

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, December 05, 2017 at 6:33pm with Council President Susan Sandberg presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
December 05, 2017

Clerk's Note: On August 29, 2017, the Common Council called to order a Special Session, which began the Council's consideration of Resolution 17-28 to be completed over a series of meetings. At its meeting on October 24, 2017, the Council adopted a motion to extend its deliberations of Resolution 17-28. Please refer to the minutes from those meetings for a description of the procedure for consideration of the resolution and amendments thereto.

Resolution 17-28 – To Adopt the City's Comprehensive Plan

Roll Call: Sturbaum, Ruff, Sandberg, Volan, Piedmont-Smith, Rollo  
Members Absent: Chopra, Sims

ROLL CALL

Council President Susan Sandberg gave a summary of the agenda.

AGENDA SUMMATION

Councilmember Steve Volan moved and it was seconded to approve the minutes of September 12, 2017. The motion was approved by voice vote.

APPROVAL OF MINUTES  
September 12, 2017 (Special Session) [6:38pm]

Volan moved and it was seconded to adopt amendments (84, 85, 86, 87, 89, 90, 91, 04-R, 07-R, 96, 97, 98, 102, 105, 106, 53-R, 108, 109, 110, 113, 114, and 41-R) listed under the consent agenda.

CONSENT AGENDA:

Councilmember Isabel Piedmont-Smith explained that many of her sponsored amendments appeared on the consent agenda. She briefly explained the purpose of those amendments.

Council Attorney Dan Sherman reminded the Council that some amendments had been revised and were denoted with an "-R".

The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Consent Agenda Items  
[6:45pm]

Piedmont-Smith introduced the amendment and explained it proposed a new goal and three new policies in Chapter 2 of the Comprehensive Plan (Plan) meant to accompany an objective contained in the Vision Statement.

Amendment 88

Sandberg asked if staff had any concerns.

Council Questions:

Scott Robinson, Planning Services Manager, said that he had no concerns but thought the amendment warranted discussion as it was adding a new goal and new policies. He said there had been discussion about the city's ability to affect things outside its control, such as the school board.

Councilmember Chris Sturbaum asked whether the amendment would encourage the city to work with SPEA on things like the redevelopment of the hospital site.

Piedmont-Smith said yes.

Councilmember Dorothy Granger agreed that the city's mission was not education but said the city should support and encourage education where possible.

Council Comment:

Volan agreed that the goals were admirable but worried about the Plan having such generic goals that implementation would be difficult.

The motion to adopt Amendment 88 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. Vote on Amendment 88 [6:50pm]

Councilmember Dave Rollo introduced the amendment and explained that it added clarifying language and also struck the term “supply-end strategies” within the Chapter 5 overview.

Amendment 92

Sandberg asked if staff had any concerns with the amendment. Robinson said he was fine with the amendment.

Council Questions:

Volan asked what the practical effect of the amendment would be and wondered if it meant core single-family neighborhoods should not change.

Piedmont-Smith said the language appeared in the introduction to Chapter 5 and was simply meant to provide background information. She said the language was not prescriptive.

Volan asked if any following amendments would introduce a goal or policy to follow from the language of the introduction.

Piedmont-Smith said no.

Jan Sorby spoke in favor of the amendment.

Public Comment:

Jon Lawrence spoke about restrictive covenants in neighborhoods.

Volan said he had no problem with Amendment 92 but he was worried about future amendments or future legislation that prevented neighborhoods from changing or adapting.

Council Comment:

Piedmont-Smith said the goal of the amendment was to describe what existed in the city’s neighborhoods. She said it did not preclude future zoning changes.

Volan said he did not respect the covenants of post-World War II neighborhoods despite the fact that the amendment called for respecting each neighborhood’s character, strengths, and assets. He pointed out that racist covenants once existed until they were banned by federal law. He did not oppose the amendment but said he would not respect covenants that were causing problems.

Piedmont-Smith said there was an upcoming amendment that said the city should discourage covenants because there was a sentiment that a lot of covenants prevented increased affordability and sustainability.

The motion to adopt Amendment 92 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 1 (Volan).

Vote on Amendment 92 [7:02pm]

Rollo introduced the amendment and described the changes made by it.

Amendment 93

Sandberg asked if staff had any concerns with the amendment.

Council Questions:

Robinson said staff was concerned about the amendment. He said the city had virtually no ability to review, regulate, or control covenants. He said the Plan should apply to all neighborhoods, not just core neighborhoods. He thought the amendment focused too much on those core neighborhoods. He said there were at least 78 neighborhoods in the city and the Plan had to consider all of them.

Piedmont-Smith pointed out that the amendment did not claim core neighborhoods were the focus of the city’s efforts to increase density, but simply stated that those neighborhoods should not become the focus of such efforts in the future.

Volan asked where increased density would be appropriate.

Amendment 93 (cont'd)

Piedmont-Smith said the amendment did not prevent any increase in density in core neighborhoods but instead said such neighborhoods should not be the focus of increased density. She said the amendment was, in part, a reaction to recent efforts to allow accessory dwelling units in the city.

Volan wondered whether changing the amendment to read "core neighborhoods should not be the sole focus of the city's increasing density" would be appropriate.

Sturbaum said he did not support such a change because it would change the intent of the amendment.

Volan asked if Sturbaum thought there should not be any increase in density in core neighborhoods.

Sturbaum said no.

Volan asked how adding the word "sole" would change the intent of the amendment.

Sturbaum said it weakened the amendment. He thought there was a directive in the Plan to put density in single-family neighborhoods more than what was appropriate. He pointed to language on page 61 as an example of such a directive.

Volan said the passage read by Sturbaum applied to all neighborhoods. He wondered if there was some directive that called for more density in core neighborhoods.

Sturbaum said the city could not affect neighborhoods with covenants.

Granger said she preferred the amendment as originally written.

Councilmember Andy Ruff asked whether Volan thought that the city had to densify to accommodate growth while also being sustainable.

Volan said the growth would go somewhere. He said the amendment essentially limited growth to corridors because newer neighborhoods had covenants and older neighborhoods were attempting to get language in the Plan to discourage density in core neighborhoods.

Ruff asked whether Volan would support an amendment that called for densification to be distributed evenly across the city.

Volan said he had not been thinking of such an amendment but might support one.

Sturbaum asked if Ruff supported eliminating single-family zoning so that every area could share in the burden of increasing density.

Ruff said no and thought it was inappropriate for Sturbaum to imply that his question was a call to eliminate single-family zoning.

Volan said Sturbaum's rhetoric had been pitting single-family neighborhoods against others.

Sandberg suggested that Councilmembers avoid personalizing their comments.

Volan said he had never called for the elimination of single-family zoning and thought it was an absurd characterization of the single word he proposed to add to the amendment. He said the city was going to grow and people had to live somewhere.

Rollo agreed with Granger that the amendment as originally written was appropriate. He thought the core neighborhoods were vulnerable and he thought the amendment simply directed the city not to focus increased density in such neighborhoods.

Jon Lawrence spoke in favor of the amendment.

Amendment 93 (cont'd)  
Public Comment:

Rachel Glago and Alison Polley spoke in favor of the addition of “sole” to the amendment as suggested by Volan.

Jan Sorby spoke about commercial nodes and in favor of the amendment.

Cynthia Bretheim spoke about the sustainability of core neighborhoods and in favor of the amendment.

Sturbaum apologized to fellow Councilmembers if he had jumped to any conclusions about what they were proposing. He said he just wanted to understand how sharing the burden of densification would impact single-family neighborhoods.

Council Comment:

Volan said he understood the concerns voiced by Sturbaum and neighborhood residents, but said Bloomington has always grown. He thought commercial nodes, similar to the former Bloomingfoods located in Elm Heights, were great ideas. He thought his proposed change would not pass, so he said he must oppose the amendment.

Piedmont-Smith said it was a tricky issue and did not want to resort to NIMBY (not in my backyard)-ism. However, she also recognized the challenges faced by core neighborhoods. When those neighborhoods had increased density, they became more attractive to renters and developers, which reduced the number of year-round residents in the neighborhood. She agreed that all neighborhoods should be treated equally, but said there were neighborhoods with covenants restricting density that were not treated the same. She saw the amendment as an attempt to equalize the treatment of those neighborhoods with the core neighborhoods.

Ruff asked if staff saw the last sentence of the amendment as something that might restrict or prohibit accessory dwelling units (ADUs).

Robinson said the sentence in question appeared in the narrative section of the Plan, so it would not necessarily bind the city. However, he thought members of the public could read the sentence the way Ruff suggested. He also said the chapter and the Plan were meant to speak to all neighborhoods, while the amendment focused on core neighborhoods.

Sandberg said there was a clear need for more affordable housing in Bloomington. She said the city should be careful about the strategies employed to get more housing so as to not harm existing areas. She did not think the passage in question committed the city to any certain policy. She said she would support the amendment.

Volan read a passage from a New York Times story entitled “The Great American Single-Family Home Problem.”

Ruff did not like that the amendment drew the focus away from all neighborhoods as pointed out by Robinson. But he also understood that covenants prevented all neighborhoods from being treated equally. He said he would have supported the addition of the word “sole” as suggested by Volan. He said he would vote yes for the amendment.

The motion to adopt Amendment 93 received a roll call vote of Ayes: Vote on Amendment 93 [7:56pm] 6, Nays: 1 (Volan), Abstain: 0.

Piedmont-Smith introduced the amendment and explained the proposed changes.

Amendment 94

Sandberg asked what staff thought of the amendment.

Council Questions:

Robinson said staff was concerned with the sentence that said new multifamily residential housing was inappropriately scaled to its surroundings.

Sandi Clothier commented on the need to display the amendments as they were discussed.

Public Comment:

Bretheim spoke about affordable housing.

Sorby spoke about building scale.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Amendment 94.

Amendment 01 to Amendment 94

Sturbaum said he supported the change to the amendment.

Council Comment:

Volan said he liked the amendment whether it was changed or not.

The motion to adopt Amendment 01 to Amendment 94 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Amendment 94 [8:11pm]

The motion to adopt Amendment 94 as amended received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 94 as amended [8:12pm]

Rollo introduced the amendment and described the changes it would make to the Plan.

Amendment 95

Sandberg asked if staff had any feedback on the amendment.

Council Questions:

Robinson thanked the amendment sponsors for working with staff to draft the amendment.

Volan asked whether staff supported the amendment.

Robinson said yes.

Sturbaum liked that the amendment recognized naturally occurring affordable housing.

Council Comment:

Granger thanked the Council of Neighborhood Associations (CONA) for providing feedback and suggestions for amendments to the Plan.

Volan said he supported the amendment but voiced concerns about the ability of the city to protect certain properties from actions by Indiana University.

The motion to adopt Amendment 95 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 95 [8:25pm]

Piedmont-Smith introduced and described the amendment.

Amendment 103

Volan asked why the passage about shared housing, accessory dwellings, and other housing options should be moved from Policy 5.3.2 to a program point.

Council Questions:

Piedmont-Smith said the text could fall under either a policy or program point. She thought it was more appropriate as a program point because it seemed to her to be more action oriented.

Sandberg asked what staff thought of the amendment.

Amendment 103 (cont'd)

Robinson said staff supported the amendment as originally written.

Rollo said he preferred the amendment as originally written.

Glago said that the Council represented more constituents than just members of CONA.

Public Comment:

Sorby spoke about the reasons for the amendment.

Clothier spoke in favor of the amendment.

Bretheim spoke about the need to carefully manage growth.

Lawrence spoke about CONA's involvement in the Plan review process.

Phillip Stafford spoke about senior housing.

Ruff said he was in support of the amendment as he did not interpret any of the changes as opposition to the variety of housing types listed in the original text.

Council Comment:

Volan spoke about the need for CONA to provide leadership and to include all types of residents.

Rollo said CONA had been active in a recent development project.

Sandberg said the review of the Plan was a process and would hopefully produce a product that would be inclusive and address as many community needs as possible.

The motion to adopt Amendment 103 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 1 (Volan).

Vote on Amendment 103 [8:50pm]

Sturbaum introduced and described the amendment. He explained it was a revised version of Amendment 46, which was heard and rejected on October 10, 2017 by the Council. He discussed the market dynamics in downtown neighborhoods and said that increased density could disrupt the dynamics in single-family neighborhoods, which might lead to fewer owner-occupied homes. He said a variety of housing types were needed but he was also concerned with protecting naturally occurring affordable housing that already existed.

Amendment 46-R

Sandberg asked whether staff had any concerns with the amendment.

Council Questions:

Robinson said he understood the spirit of the amendment. He noted once again that the Plan was meant to apply and speak to all neighborhoods, not simply core neighborhoods.

Volan asked if Sturbaum would oppose two-bedroom accessory dwelling units in the Broadview neighborhood.

Sturbaum said that question was difficult to answer as the recent ADU ordinance applied to the entire city.

Volan said he asked because he thought core neighborhoods were driving the conversation out of their concern about students.

Sturbaum said ADUs might be revisited in the future but they were not currently up for discussion.

Volan asked if Broadview was a core neighborhood.

Sturbaum suggested removing the word “core” from the amendment. He said he was not sure if Broadview was considered a core neighborhood.

Amendment 46-R (cont’d)

Robinson said he did not believe Broadview fell under the definition of core neighborhood.

Sturbaum moved and it was seconded to adopt Amendment 01 to Amendment 46-R.

Amendment 01 to Amendment 46-R

Brethem spoke about the need for core neighborhoods to protect themselves.

Public Comment:

Volan wondered if the term “core” should be reexamined throughout the Plan.

Council Comment:

The motion to adopt Amendment 01 to Amendment 46-R received a roll call vote of Ayes: 6, Nays: 0, Abstain: 1 (Volan).

Vote on Amendment 01 to Amendment 46-R [9:12pm]

Ruff asked what naturally occurring affordable housing meant.

Council Questions:

Sturbaum said it was a phrase that meant homes aged into affordability.

Ruff asked if it was a term used by planners.

Robinson said yes.

Volan asked if there were criteria that the city could use to say a property had been neglected before it got to the point of needing to be demolished.

Sturbaum said the rental inspection program or the health department might monitor such neglect.

Volan asked if there were any homes recently demolished that could have been saved.

Sturbaum said that every once in a while there was a home that could not be saved.

Piedmont-Smith moved and it was seconded to adopt Amendment 02 to Amendment 46-R.

Amendment 02 to Amendment 46-R

Piedmont-Smith said she felt the last two sentences of the original amendment were too restrictive. She also wanted to avoid encouraging development in green fields.

Council Comment:

Rollo said he supported the suggested change.

Stafford spoke in support of Amendment 02 to Amendment 46-R.

Public Comment:

The motion to adopt Amendment 02 to Amendment 46-R received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 02 to Amendment 46-R [9:22pm]

Sorby spoke in support of the amendment.

Public Comment:

Volan said there was a national problem with housing, so the city’s ability to address it was limited. He wondered if there were housing types that might be acceptable to single-family neighborhoods that could help alleviate the problem. He said he supported the amendment as amended.

Council Comment:

Rollo said respecting traditional patterns of neighborhoods was important as the city looked at other housing types.

The motion to adopt Amendment 46-R as amended received a roll call vote of Ayes: 6, Nays: 1 (Granger), Abstain: 0.

Vote on Amendment 46-R as amended [9:30pm]

Rollo introduced and described the amendment. He said the term “complementary” in Policy 5.2.2 was removed because it was subjective.

Amendment 99

Sandberg asked if staff had any concerns with the amendment.  
Robinson said staff was fine with it.

Council Questions:

Volan asked whether the term “historically compatible” was not just as subjective as the term “complementary.”

Rollo thought “historically compatible” was more specific.

Volan asked if the term had a specific definition or was a term of art.

Robinson said the two terms were often used as synonyms so staff was fine with the change.

Sorby spoke in support of the amendment.

Public Comment:

The motion to adopt Amendment 99 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 99 [9:36pm]

Piedmont-Smith introduced and described the amendment.

Amendment 100

Sandberg asked if staff had any feedback.

Council Questions:

Robinson said the proposed amendment might limit the city from encouraging diverse development types and from moving away from some of the cookie-cutter developments it was trying to avoid. He said the original language in the Plan was trying to encourage diversity.

Volan asked if increased density would be bad for the Broadview neighborhood.

Piedmont-Smith said the amendment would not preclude that.

Volan pointed out that the amendment called for maintaining a neighborhood’s existing building density.

Rollo said he saw Volan’s concern but clarified that the amendment was aimed more at maintaining the character of neighborhoods.

Volan said he understood that goal and agreed with it. He also thought that the city needed to densify somehow and he thought it might be appropriate

Sturbaum said the amendment was not inconsistent with the Plan’s approach to adding density.

Volan disagreed, as the amendment called for neighborhoods to be maintained at their prevailing density.

Granger suggested removing the reference to density from the amendment.

Rollo said the amendment sponsors wanted to work on the amendment for later consideration.

Volan moved and it was seconded to withdraw Amendment 100.

Motion to withdraw Amendment 100

The motion to withdraw Amendment 100 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on motion to withdraw Amendment 100 [9:44pm]



Granger introduced and described the amendment. She explained the concept of visitability and said the amendment attempted to encourage the addition of visitability and accessibility features to housing developments.

Amendment 101

Sandberg asked if staff had any feedback.

Council Questions:

Robinson said staff supported the spirit and intent of the amendment but thought some of the ideas might be difficult to achieve, given federal or state regulations that might preempt the city from taking certain actions. He wanted to make sure expectations were realistic.

Sandberg said the amendment sponsors specifically drafted the amendment to not be prescriptive but rather to encourage the things the city wanted to see.

Granger said she appreciated staff's reservations about implementing some of the ideas in the amendment. She said it was still important to encourage visitability and accessibility

Stafford spoke in favor of the amendment.

Public Comment:

Clothier spoke in favor of the amendment.

Deborah Myerson spoke in support of the amendment.

Sturbaum said he supported the amendment.

Council Comment:

Volan thanked the amendment sponsors.

Piedmont-Smith also thanked the sponsors and said the concepts were something the city should keep in mind.

Rollo said more thought should be given to the idea to see what else the city could do to incentivize or require developments to be more visitable and accessible.

The motion to adopt Amendment 101 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 101 [9:59pm]

Rollo introduced and described the amendment.

Amendment 104

Sandberg asked if staff had any concerns.

Council Questions:

Robinson said no.

Volan asked if appropriate compatible locations could be found throughout the entire city.

Rollo said yes.

Volan asked why the phrase "wherever they can be implemented" should be removed from the text.

Rollo thought there were other considerations or measures of compatibility besides just whether the housing type attracted primarily student populations.

Volan said he did not follow Rollo's reasoning. He thought removing the text in question implied that certain neighborhoods or areas were not appropriate for certain housing solutions or types.

Piedmont-Smith thought the amendment allowed for other measures of compatibility beyond whether the housing type in question attracted students.

Amendment 104 (cont'd)

Sturbaum suggested that a comma be added after “student populations” to better communicate the intent voiced by Rollo and Piedmont-Smith.

Piedmont-Smith agreed and thought the word “and” could also be added.

Sturbaum asked how appropriate locations for the housing solutions listed would be determined under the existing or future zoning laws.

Robinson noted that ADUs had recently been proposed. He said the Plan would also help guide the update to the city’s unified development ordinance (UDO).

Sturbaum noted that ADUs had been added as a conditional use.

Robinson said there were many tools or methods that could be used to encourage the housing types listed in the Plan.

Sturbaum said he had been asking how that would happen throughout the entire process of reviewing the Plan. He wondered how such housing types would be added through spot zoning while also respecting single-family zoning.

Robinson said it would not be spot zoning. He said new regulations might allow such housing types in the future.

Sturbaum asked how such housing types would be added to existing neighborhoods.

Robinson said there were examples on Hillside and Henderson. He said he could not speculate too much because the Plan had not yet been adopted.

Rollo said he supported the change suggested earlier by Sturbaum and Piedmont-Smith.

Volan suggested delaying the vote on the amendment. He pointed out that there might be instances when the city wanted to encourage students to live in different housing types.

Piedmont-Smith said the amendment did not preclude that.

Volan suggested again that the amendment could use additional revisions.

Sturbaum said he supported the change suggested earlier.

Ruff said he would not support the amendment if it was changed per Sturbaum and Piedmont-Smith’s suggestions.

Rollo said he would support postponing the amendment.

Volan moved and it was seconded to withdraw Amendment 104.

Motion to withdraw Amendment 104

The motion to withdraw Amendment 104 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on motion to withdraw Amendment 104 [10:16pm]

Piedmont-Smith introduced the amendment and explained it added a program point related to covenants.

Amendment 107

Sandberg asked for feedback from staff.

Council Questions:

Robinson reiterated concerns over the city's ability to regulate or influence private covenants in neighborhoods.

Volan asked if there was something the city could do to proactively persuade neighborhoods to abandon certain restrictions in their covenants.

Robinson explained the limitations on the city to influence covenants.

Volan asked if there was anything the city could do to discourage future covenants from restricting affordable housing options.

Sherman said that covenants could not conflict with requirements of the city's UDO.

Clothier spoke in support of the amendment.

Public Comment:

Lawrence spoke in support of the amendment.

Bretheim spoke about possible alternate wordings for the amendment.

Volan supported the amendment but thought the city could go further to discourage restrictive covenants or encourage more desirable rules for neighborhoods.

Council Comment:

Rollo thought encouraging desirable practices was a better approach. He thought the issue might warrant more attention but was supportive of the amendment.

The motion to adopt Amendment 107 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 107  
[10:28pm]

Sturbaum introduced and described the amendment.

Amendment 111

Sandberg asked for feedback from staff.

Council Questions:

Robinson thought the language added by the amendment was contradictory and placed in the wrong section of the Plan.

Volan agreed that the added language contradicted another passage in the same paragraph. He asked what Sturbaum thought of the contradiction.

Sturbaum thought it was not contradictory and existing single-family zoning could be respected through conditional use processes.

Sorby noted that the audience was having trouble following the discussion.

Public Comment:

Rollo agreed that the issue was confusing and saw the contradiction noted by Robinson and Volan.

Council Comment:

Sturbaum moved and it was seconded to withdraw Amendment 111.

Motion to withdraw Amendment 111

The motion to withdraw Amendment 111 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on motion to withdraw Amendment 111 [10:38pm]

The Council and Sherman spoke about the Council schedule.

COUNCIL SCHEDULE

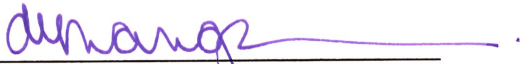
The meeting went into recess at 10:43 pm.

RECESS

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this  
4th day of April, 2018.

APPROVE:

ATTEST:



Dorothy Granger, PRESIDENT  
Bloomington Common Council



Nicole Bolden, CLERK  
City of Bloomington