

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 27, 2018 at 6:31pm with Council President Dorothy Granger presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 27, 2018

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

ROLL CALL [6:31pm]

Council President Dorothy Granger gave a summary of the agenda.

AGENDA SUMMATION [6:32pm]

Councilmember Susan Sandberg moved and it was seconded to approve the minutes of September 5, 2012. The motion was approved by voice vote.

APPROVAL OF MINUTES [6:32pm]

September 5, 2012 (Regular Session)
June 13, 2018 (Regular Session)

Sandberg moved and it was seconded to approve the minutes of June 13, 2018. Councilmember Isabel Piedmont-Smith mentioned a small change that had been made to the minutes. The motion was approved by voice vote.

Granger thanked Council Vice-President Isabel Piedmont-Smith for helping with leadership duties while Granger was out of the country.

REPORTS

- COUNCIL MEMBERS [6:33pm]

Councilmember Dave Rollo spoke about the resignation of United States Supreme Court Justice Anthony Kennedy.

Councilmember Allison Chopra thanked those who had been working on road maintenance projects.

Jackie Scanlan, Development Services Manager, gave an interim report on Affordable Dwelling Units (ADUs). She explained that the initial report signaled that the lot size requirements might be deterring ADU projects.

- The MAYOR AND CITY OFFICES [6:39pm]

Councilmember Chris Sturbaum asked whether the addition to an existing structure was a factor in the granting of projects.

Scanlan answered that a property had to meet the minimum lot size in order for an ADU to be granted.

Piedmont-Smith asked if all three ADU projects were approved by the Bloomington Zoning Appeals (BZA) and how many went to the hearing officer.

Scanlan answered that all three were approved by the BZA and that none went to the hearing officer.

Councilmember Steve Volan asked for clarification on the number of ADU projects and the location of the proposed ADU project.

Scanlan answered that there were three approved projects and one slated for review by the BZA in July. The project up for review was located in Bryan Park.

Beth Rosenbarger, Bicycle and Pedestrian Coordinator, gave an update on the Transportation Plan.

Rollo asked if the bicycle and pedestrian plans would be put into the larger City Transportation Plan.

Volan asked when the Transportation Plan would come to Council for review.

Rosenbarger explained that the Plan was slated for Council review in August.

Volan asked for verification on positive feedback from the public concerning parking meters.

Rosenbarger confirmed that the feedback regarding parking meters was positive.

Piedmont-Smith moved and it was seconded to postpone the Land Use Committee (LUC) report until discussion of Ordinance 18-13. The motion was approved by voice vote.

Deborah Myerson spoke about housing costs in Monroe County.

Marilyn Burris spoke in favor of the Indiana Center for Recovery.

Kathy Baker-Heckard spoke favorably of her son's experience with the Indiana Center for Recovery.

There were no appointments to boards or commissions.

Volan moved and it was seconded that Resolution 18-10 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.

Volan moved and it was seconded that Resolution 18-10 be adopted.

Brian Payne, Assistant Director Small Business Development, presented the legislation.

Councilmember Jim Sims asked how the units designated as affordable would be chosen.

Payne explained that the agreement with the developer did not specify which 16 units had to be affordable.

Sims asked if the developer would only make one type of unit, such as a studio, as affordable and not designate other types of units.

Payne said that was a possibility but that the developer had indicated that the affordable housing was not about the number of beds designated affordable, but instead about what made sense for the market.

Volan asked if Payne could clarify his statement on affordable housing being more about the market instead of the number of beds.

Payne said the precedent from previous agreements was to make the affordable housing adhere to units instead of beds. He said there would be 31 units in the project including 15 studio apartments.

- The MAYOR AND CITY OFFICES (*cont'd*)

- COUNCIL COMMITTEES
Vote to postpone LUC report until later that evening [6:52pm]

- PUBLIC [6:53pm]

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:45pm]

Resolution 18-10 – To Confirm Resolution 18-09 Which Designated an Economic Revitalization Area, Approved a Statement of Benefits, and Authorized Periods of Abatement for Real Property Improvements – Re: Property Located at 1107 West 3rd Street and Identified by the Monroe County Parcel ID Number 53-08-05-200-044.00-009 (Milestone Ventures, LLC, Petitioner)

Council Questions:

Resolution 18-10 (cont'd)

Rollo asked if the project included two-bedroom apartments.

Payne thought the development included 15 studio units, eight one-bedroom units, five two-bedroom units, and three three-bedroom units. He said the developer should be consulted about exact numbers.

Rollo asked if individual affordability and family affordability were both taken into consideration.

Payne said his department thought affordability should be prioritized for both families and individuals. Payne said this development was already aggressive in the affordability demand to the developer.

Councilmember Andy Ruff asked if staff considered the possibility that the developer would make units with less space affordable instead of units with more beds to increase profits.

Payne said that the agreement was that after year 31 of the development, the developer would have the flexibility to shift the affordability measure from bed count to unit. He said that the department had considered the difference in affordability between bed count and unit. Payne spoke against postponement of the resolution because the deadline for the project's federal grant application would be due before the date of the next council meeting.

Ruff clarified that he had hoped that staff had thought through the bed count versus unit affordability measure when it came to the specific project.

Vauhxx Booker said the city should be wary of what precedents they set and asked the Council to be mindful in the future.

Public Comment:

Sandberg emphasized the importance for the Council to recognize the deadline for the project and consider the bed count affordability measure for the first 30 years of the particular development.

Council Comment:

Rollo said it was important for some of the larger units to be affordable and said it would be better if affordability could be offered for two of the five two-bedroom units.

Sturbaum emphasized that the affordable housing crisis was felt nationwide and urged councilmembers to use caution when considering making changes to the resolution.

Granger said the development plan needed to consider bedroom count instead of unit count.

Volan said if the developer used unit count instead of bed count after year 31, the development would only be at 35.7% affordability while it was pledged to be at 50% affordability. He said that if there were two two-bedroom units included in the affordable housing pledge, it would raise the affordability to 40.4% overall.

Chopra said she fully supported the project and did not think the Council should propose amendments because the developer was not present.

Sims said he supported the project but was concerned about the 50% affordability pledge.

Sandberg said she would not support an amendment and thought the Council would get in the way of it's own interests.

Rollo moved and it was seconded that Amendment 01 to Resolution 18-10 be adopted.

Amendment 01 to Resolution 18-10

Amendment 01 Synopsis: This amendment is sponsored by Rollo and requires that in years 31-99, at least 2 of the 2-bedroom units shall be affordable.

Piedmont-Smith asked Payne if the developer had been contacted about the amendment or the possible postponement of the resolution.

Council Questions:

Payne said that he had not yet contacted the developer that night and Councilmembers had told Economic and Sustainable Development that the developer was not needed at that night's meeting.

Piedmont-Smith moved and it was seconded to postpone consideration of Resolution 18-10 until after the Council considered Ordinance 18-12. The motion was approved by voice vote, Ayes: 6, Nays: 3 (Sturbaum, Chopra, Sandberg), Abstain: 0.

Vote to Postpone Consideration of Resolution 18-10. [7:58pm]

Volan moved and it was seconded that Ordinance 18-12 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 for Amendment 01 of Ayes: 8, Nays: 0, Abstain: 0 and the committee do-pass recommendation for Ordinance 18-12 as amended of Ayes: 8, Nays: 0, Abstain: 0.

Ordinance 18-12 – To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code – Re: Adding Chapter 2.86 (Prohibitions Associated with the Use of the Critical Incident Response Team Armored Rescue Vehicle)

Volan moved and it was seconded that Ordinance 18-12 be adopted.

Ruff presented the legislation to the Council.

Chopra asked how the committee that worked on the resolution wrote the legislation

Council Questions:

Granger said that it was a committee of attorneys, Chief Mike Diekhoff, Ruff, Sandberg, and herself. She said that they worked together to develop something that mirrored the Board of Public Safety policies.

Granger added that the committee did not attempt to micromange but wanted to ensure the vehicle was not used for an unintended purpose in the future.

Amendment 01 to Ordinance 18-12

Piedmont-Smith moved and it was seconded that Amendment 01 to Ordinance 18-12 be adopted.

Amendment 01 Synopsis: This amendment revises 2.86.030(a)(2) to remove the word "non-violent" preceding "public demonstrations" and makes minor corrections to the ordinance's numbering scheme.

Cathi Crabtree spoke in support of the amendment.

Public Comment:

There was no Council comment.

Council Comment:

The motion to adopt Amendment 01 to Ordinance 18-12 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Ordinance 18-12 [8:08pm]

Cathi Crabtree spoke about the need to balance protecting both public servants and the community.

Ordinance 18-12 (cont'd)
Public Comment:

Vauhxx Booker asked for the Council to codify more oversight into the legislation.

Ashley Pirani relayed concerns from local parents about the truck being present around children.

Ruff asked Police Chief Mike Diekhoff what would be included in monthly data reports about the use of the truck.

Council Comment:

Diekhoff said that the data would include a synopsis of the scenario and a description of who was involved, including demographics of the individuals involved.

Sandberg asked if Diekhoff could detail the training officers would undergo.

Diekhoff said police officers in Indiana were required to have 24 educational training hours, but Bloomington officers had on average over 100 hours on various topics. He said training would include topics like de-escalation and implicit bias.

Sandberg asked what consequences a BPD officer would receive if shown to act out aggressively.

Diekhoff said an investigation, including reviewing body camera footage, would take place and the officer could be terminated.

Volan said that it was important for citizens to engage with the Council when legislation was debated and urged more public input.

Sims said the Council disagreed on a few items concerning the ordinance but that it agreed keeping the community safe was top priority.

Piemont-Smith said it was a good piece of legislation that the Council had promised a few months earlier. She noted the importance of the legislation, especially in light of mistrust of city government within the community. She reiterated that the truck was not authorized by the Council and that the ordinance would restrict in the code the ways in which the truck could be used.

Chopra said it was important to balance the community's safety with police officer's safety.

The motion to adopt Ordinance 18-12 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Ordinance 18-12 as amended [8:52pm]

Rollo moved and it was seconded that Amendment 01a to Amendment 01 to Resolution 18-10 be adopted.

Amendment 01a to Amendment 01 to Resolution 18-10

Amendment 01 Synopsis: This amendment is sponsored by Cm. Rollo and requires that in years 31-99, two of the 2- or 3-bedroom units shall be affordable.

Sims asked how the amendment would affect the developer's plans. Payne said that it would not deter the developer from going forward.

Council Questions:

Chopra asked if the petitioner supported the amendment. Payne said that the petitioner was willing to accept the amendment

There was no public comment.

Resolution 18-10 (cont'd)

Rollo thanked the petitioner and staff for being flexible with a late amendment.

Council Comment:

Piedmont-Smith said that the amendment was a way to achieve more affordable housing.

Granger said she would abstain from voting because she was uncomfortable with the amendment and wanted to see more affordable housing in terms of beds.

The motion to adopt Amendment 01a to Amendment 01 to Resolution-10 as amended received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Granger, Sandberg).

Vote on Amendment 01a to Amendment 01 to Resolution 18-10 [9:01pm]

Volan thanked staff and the petitioner for their willingness to support the revision to the legislation. He said procedure mattered and the Council needed to be mindful of the potential for changes.

Council Comment:

The motion to adopt Amendment 01 as amended to Resolution 18-10 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 2 (Granger, Sandberg).

Vote on Amendment 01 as amended to Resolution 18-10 [9:03 pm]

There was no public comment.

Public Comment:

The motion to adopt Resolution 18-10 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Resolution 18-10 as amended [9:05pm]

Volan moved and it was seconded that Ordinance 18-13 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: 1.

Ordinance 18-13 – To Add a Residential Single Family (RS) Zoned Parcel and Make Other Amendments to a Planned Unit Development (PUD) District Ordinance and Approve the Associated Preliminary Plan – Re: 2005 S. Maxwell Street and 1280 & 1325 E. Short Street (Loren Wood Builders, Petitioner)

Volan moved and it was seconded that Ordinance 18-13 be adopted.

Amelia Lewis, Planning and Transportation, presented the legislation.

Volan presented the Land Use Committee report. He said the Committee focused on landscaping issues and speed limits on Short Street.

Mark Cornett presented on behalf of the developer. He said the public benefit of the PUD included the increase of street safety with the connection of Short Street and an increase in density in a core neighborhood within an existing structure.

Jeff Fanyo presented on behalf of the developer considering the development of the Short Street bike path.

Chopra asked if price and affordability was discussed in the Land Use Committee report.

Council Questions:

Piedmont-Smith said that both topics were discussed and it was noted in the report that there were ongoing negotiations between the administration and the developer.

Chopra asked if the administration had decided anything about affordability.

Lewis said a decision had not yet been made.

Chopra asked if the square footage and price of homes in the PUD had been determined.

Ordinance 18-13 (cont'd)

Cornett said the six house types would be a variety of sizes. He said that negotiations with the city were ongoing, but the most recent offer to the City was to have two of the houses be priced at 80% median income for a family of four, or around \$220,000. He related the developer's concerns about homeowner association fees.

Rollo asked Cornett if the developer would consider extending the sidewalk or if staff would consider a crosswalk.

Cornett said there was no right-of-way at the proposed crossing, which would add difficulty to the project.

Lewis said Planning and Transportation did not feel it was necessary to install a crosswalk because it was a low-traffic road.

Rollo said with the additional PUD traffic, the area would no longer be low-traffic.

Volan asked if there were plans for residents carrying large items from the community parking lot to their homes.

Cornett explained that the development had discussed providing carts for residents to tote items.

Granger asked if there had been feedback from the Bloomington Montessori school.

Lewis said that the Montessori Director asked that the children crossing the street be considered.

Rollo asked if the PUD or UDO required native plants in the landscaping.

Lewis said that it was not required to have only native planting.

There was no public comment.

Public Comment:

There was no council comment.

Council Comment:

Piedmont-Smith moved and it was seconded that Reasonable Condition 01 to Ordinance 18-13 be adopted.

Reasonable Condition 01 to Ordinance 18-13

Volan asked if a speed limit sign was enough to control traffic on Short Street.

Council Questions:

Cornett said a speed hump would help with traffic. He advocated for a school zone.

Loren Wood spoke in favor of making the area a school zone.

Public Comment:

Volan said he would advocate for a school zone in the Short Street area.

Council Comment:

Sturbaum said that traffic calming devices would be evaluated over time and could be revisited in the future.

The motion to adopt Reasonable Condition 01 to Ordinance 18-13 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Reasonable Condition 01 to Ordinance 18-13 [10:17pm]

Sturbaum moved and it was seconded that Reasonable Condition 02 to Ordinance 18-13 be adopted.

Reasonable Condition 02 to Ordinance 18-13

Piedmont-Smith asked if there would be sufficient trees on the development if Reasonable Condition 02 were approved.

Council Questions:

Lewis said yes.

Mark Cornett said that the property would include a community garden and the type of trees should be considered.

Ordinance 18-13 (cont'd)
Public Comment:

Volan asked Cornett what change could be made to ensure the correct trees were on the property.

Council Comment:

Cornett said Evergreen trees would not be conducive for the garden.

Lewis said the Bloomington Municipal Code required Evergreen trees but staff would accept an amendment that would waive the Evergreen tree requirement.

Volan moved and it was seconded that Amendment 01 to Reasonable Condition 02 of Ordinance 18-13 be adopted.

Amendment 01 to Reasonable Condition 02 to Ordinance 18-13

The motion to adopt Amendment 01 to Reasonable Condition 02 to Ordinance 18-13 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Chopra).

Vote on Amendment 01 to Reasonable Condition 02 to Ordinance 18-13 [10:32pm]

Volan moved and it was seconded that Reasonable Condition 02 as amended to Ordinance 18-13 be adopted.

The motion to adopt Reasonable Condition 02 as amended to Ordinance 18-13 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Reasonable Condition 02 as amended to Ordinance 18-13 [10:33pm]

Rollo moved and it was seconded that Reasonable Condition 03 to Ordinance 18-13 be adopted.

Reasonable Condition 03 to Ordinance 18-13

Chopra asked what a forb was.

Council Questions:

Rollo explained it was a type of perennial flower plant.

There was no public comment.

Public Comment:

Chopra said she did not understand why the conditions were not already considered.

Council Comment:

The motion to adopt Reasonable Condition 03 to Ordinance 18-13 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Reasonable Condition 03 to Ordinance 18-13 [10:36pm]

There was no public comment.

Public Comment:

Piedmont-Smith said she was pleased to see the development move ahead.

Council Comment:

Sturbaum said the common space was a great way to use the land.

Volan said he appreciated the non-parking centric design of the single-family development.

Sandberg said all types of housing must be built to combat the housing crisis and that the development was one type.

Ruff said he was supportive of the project but that population growth needed to be taken into consideration when building housing.

The motion to adopt Ordinance 18-13 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Ordinance 18-13 [10:46pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST
READING

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Council Attorney Dan Sherman reminded councilmembers that July recess would begin after the meeting and conclude with an Internal Work Session on July 27, 2018 at noon.

COUNCIL SCHEDULE [10:46pm]

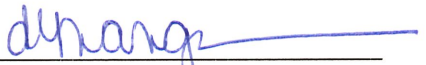
The meeting was adjourned at 10:47pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 15 day of August, 2018.

APPROVE:

ATTEST:



Dorothy Granger, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington