds would be split between low income areas and sidewalks that require the most repair.

Rollo said he was concerned that the cost-share program would not be effective enough in offsetting costs for low income residents.

Underwood explained that the city would look for matching programs before deferring to residents.

There was no public comment.

Public Comment:

Piedmont-Smith voiced her support for Ordinance 18-02. She said that property tax caps were bad public policy because the wealthiest members of the community would not see any increase in their property taxes and she believed that was not fair. Piedmont-Smith also reminded everyone that \$100,000 would not pay for many sidewalk projects.

Council Comments:

Rollo voiced support for directing funds towards low income areas.

Granger noted that many sidewalks were in poor shape and she supported the ordinance.

The motion to adopt Ordinance 18-02 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Ordinance 18-02 [7:33pm]

Volan moved and it was seconded that Ordinance 18-03 be introduced and read by title and synopsis only. Lucas read the legislation by title and synopsis, giving the committee do-pass recommendation of 9-0.

Ordinance 18-03 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – R The Batman-Waldron House at West Kirkwood Avenue 3

Volan moved and it was seconded that Ordinance 18-03 be adopted.

Rachel Ellenson, Program Manager of Historic Preservation, gave the presentation for Ordinance 18-03. Ellenson explained the Batman Waldron house was built in 1895 as a wedding present to Mary Waldron from Ira Batman, who was a prominent Bloomington figure. The style of the house was unique in that it was seen in only 5% of structures in the United States. The house received a survey rating of outstanding from the State of Indiana. Nancy Garrett, the owner and petitioner, would be receiving funds to repair the roof of the house. Ellenson said that by designating the house as a historic district, the city would be better able to protect the original house. Designation would help the house receive funding for further needed repairs.

Rollo asked if there were any other significant changes to the structure other than the addition in the back and the damage to the roof.

Council Questions:

Ellenson explained most of the exterior was intact. In the interior, some walls had been taken down to open the space up but most of the floor plan was intact. Mrs. Garrett had left some of the original flooring.

Volan asked if the shingles were painted blue.

Ellenson said that the shingles were gray but there was blue wooden trim.

Rollo said the house was an outstanding Bloomington building and he appreciated Mrs. Garrett seeking historic designation.

Council Comment:

The motion to adopt Ordinance 18-03 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Ordinance 18-03 [7:46pm]

Volan moved and it was seconded that Resolution 18-02 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis, giving the committee do-pass recommendation of 5-1-2.

Resolution 18-02 – To Establish a Land Use Standing Committee of the Common Council

Volan explained that the resolution delineated the Land Use Committee's purpose, the number of members, and a requirement for the committee to entertain a motion to refer land use issues to the committee.

Sandberg moved and it was seconded to adopt Amendment 02 to Resolution 18-02.

Amendment 02 to Resolution 18-02

Amendment 02 Synopsis: This amendment is sponsored by Councilmember Sandberg and strikes the requirement that one member of the Land Use Committee must be the Council's representative to the Plan Commission. As provided by the Bloomington Municipal Code, the Council President appoints the members of this Committee, "observing the preference of each member as closely as possible." BMC 2.04.210. Therefore, under this rule and this amendment, while the Council's representative to the Plan Commission may be one of the members of the Land Use Committee, there is no requirement to do so.

Sandberg explained that the amendment removed the requirement that the Council's Plan Commission representative serve on the Land Use Committee.

Rollo said he was sensitive to requiring a councilmember to serve on the committee. He asked if the Plan Commission representative could volunteer to serve on the committee if so desired.

Council Questions:

Sandberg said the amendment did not preclude the Plan Commission representative from serving on the committee.

Volan recognized Sandberg's concern with taking on additional responsibilities. He offered to amend the resolution to say that the Plan Commission representative was not expected to serve on the Land Use Committee until the following year. He did not think it made sense to have a Land Use Committee without the Plan Commission representative as a member.

Sandberg thought the participation of the Plan Commission representative should be left up to the discretion of the Council President. She noted that she was not only concerned about her own workload.

Rollo asked Council Attorney Dan Sherman if public notice would be required for committee meetings.

Sherman said yes.

There was no public comment.

Public Comment:

Piedmont-Smith agreed with Volan that it made sense to have the Plan Commission representative serve on the Land Use Committee and was not in favor of the amendment.

Council Comments:

Granger spoke in favor of the amendment because it would be good for the Plan Commission representative to receive feedback from the Land Use Committee.

Amendment 02 to Resolution 18-02 (cont'd)

Volan thought a four-person committee was the best fit for the Council. He believed the committee would become a de facto five person committee without the Plan Commission representative and he did not support the amendment.

Piedmont-Smith pointed out that there was no better way for the Plan Commission representative to get feedback from the Land Use Committee than to serve on the committee.

Rollo recognized the significant time commitment required to serve on the Land Use Committee and was wary of compelling someone to serve on the committee.

Sandberg said that the Council President previously had the power to appoint members to committees and thought the President should retain that power due to the several extenuating circumstances that might arise.

Volan said he did not believe that the Land Use Committee would add a significant amount of time to any councilmember's duties.

The motion to adopt Amendment 02 to Resolution 18-02 received a roll call vote of Ayes: 6, Nays: 2 (Volan, Piedmont-Smith), Abstain: 0.

Vote on Amendment 02 to Resolution 18-02 [8:04pm]

The motion to adopt Resolution 18-02 as amended received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Resolution 18-02 as amended [8:05pm]

Volan moved and it was seconded that Ordinance 18-01 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis.

LEGISLATION FOR FIRST READ 3
Ordinance 18-01 -
To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Sidewalk Requirements and Sidewalk Variances Set Forth in BMC 20.05.010, 20.05.051, 20.09.130, 20.09.135 & 0.11.020

Sherman reminded the Council of its upcoming schedule.

COUNCIL SCHEDULE

The meeting was adjourned at 8:10pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 21 day of March, 2018.

APPROVE:

ATTEST:

Dorothy Granger, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington