

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, April 18, 2018 at 6:30pm with Council President Dorothy Granger presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
April 18, 2018

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

ROLL CALL [6:30pm]

Council President Dorothy Granger gave a summary of the agenda.

AGENDA SUMMATION [6:32pm]

Councilmember Isabel Piedmont-Smith moved and it was seconded to approve the minutes of March 7, 2018 as amended. The motion was approved by voice vote.

APPROVAL OF MINUTES [6:32pm]

March 7, 2018 (Regular Session)  
April 4, 2018 (Regular Session)  
April 11, 2018 (Special Session)

Councilmember Steve Volan moved and it was seconded to approve the minutes of April 4, 2018. The motion was approved by voice vote.

Piedmont-Smith moved and it was seconded to approve the minutes of April 11, 2018. The motion was approved by voice vote.

Councilmember Allison Chopra reminded people that early voting had started and encouraged people to vote in the upcoming primary.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Piedmont-Smith spoke about the Urban Land Institute's (ULI) visit to Bloomington to analyze the hospital site and the proposal it made the previous week. She said the city was in desperate need of affordable housing and that the ULI was part of the proposal. She said she wanted to see a mixture of housing types in the future site.

Volan spoke about the Parking Commission, the work it had done, and appointments to that commission.

Councilmember Susan Sandberg spoke about the upcoming Little 500 weekend. She reminded the public that while cycling on the sidewalks was legal, they still had a responsibility to be safe and obey the rules of the road.

Councilmember Jim Sims thanked everyone in attendance and told them they were all welcome. He said that he agreed with Piedmont-Smith about the importance of affordable housing and that he was pleased to see it in the ULI report. He spoke about Jean Magrane, Bloomington's first female firefighter.

Councilmember Dave Rollo reminded people that Earth Day was approaching. He also spoke about the upcoming student walkout to protest gun violence and said he supported it.

Mick Reneissen, Deputy Mayor, introduced the city's new Communications Director, Yael Ksander. Ksander spoke briefly about herself and thanked the Council for its time.

- The MAYOR AND CITY OFFICES [6:37pm]

Autumn Salamack, Assistant Director of Sustainability, reported on the city's first Sustainability Action Plan (SAP) progress.

Rollo asked if previous related reports would be incorporated into the SAP.

Salamack said they were being used by the working group.

Piedmont-Smith asked if any councilmembers were on the advisory committee because Rollo was an expert on the issues.

Salamack said there were no councilmembers on the committee. She said she would invite Rollo to the next meeting.

Piedmont-Smith asked if the SAP would come to the Council for approval by the end of August.

Salamack said that was her understanding.

There were no reports from Council Committees.

- COUNCIL COMMITTEES

John Kennedy thanked everyone who assisted in the pedestrian refuge island on Sare Road.

- PUBLIC [7:08pm]

Renee Reed asked the Council to pass a resolution against the city purchasing a Bearcat armored vehicle.

Thomas Metcalf spoke to the Council about the history of the police in relation to his opposition to the Bearcat vehicle purchase.

Kate Blake told the Council that the method that allowed the Bearcat vehicle purchase should not be allowed again.

Vauhxx Booker spoke to the Council about his opposition to the Bearcat vehicle purchase.

Mark Haggerty spoke about the inadequacy of the public comment procedures of the Council.

Granger appointed Volan to the Food and Beverage Tax Advisory Commission.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:13pm]

Volan moved and it was seconded that Ordinance 18-05 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 Ayes: 9, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:14pm]

Volan moved and it was seconded that Ordinance 18-05 be adopted.

Ordinance 18-05 – To Amend Title 4 of the Bloomington Municipal Code (BMC) Entitled "Business Licenses and Regulations" (Amending Chapter 4.28, entitled "Mobile Vendors," to Provide for Appeal of Adverse Actions to the Board of Public Works)

Larry Allen, Assistant City Attorney, presented the legislation to the Council.

Rollo asked Allen to describe the appeals process.

Allen said that if a food vendor's license was denied or revoked the vendor would have ten days to appeal to the Board of Public Works (Board). The vendor would present its case to the Board and then the Board would make a determination as to whether the adverse action was warranted.

Council Questions:

Rollo asked if non-action of the Board would be seen as a refusal to grant a license.

Allen explained that was how the ordinance was originally written and that it was being changed.

Rollo asked when notification of denial occurred.

Allen said it would be at the Board meeting and then there would be ten days to appeal.

Ordinance 18-05 (cont'd)

There was no public comment.

Public Comment:

Piedmont-Smith thanked the administration for adding an appeal process and said she would vote in favor of the ordinance.

Council Comment:

Sims said that it was vital to have due process and he would vote in favor of the legislation.

The motion to adopt Ordinance 18-05 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Ordinance 18-05 [7:20pm]

Volan moved and it was seconded that Ordinance 18-04 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 2, Nays: 0, Abstain: 6 for the ordinance, do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0 for Amendment 01, and a do-pass recommendation of Ayes: 3, Nays: 6, Abstain: 0 for Amendment 02.

Ordinance 18-04 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code (BMC) - Re: Amending Fencing and Wall Standards and Some Related Definitions Set Forth in BMC 20.05.046(d) and BMC 20.11.020

Volan asked the Clerk to recite the yes votes on Amendment 02.

Bolden said it was Sandberg, Sturbaum, and Piedmont-Smith.

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

Amelia Lewis, Zoning and Long Range Planner, presented the legislation.

Chopra asked for the legislative background.

Lewis said the legislation was adopted in 2006 with the current Unified Development Ordinance (UDO). She said it was intended to prevent tall fences from being placed right next to sidewalks and ruining the pedestrian realm or blocking neighbors. She said the proposed legislation was intended to give additional property rights to owners while keeping fences away from the front of properties, which was the most pedestrian-friendly realm.

Council Questions:

Chopra said she did not understand why the legislation was going against the UDO's philosophy.

Lewis said that it was not completely against the UDO, but would give homeowners more options.

Chopra asked if the requested change was made due to public dislike and a high number of variance requests.

Lewis agreed it was a common variance request.

Volan asked if the legislation was an addition of policy rather than a reversal of policy.

Lewis said she did not think the legislation was a reversal of the UDO policy. She said it would allow for additional fencing in limited scenarios.

Granger moved and it was seconded that Amendment 02a to Ordinance 18-04 be adopted.

Amendment 02a to Ordinance 18-04

Amendment 02a Synopsis: This amendment is sponsored by Cm. Sturbaum as an alternative to Am 02. Like Am 02, Am 02a is intended to enhance the visual experience of pedestrians and motorists passing by the secondary front of lots within the City's Planning Jurisdiction with "good neighbor" fences. The negative "blank wall experience" is much like the downtown, where large blank spaces have long been prohibited. With that in mind, it applies to tall fences (i.e. those fences more than four [4] feet in height) facing the street that are installed forward of the secondary front building wall. In that regard, it requires that the portion of these fences that exceed five (5) feet in height be of open construction.

Sturbaum presented the amendment to the Council.

Granger asked if staff was comfortable with the amendment.  
Lewis said yes.

Council Questions:

Volan asked if either Sturbaum or Lewis was concerned about the vagueness of the language and enforcement.

Lewis said there was a list of prohibited materials that staff could use for enforcement. She said that open-construction was an easier definition to enforce than something that had to be measured by staff.

Volan asked for an example of fencing that was open-topped but did not comport with the proposed language in the amendment.

Lewis said that had not occurred.

Volan asked if Sturbaum had any examples.

Sturbaum said the language did not squelch creativity but also did not allow impractical fencing.

Volan asked if people could still ask for a variance from the Board of Zoning Appeals (BZA).

Sturbaum said they could.

There was no public comment.

Public Comment:

Volan said the additional time made for a better amendment and he no longer had objections.

Council Comment:

Rollo agreed with Volan.

Piedmont-Smith said she favored the amendment.

Granger said she supported the amendment.

The motion received a roll call vote of Ayes: 7, Nays: 2 (Chopra, Sims), Abstain: 0.

Vote on Amendment 02a to Ordinance 18-04 [7:40pm]

There was no public comment.

Public Comment:

Chopra said she was voting no because she thought it was counter to the UDO philosophy.

Council Comment:

Sims said the legislation seemed restrictive but the reasons he heard led him to support the legislation.

Sturbaum said the Council had to balance the needs of owners and the public realm.

Volan said he understood Chopra's concerns but said that the UDO could be amended at any time. He said the extra time the Council used to revise Amendment 02a made the legislation better and he supported it.

Ordinance 18-04 (cont'd)

The motion to adopt Ordinance 18-04 as amended received a roll call vote of Ayes: 8, Nays: 1 (Chopra), Abstain: 0.

Vote on Ordinance 18-04 as amended [7:47pm]

Volan moved and it was seconded that Resolution 18-06 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Resolution 18-06 – To Approve an Agreement between the City of Bloomington and IU Health for the purchase of the Current Bloomington Hospital Site and Surrounding Outlots – Re: Parcels Located in and around the 400-800 Block of West 1st and West 2nd Street, Bloomington, Indiana.

Volan moved and it was seconded that Resolution 18-06 be adopted.

Philippa Guthrie, Corporation Counsel, presented the legislation to the Council.

Council Questions:

Piedmont-Smith asked if there was any information about the availability of Tax Increment Financing (TIF) funds for other projects.

Jeff Underwood, City Controller, presented a five year projection of the TIF Consolidated Funds.

Sturbaum asked if the city would need to commit funds for roads at the hospital site.

Underwood said he anticipated that money would come out of the general projects fund.

Sturbaum asked if the fund would increase over time.

Underwood said it would grow over the course of fifteen years.

Rollo asked if the city would be spending more TIF money within the hospital site.

Underwood said yes.

Rollo asked if the estimated revenue was approximately \$9 million per year.

Underwood said yes.

Volan asked what the TIF balances were at the beginning of 2016.

Underwood said he thought it was somewhere in the \$16-18 million range.

Volan asked if Underwood would make a report of the balance from 2016 until that date.

Underwood said yes.

Ruff asked for the appraised value of all the properties.

Underwood said that it was just slightly over \$10 million.

Ruff asked for the cost of demolition.

Underwood said the hospital would pay the cost of demolition, which was estimated at \$7 million.

Ruff asked if someone could argue the value of the hospital was \$3 million.

Underwood said the city was paying about \$3.5 million under the appraised value assuming everything was gone.

Sturbaum asked if private doctors would be considered a competitor to the hospital.

Guthrie said she was not sure but it would be up to the hospital to make that decision.

Sturbaum asked if the emergency room and ambulance service would be moved.

Underwood said he thought they would eventually move the services to the new site.

Volan said he would be surprised if doctors offices would be affected by the agreement and asked if there were some in the area already.

Guthrie said she did not know how the hospital would view the issue.

Piedmont-Smith thought many of the offices near the hospital were not on hospital land and would still be allowed.

Guthrie said that was correct as long as they were still zoned medical.

Volan asked what would happen if the city built a multi-use building with office space for doctors.

Guthrie said the city could follow the procedure in the agreement and ask, but she did not know if it would be allowed. She said the hospital had been reasonable but was worried about competition.

Volan asked if Guthrie saw any problems with retaining a clinic for Volunteers in Medicine on the site.

Guthrie repeated that she did not know. She added that everything did not have to be on Parcel A and could be in the surrounding area.

Rollo asked if there was an appraised value for the buildings that would remain on the site.

Underwood said the city only asked for the land costs without the buildings, and that the buildings that might remain had not been appraised.

Rollo asked if there was a downtown TIF area.

Underwood said that the TIF areas had been combined a few years prior and that the city still tracked funds by area even though the TIF areas had all been consolidated and expanded.

Granger asked what the infrastructure costs of the new site would be.

Underwood said the costs had not yet been determined.

Granger asked where the funds would come from.

Underwood said they would come from normal street funds, state funding, and grants.

Piedmont-Smith said she thought the street and intersection would be paid by IU Health unless the city was able to secure state or other non-city funds for that purpose.

Guthrie said that the city would provide utilities, not roads.

Piedmont-Smith asked if there was an estimate on the utilities work.

Guthrie said no.

Piedmont-Smith asked if the work would not have been required, if not for the new hospital.

Guthrie said she believed that was correct.

Piedmont-Smith asked if there would be further investment by the city to help IU Health.

Guthrie said yes, from utilities.

Underwood added that some of the suggested improvements would also help the city.

Piedmont-Smith asked if there would be some investment without the hospital.

Underwood said there would be.

Sturbaum asked if the appraisal included the parking garage value.  
Underwood said yes.

Resolution 18-06 (cont'd)

Rollo asked what the process would be for determining the utility of buildings left standing.

Guthrie said the Redevelopment Commission and administration would be involved in the review. She said the Council would be consulted but was not sure if it was required to approve any actions.

Rollo asked for reassurance that the Council would be kept informed.

Guthrie said the intent was to have a lot of community input and the Council would be involved.

Sims asked if the city would define what competing interests were in future discussions with the hospital. He noted that there were several IU Health doctors offices around the site that could provide similar services without competing.

Guthrie said he was correct and agreed that "competing interest" should be defined.

Piedmont-Smith asked if the sale of the site by the Redevelopment Commission (RDC) to a master developer would need to come back before the Council for approval.

Allen said that any transaction over \$5 million or exceeding the duration of five years would have to come before the Council for prior approval.

Piedmont-Smith asked what the \$1.5 million for affordable housing was in the list of approved TIF funds.

Underwood said it was part of the Mayor's initiative to make Bloomington a community development financial institution (CDFI) friendly city. He said it could be used for a number of things like grants, gap financing, or to supplement a larger fund.

Piedmont-Smith asked if it was separate from the housing development fund and controlled by the RDC.

Underwood said that it was.

Sturbaum asked for clarification on the process by which transactions over \$5 million came to the Council.

Underwood explained the current legislation was for a single agreement with three smaller payments that totaled more than the \$5 million, which was why the Council had to approve it.

Volan asked if the RDC could sell the land for a minimal amount in exchange for other considerations.

Underwood said that was one the tools that the RDC had available. He noted that none of those discussions had taken place.

Volan said that if a parcel of land was given to a developer it should be brought before Council for approval. He asked if the administration would commit to bringing any proposal regarding the property to the Council.

Underwood said he would take the request to the administration.

Rollo asked about the longevity of the TIF.

Underwood said the consolidation of 2015 had a sunset date of 20 years.

There was no public comment.

Public Comment:

Piedmont-Smith expressed concern about the city ending up being responsible for roads.

Resolution 18-06 (cont'd)  
Council Questions:

Guthrie said the agreement provided for the seller to pay for the design and construction of the infrastructure improvements.

Piedmont-Smith asked for assurance that the agreement did not leave the city on the hook to pay for the infrastructure improvements if the state funds fell through.

Guthrie said that was correct.

Sturbaum asked if the demolition decision would come before the Council if the Historic Preservation Commission recommended historic designation for either of the buildings remaining.

Guthrie said that was correct.

Rollo said he supported the agreement and appreciated the work that everyone had done. He said he hoped the Council would continue to be a part of the process.

Council Comment:

Sims said it was a good deal and IU Health was a good partner. He expressed concerns about the administration's transparency efforts in the past and encouraged more in the future.

Sandberg said she was pleased with the arrangement. She spoke about the importance of volunteer organizations and community programs.

Volan said the project represented opportunities for development. He said he had lost faith in the administration's claims to transparency. He said he did not trust that the area would develop in the manner described. He said the proposal had a lot of potential and he supported it.

Granger thanked IU Health for their commitment to the property and for working with the city. She said this was a huge responsibility and she supported the agreement.

Piedmont-Smith said it was a good deal and great opportunity. She said it was a big responsibility to put something on the site that would work to the long term interests of the community. She said she was in favor of the agreement and planned to stay involved as the plans progressed.

Sturbaum supported the agreement. He said it was a good start and the city had an opportunity to get it right in the future.

Ruff supported the agreement. He said there was a lot to like about the deal but said IU Health had not always worked to the community benefit.

The motion to adopt Resolution 18-06 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Resolution 18-06 [8:52pm]



Sherman pointed out a typographical error in Ordinance 18-04 that could be corrected.

Ordinance 18-04 (*reconsidered*)

Rollo moved and it was seconded to reconsider Ordinance 18-04.

The motion to reconsider Ordinance 18-04 received a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.

Vote on Ordinance 18-04 [8:54pm]

Piedmont-Smith moved and it was seconded to reconsider Amendment 01 to Ordinance 18-04.

Amendment 01 to Ordinance 18-04

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Ordinance 18-04 [8:56pm]

Volan moved and it was seconded that Ordinance 18-04 as amended be adopted.

The motion to adopt Ordinance 18-04 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 18-04 as amended [8:57pm]

#### LEGISLATION FOR FIRST READING

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

Appropriation Ordinance 18-01 – To Specially Appropriate From the General Fund, Parks General Fund, Local Road & Street Fund, Parking Meter Fund, Jack Hopkins Social Services Funding Program Fund, and Vehicle Replacement Fund Expenditures Not Otherwise Appropriated (Appropriating a Portion of the Amount of Funds Reverted to Various City Funds at the End of 2017 for Unmet Needs in 2018)

Volan moved and it was seconded that Appropriation Ordinance 18-02 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Appropriation Ordinance 18-02 – Additional Appropriation for Bloomington Transportation Corporation for 2018 (for Two Buses and Studies)

There was no public comment.

#### ADDITIONAL PUBLIC COMMENT

Volan moved and it was seconded to cancel the Internal Work Session on Friday, April 20, 2018. The motion was withdrawn after a brief discussion.

#### COUNCIL SCHEDULE [8:59pm]

Volan noted the Land Use Committee would be meeting the following week.

The meeting was adjourned at 9:02pm.

#### ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 30<sup>th</sup> day of May, 2018.

APPROVE:

ATTEST:

Isabel Piedmont-Smith

~~Dorothy Granger, PRESIDENT~~  
Bloomington Common Council

Isabel Piedmont-Smith, Vice Pres.

Nicole Bolden

Nicole Bolden, CLERK  
City of Bloomington