

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, November 14, 2018 at 6:33pm with Council President Dorothy Granger presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
November 14, 2018

Roll Call: Ruff (arrived at 6:51pm), Sturbaum Chopra, Piedmont-Smith, Granger, Volan, Sandberg, Sims, Rollo
Members Absent: None

ROLL CALL [6:33pm]

Council President Dorothy Granger gave a summary of the agenda.

AGENDA SUMMATION [6:34pm]

Councilmember Chris Sturbaum moved and it was seconded to amend the agenda to consider Ordinance 18-22 first.

Sturbaum explained that both the petitioner and staff wanted more time to work on the proposal and that the intent was to postpone the discussion until a later meeting.

Councilmember Allison Chopra said she preferred to discuss and decide the issue that evening.

The motion to so amend the agenda received a roll call vote of Ayes: 7, Nays: 1 (Chopra), Abstain: 0.

Vote on motion to amend agenda

Councilmember Steve Volan moved and it was seconded to amend the agenda to consider Ordinance 18-21 second.

Volan explained that the petitioner had requested a postponement.

The motion to so amend the agenda received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on motion to amend agenda

There were no minutes for approval.

APPROVAL OF MINUTES [6:39pm]

Councilmember Jim Sims spoke about the value of public comment. He thanked the public that attended the meeting.

REPORTS [6:39pm]

- COUNCIL MEMBERS

Volan spoke about the council meetings for the remainder of the year.

Councilmember Isabel Piedmont-Smith offered her condolences to the city of Paradise, California that was destroyed by the California wildfires. She said that it was important to think about climate change and the use of tax payers dollars to manage forests. Piedmont-Smith expressed the importance of communities taking steps toward reducing carbon emissions and taking climate change seriously.

Chopra talked about her experience of being a poll watcher in the most recent election. She said it was very encouraging to see the amount of people that voted. Chopra also acknowledged that some people might disagree with the Council's decisions, but councilmembers did listen to the public.

There were no reports from the Mayor and city offices.

- The MAYOR AND CITY OFFICES

There were no reports from Council Committees.

- COUNCIL COMMITTEES

REPORTS (cont'd)

- PUBLIC

Nancy Martin spoke about her father, Wayne Martin, and his motto: "Never tire of doing good."

Steve Robertson, President of A.F.S.C.M.E. Local 2487, spoke about ongoing contract negotiations between the union and the city.

Bradley Rushton spoke about the contract negotiations.

Volan moved and it was seconded to appoint Christopher Erickson to the Environmental Commission. The motion was approved by voice vote.

Volan moved and it was seconded that Ordinance 18-22 be introduced and read by title and synopsis only. The motion was approved by voice vote. Chief Deputy Clerk Stephen Lucas read the legislation by title and synopsis and gave the Land Use Committee do-pass recommendation of Ayes: 1, Nays: 2, Abstain: 1.

Volan moved and it was seconded that Ordinance 18-22 be postponed to the Regular Session of December 5, 2018.

The motion to postpone Ordinance 18-22 received a roll call vote of Ayes: 8, Nays: 1 (Chopra), Abstain: 0.

Volan moved and it was seconded that Ordinance 18-21 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis and gave the Land Use Committee do-pass recommendation of Ayes: 1, Nays: 0, Abstain: 3.

Volan moved and it was seconded that Ordinance 18-21 be postponed to the Regular Session of December 5, 2018.

Piedmont-Smith stated she was happy to support the postponement in hopes that the petitioner would bring forth a better proposal.

The motion to postpone Ordinance 18-21 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:46pm]

Ordinance 18-22 To Rezone a Property from Planned Unit Development (PUD), Business Park (BP), and Residential Single Family (RS) to Planned Unit Development (PUD) and to Amend the Associated District Ordinance and Preliminary Plan - Re: 1550 N. Arlington Park Drive & 1723 W. Arlington Road (Trinitas Development, Petitioner)

Vote on motion to postpone Ordinance 18-22 [6:54pm]

Ordinance 18-21 To Rezone a Property from Residential Estate (RE) to Planned Unit Development (PUD) and to Amend the Associated PUD District Ordinance and Preliminary Plan - Re: 800 E. Tamarack Trail (Meadowood Retirement Community, Petitioner)

Vote on motion to postpone Ordinance 18-21 [6:58pm]

Volan moved and it was seconded that Resolution 18-24 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis and gave the committee do-pass recommendation of Ayes: 4, Nays: 1, Abstain: 4.

Volan moved and it was seconded that Resolution 18-24 be adopted.

Mayor John Hamilton spoke in support of Resolution 18-24. He said the garage projects represented an investment in downtown Bloomington's economy, jobs, and vitality, through investments in mobility and transportation. He talked about the city's strong interests in sustainability, as well as innovative and creative investments downtown. He thanked the Council for supporting the Bicentennial Bonds that would supply additional funding for non-vehicular infrastructure projects. He stated that much of the costs of the parking structures would be paid for by the revenue from parking customers. The costs not covered by parking revenues would be paid for with tax increment finance (TIF) funding. He said the administration was committed to investing in serious transportation demand management, and the use of green building techniques for the garages. He spoke about the loss of manufacturing jobs during recent years and how Bloomington needed to partner with employers to encourage job growth and economic opportunities. He said the parking investments would compliment both the expanding Convention Center as well as the Trades District. He noted that the 4th Street garage would be closing within the next 6 weeks and urged the Council to take action to minimize the inconvenience to the public. He pointed out that the Redevelopment Commission unanimously approved to finance the project with revenue bonds. He reiterated the importance of both garages to the continued development of a vibrant downtown. He said there was an urgency to move forward with both projects and asked for the Council's support.

Resolution 18-24 Approving the Issuance of Tax Increment Revenue Bonds of the City of Bloomington Redevelopment District to Finance the Costs of Acquisition and Construction for Two Parking Garages in the Bloomington Consolidated Economic Development Area and Costs Incurred in Connection with the Issuance of Such Bonds

Granger moved and it was seconded that Resolution 18-24 be postponed to the Regular Session of December 5, 2018.

Granger explained she wanted to postpone the vote on the ordinance because there were unanswered questions she wanted to work through. She wanted the Council and the administration to meet to work through some of the issues.

Chopra said she was fine with postponing the vote but wanted to publicly discuss the matter at the meeting.

The Council discussed the most appropriate time to entertain the motion to postpone.

Granger withdrew her motion to postpone Resolution 18-24.

Resolution 18-24 (cont'd)

Adam Wason, Director of Public Works, presented information about the 4th Street parking garage project. He reviewed possible features of the garage, including convertability, electric vehicle charging stations, solar panels, bicycle lockers, showering facilities, and spaces reserves for compact vehicles. He said there would also be a management plan for the ongoing repairs and maintenance that would be required. He said the request was for a maximum amount of \$18.54 million with a maximum interest rate of 6% and a maximum term of 22 years. He said that repairing the current garage would cost at least \$1.1 million and would require closing the garage for six to eight months. He said replacement was the preferred option. He said the existing garage had 352 current spaces, but pointed out there was demand for more spaces based on the occupancy levels of the garage. He reviewed relocation plans for displaced parkers once the garage closed.

Karen Valiquett, Core Planning Strategies, introduced herself and presented renderings of possible design options for the garage. She explained various conceptual designs to show different options for number of spaces, layout, and amenities. She noted that, depending on the layout chosen, the garage could be converted to other uses in the future.

Council Questions:

Sturbaum asked if one of the design concepts envisioned a 93-foot garage.

Valiquett yes, but pointed out there were many different design options.

Piedmont-Smith asked how the garage could be adapted to other uses if there were ramps.

Valiquett explained how the garage could be designed with ramps constructed on one end of the garage with flat floor decks throughout.

Sandberg asked if there were any immediate safety issues with the 4th Street garage.

Wason said no and said there were regular inspections to monitor the issues with the garage. He said there was urgency in addressing the issues but no immediate safety issues.

Rollo asked how much of the debt would be paid for with revenue from the garages.

Jeffrey Underwood, Controller, estimated that \$500,000 of revenue would be available each year to pay for the garages. He said that represented approximately 25% of the debt.

Rollo asked for information about growth estimates.

Underwood explained that the development that would occur in the trades district could generate between \$1 million and \$1.5 million in additional tax revenue.

Sturbaum asked why the proposal included a garage that was much higher than the height limit for the downtown area.

Wason said that the renderings were early conceptual designs and nothing was set in stone.

Volan pointed out that a new garage would have to exceed the downtown height limit in order to fit the desired number of spaces.

Wason said he did not know what the height of the garage would be. He agreed that the garage would likely exceed the height limit by some amount to accommodate more spaces.

Resolution 18-24 (cont'd)

Volan asked if there had been any discussion about setting the garage rates at a higher level to cover more than 25% of the cost of the structure.

Underwood said the administration would work with the Parking Commission and the Council on setting rates for the garages at appropriate levels.

Sandberg asked if the garage might present an opportunity to construct a downtown public restroom facility.

Wason said that was certainly an option.

Rollo asked about the benefits and costs of separating the 4th Street garage and the Trades District garage into separate pieces of legislation for the Council to vote on individually.

Underwood said there would be more information about the costs of delays relating to each garage from upcoming speakers.

Granger asked what a delay of a few weeks would cost.

Underwood said Valiquett could comment on the impact of a delay on the construction schedule. He said there was also the risk of increased interest costs and increased construction costs.

Valiquett said any delay would push the completion date out by the same amount of time.

Granger asked if the cost of demolition was included in the bond.

Underwood said yes and said demolition was estimated to cost \$750,000.

Piedmont-Smith asked if the \$2 million contribution from the Redevelopment Commission (RDC) could be used to cover demolition so as not to delay the project.

Underwood explained that the RDC funds were intended to be a debt service reserve.

Piedmont-Smith asked what impact there would be if that funding was used to pay for demolition.

Underwood said the \$750,000 taken out of the debt service reserve would have to be replaced with other funding.

Sims commented that the preliminary design included convertible floors that were 15 feet in height each, but a standard floor would be less.

Valiquett said that was correct. She said that changing a convertible floor to a standard floor would reduce the height by five feet.

Sims said he supported having convertible floors but wanted to point out that difference.

Wason said that was one trade-off that needed to be considered. He said there were discussions that needed to happen about what sustainable features were desired.

Sims asked if approving the resolution that night would preclude the Council from providing input on the design of the garage.

Volan said that if the resolution were approved, the RDC and the administration could move forward with whatever design they saw fit.

Wason clarified the process and said there would be a design committee formed and that the Council would have representation on that committee

Chopra asked how the design process would move forward once the bond was approved. She said she was interested in the Council having input as there was public interest in how the garage was designed and built. Resolution 18-24 (cont'd)

Wason said that once the project was approved, a design committee would be formed that would include council representation. He said that the final design would have to be approved by the city's Plan Commission.

Volan asked for the earliest date that construction could begin.

Valiquett estimated April or May 2019.

Volan asked if it was possible to pay for the demolition of the existing structure out of the parking meter fund so as not to delay construction while the design was being discussed.

Hamilton said the administration did not want to proceed with demolition until there was funding secured and an agreement in place regarding the replacement garage.

Volan said he did not want to delay demolition while the design was still being debated.

Hamilton said that demolition would not begin while discussions were still occurring over whether or not there would be a replacement garage. He said he did not want to demolish the existing structure until the Council decided to fund a replacement. He said the design of the garage would involve both public and Council input.

Piedmont-Smith asked what other funding sources, besides garage revenue, would be used to pay for the garage.

Underwood said TIF funds would be used.

Piedmont-Smith asked Underwood to explain TIF funds.

Underwood provided a brief explanation of how TIF funds worked.

Piedmont-Smith asked if TIF funds could be used to support other transportation modes.

Underwood said that any investments made with TIF funds would have to be into assets that the RDC would then own. He said there were rigid statutory tests that had to be met for the use of TIF funds.

Rollo asked if there was a 12-month construction season for the 4th Street garage.

Underwood said the current plan contemplated construction occurring over 18 to 24 months.

Rollo asked if the project review form included specifics such as capacity, infrastructure, housing, or first floor retail space.

Underwood said that a request would be made to amend the project to include those items. He stated there was a three-step process for amending the project.

Sturbaum asked when and how the decision of buying the extra property south of the garage would be made.

Alex Crowley, Director of Economic and Sustainable Development, said that the city was negotiating with the property owner.

Wason clarified that the project would last 18 to 24 months from the date of approval of the plan.

Resolution 18-24 (cont'd)

Piedmon-Smith asked if the administration would be held to the garage features presented to the Council.

Underwood said yes and explained that the features presented were adopted by the RDC and would be included in the design. Any changes would have to go back to the RDC for approval.

Piedmont-Smith asked if the RDC meeting had taken place after the initial information was given to the Council.

Underwood said yes.

Piedmont-Smith asked whether the project would have to go back to the RDC if the Council insisted upon changing any features, such as public restrooms.

Underwood said that the commitments already allowed for public restrooms and stated that the administration intended to place public restrooms adjacent to or inside the garage.

Hamilton said that the commitments presented were from the administration and given to the RDC to adopt.

Ruff asked for clarification on how much power the RDC had to modify the commitments presented.

Underwood spoke about the role of the RDC. He said he doubted whether the RDC would remove any of the commitments being discussed.

Ruff asked if the RDC could overrule decisions made by the Council on design.

Underwood said the RDC recommended the final design but that the project would then have to be approved by the Plan Commission.

Chopra asked Underwood to explain the purpose of the RDC for the benefit of the public.

Underwood provided a brief explanation of the composition and function of the RDC.

Crowley gave a presentation on the Trades District garage and how it would benefit the community. He briefly described employment and wage trends for Bloomington. He said the Trades District was one way to attract new development and to create new jobs. Crowley stated that the garage would help create more jobs in the Trades District, and make Bloomington more competitive for new incoming companies. He talked about the phases of the project and the new developments in the Trades District. He said the development of the district had reached the point where extra parking was needed. He spoke about the costs associated with a delaying project. He said the garage was one step in the overall plan of increasing wages and jobs.

Otto Crown, with O.W. Krohn & Associates, presented information about financing the projects through bonding.

Volan asked why the parking garages were not split between two bonds.

Council Questions:

Underwood stated that the projects were very similar so the administration proposed them as one bond. He said the Council was able to divide the projects if it so desired.

Volan asked if the costs of the garages needed to be subsidized with TIF dollars.

Underwood said the resolution before the Council did subsidize parking with TIF dollars, which was a common use of TIF funding. He stated that TIF funds were commonly used to subsidize the cost of garages.

Resolution 18-24 (cont'd)

Volan asked if such a practice was in line with concepts of sustainability.

Hamilton pointed out that many TIF projects had no revenue associated with them. He said the administration expected to work with the Council to adjust parking rates.

Piedmont-Smith wanted to clarify whether the \$29.5 million in the bond included interest.

Underwood said that was the principle amount.

Rollo asked if dividing the resolution would add costs to the projects.

Underwood said only if there was a delay. If both were approved at the same time, there would be no additional cost.

Volan asked if the retail space would be occupied if the resolution were approved.

Crowley said he did not believe the space would sit empty.

Pete Yonkman, Ron Walker Lynn Coyne, Jim Murphy, Pharyne Stephney, Michael Trotzke, Zoul Ballman, Anne Bono, Talisha Coppock, Dave Harstad, Mike McAfee, Randy Lloyd, A. John Rose, and David Sabbagh spoke in favor of the resolution.

Public Comment:

Mark Stosberg, Alex Jorck spoke against the resolution

Rollo thanked the public for speaking on the matter. He talked about the importance of the decision and how it will affect the future. He spoke about the complexity of both garages. He believed that making a decision that night would be premature. He said the matter should be postponed.

Council Comment:

Sims spoke about the future of transportation and how it would change. He stated that the needs of transportation needed to be met today. He believes the parking structures would do that, and he supported both structures.

Sandberg said she supported both of the projects. She talked about how economic development was a part of sustainability. She said that the projects would help create jobs and allow the community to do other great things. She stressed the importance of listening to the stakeholders that would be affected by the garage projects. She said there had been many people who contacted the Council or who came to the meeting to speak in favor of the garages.

Volan spoke against the city providing subsidized parking. He also called for an examination of how much parking was actually needed and how best to spend funding for parking.

Granger said she had many unanswered questions about the garages, including questions about the number of spaces and the height of the 4th Street garage. She saw the two garages as separate issues. She said more thought should be given to the plans.

Resolution 18-24 (cont'd)

Piedmont-Smith said the issue presented a dilemma between meeting the needs of the day and the necessity of changing practices in the face of climate change. She appreciated the call for transportation demand management, but thought such a management plan should be in place before committing millions of dollars for new garages. She wanted to learn more about the timeline for such a plan before supporting the resolution. She said she would have appreciated more information from the outset.

Chopra said that she appreciated the people who came to speak to the Council and wished that more people would make comments. She said that, as a former business owner in the downtown, she understood the importance of parking to attracting customers or employees. She said business in the trades district would not develop without adequate parking. She said she would vote yes for both garages.

Sturbaum said he would like to have more control over the design of the garages, but said he would try to have some faith in the process. He said he would support the garages.

Ruff said he was considering the comments of his colleagues and would support postponing the resolution.

Volan moved and it was seconded to postpone Resolution 18-24 to December 5, 2018.

Mayor Hamilton said that as the city reduced its parking needs, the spaces that would be eliminated first would be the surface lots He said that structured parking would be the parking kept the longest.

The motion to postpone Resolution 18-24 received a roll call vote of Ayes: 5, Nays: 4 (Sturbaum, Chopra, Sandberg, Sims), Abstain:0.

Vote on motion to postpone Resolution 18-24 [10:01pm]

Volan moved and it was seconded that Ordinance 18-14 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis and gave the committee do-pass recommendation of Ayes: 2, Nays: 0, Abstain: 2.

Ordinance 18-14 To Expand a Planned Unit Development (PUD) and Amend the Associated District Ordinance and Preliminary Plan – Re: 4500, 4518 E. 3rd Street & 306 S. State Road 446 (Fountain Residential Partners, Petitioner)

Jacqueline Scanlan, Development Services Manager, presented the project to the Council. She reviewed the requests contained in the petition, including the requested changes for allowable uses and density. She displayed conceptual site plans and indicated the location of access points and parking. She provided crash data and commented on safety concerns that had been voiced by the public. She reviewed relevant portions of the Comprehensive Plan and pointed out that the proposal was in-fill development, as the site was located on open acreage, in the city, on two highways, that had been identified for commercial development for 40 years. She noted the transit routes near the area. She displayed architectural renderings of the various buildings. She reviewed the purpose of planned unit developments (PUDs)

Trevor Tollett, representing petitioner Fountain Residential Partner, thanked all those who had worked on the project and had provided feedback throughout the process. He reviewed some of the changes that had been implemented as a result of feedback from the community and councilmembers. He asked for the Council's support.

Steve Smith, with civil engineering firm Smith Brehob & Associates, Inc., noted that the site in question was already a PUD and the proposal before the Council was an amendment to that PUD. He spoke about the design of the project and displayed renderings of the site. He discussed traffic counts in the area and how the project could affect the counts. He said the project had a parking ration of .72 spaces per bed. He spoke about the green features of the project. He said the amendment to the PUD was consistent with the intent of PUDs and with the city's Comprehensive Plan. Ordinance 18-14 (cont'd)

Alex Crowley, Director of Economic & Sustainable Development, spoke about affordable housing and the contributions proposed to be made by both the developer and the land owner.

Volan discussed the Land Use Committee meetings held to consider the ordinance, as well as the reasonable conditions considered by the committee. He reviewed public comments made to the committee and concerns voiced by the public.

Chopra asked how the petitioner collected the letters of support for the PUD. Council Questions:

Tollett said that tables were set up at College Mall to discuss the project with residents. He said they had obtained roughly 250 letters of support.

Chopra said she wanted to know how the data was collected because she would be surprised to see if any of the people were at the meeting.

Brent Little, Found Residential Partners, stated that two people went to the mall and set up a table insidem with the mall's permission. They told people walking by about the project and asked them to sign in support. He said they also went to Panera Bread. He stated that they did not ask any of these people to show up to the meeting. He stated he thought the letters showed the efficacy of the project and that there was support in the community.

Volan asked how many of the people were within a mile of the project.

Little said the people were divided by district.

Sturbaum asked about continuing the landscaping on 3rd Street through the project area.

Tollett said they had not discussed additional landscaping but if it pleased the Council they would consider it.

Piedmont-Smith asked if the utilites were included in the rent.

Smith said the utilities were included in the rent.

Piedmont-Smith said people using the most energy should pay for that usage since they needed to be the one to make the modification.

Smith said the owner would have incentives to make the building as energy efficient as possible and he said most of the savings were in the way you built it.

Little said utilities could be separated out if the Council preferred.

Granger asked about the connection to the west and if it went right into a parking lot.

Smith said it had a connection to a parking lot.

Rollo pointed out that some of the letters were signed by students in dormitories. He asked if the letters were predominantly signed by students. Ordinance 18-14 (cont'd)

Tollett said they were not targeting students, although a percentage of the people would be students since they were targeting residents of Bloomington. He said those letters were included because the people who signed the letters were in someone's district.

Rollo asked what they used to attract people to the table.

Tollett said they requested people to look at a new project and asked people if they thought more housing was needed in Bloomington.

Volan said one of the major concerns of the project was the intensification of use and the 500% increase in density. He asked if it was common to have that kind of density and if it could be compared to other projects.

Scanlan said the existing PUD consisted of 50 units of second floor multi-family housing. She stated that was arbitrary and was not based on old code or the size of the lot.

Volan asked what year that had been established.

Scanlan said roughly 40 years ago. She pointed out that the property would be allowed to have more density if the PUD was not in place, according to the default zoning regulations.

Volan asked if the proposed unit count was normal for other projects allowed on 3rd Street.

Scanlan said yes. She said that the PUD requirements and characteristics were considered. She said staff also looked at the zoning and if the proposal was in line with the comprehensive plan.

Rollo asked about the level of service on 3rd Street.

Scanlan said she believed it was B.

Rollo asked about impacts on Lake Monroe and if the property would drain into Lake Monroe.

Scanlan said yes.

Rollo asked if the flow rate would be mediated by some capture.

Scanlan said yes.

Rollo asked where the stormwater was directed.

Scanlan said she believed directly east.

Smith confirmed that it was directed directly east. He said the water quality and rate of flow was regulated by the City of Bloomington Utilities and would have to be kept at the existing levels before the development took place.

Piedmont-Smith asked if someone could comment on the recent financial incentive offered by the developer to the nearby Bloomingfoods location.

Volan said he had been working to memorialize the offer from the developer and he would be introducing a reasonable condition to address it.

Nancy Martin, Janice Lilly, Robert Meadows, Steve Coopersmith, Barbara Hudson, Charles Reafsnnyder, Peter Gould, Thomas Schwandt, Chris Bultman, Elizabeth Mooradian, Amanda Richardson, Shelli Yoder, Margaret Clements, Sherry Knighton-Schwandt, Barbara Moss, Steve Zalkowski, Steve Akers spoke against the ordinance.

Public Comment:

Jr. Blondell spoke in favor of the ordinance

Maggie Sullivan, President of Board of Directors of Bloomingfoods, commented on the financial incentive offered by the petitioner to Bloomingfoods as a part of the project proposal.

Ordinance 18-14 (cont'd)

Volan asked what efforts had been made to contact nearby neighborhoods.

Additional Council Questions:

Scanlon described the requirements placed on developers to contact nearby neighborhood associations.

Smith explained which neighborhoods had been contacted.

Piedmont-Smith moved and it was seconded to adopt Reasonable Condition 01 to Ordinance 18-14.

Reasonable Condition 01 to Ordinance 18-14

Piedmont-Smith explained the purpose of the reasonable condition.

Volan noted that the Land Use Committee unanimously recommended passing Reasonable Condition 01.

Nancy Martin spoke against the reasonable condition.

Public Comment:

Sandberg said she would vote against all reasonable conditions as she was not going to support the ordinance.

Council Comment:

Volan pointed out that voting for a reasonable condition did not necessarily indicate support for the ordinance. He thought upcoming reasonable conditions would be important to set precedents for how the city negotiated with developers for public benefits in the PUD process.

Chopra said she would vote against the ordinance but would support reasonable conditions in case the project was approved.

The motion to adopt Reasonable Condition 01 to Ordinance 18-14 received a roll call vote of Ayes: 8, Nays: 1 (Sandberg), Abstain: 0.

Vote on Reasonable Condition 01 to Ordinance 18-14 [12:07am]

Piedmont-Smith moved and it was seconded to adopt Reasonable Condition 02 to Ordinance 18-14.

Reasonable Condition 02 to Ordinance 18-14

Piedmont-Smith explained the purpose of the reasonable condition.

Volan asked if there were ways to make the right-turn only intersection less navigable.

Council Questions:

Scanlon said possibly, but anything selected for that intersection would have to be approved by INDOT.

Steve Coopersmith and Steve Akers suggested placing a median in the center of 3rd Street to discourage left turns.

Public Comment:

Margaret Clements spoke against the reasonable condition.

The motion to adopt Reasonable Condition 02 to Ordinance 18-14 received a roll call vote of Ayes: 7, Nays: 2 (Granger, Sandberg), Abstain: 0.

Vote on Reasonable Condition 02 to Ordinance 18-14 [12:11am]

Piedmont-Smith moved and it was seconded to adopt Reasonable Condition 03 to Ordinance 18-14.

Reasonable Condition 03 to Ordinance 18-14

Piedmont-Smith explained the purpose of the reasonable condition.

Volan said he thought the condition would help address concerns that were raised earlier about drainage.

Council Comment:

Sims asked for information about getting INDOT approval, and how often approval was obtained.

Scanlon said INDOT must approve access for all road ways. She said that no concerns had been raised about INDOT objecting to the access points.

The motion to adopt Reasonable Condition 03 to Ordinance 18-14 received a roll call vote of Ayes: 7, Nays: 1 (Sandberg), Abstain: 0 (Rollo out of room).

Vote on Reasonable Condition 03 to Ordinance 18-14 [12:14am]

Volan moved and it was seconded to adopt Reasonable Condition 04 to Ordinance 18-14.

Reasonable Condition 04 to Ordinance 18-14

Volan explained the purpose of the reasonable condition.

Margaret Clements asked for a guarantee that surrounding neighborhoods would not be charged extra for parking enforcement.

Public Comment:

Volan said that he did not anticipate parking issues for surrounding neighborhoods in the near future.

Council Comment:

Chopra agreed that there would not be a problem with parking.

The motion to adopt Reasonable Condition 04 to Ordinance 18-14 received a roll call vote of Ayes: 7, Nays: 2 (Sandberg, Granger), Abstain: 0.

Vote on Reasonable Condition 04 to Ordinance 18-14 [12:18am]

Volan moved and it was seconded to adopt Reasonable Condition 05 to Ordinance 18-14.

Reasonable Condition 05 to Ordinance 18-14

Volan explained the purpose of the reasonable condition.

Janice Lilly spoke against the reasonable condition.

Public Comment:

Piedmont-Smith pointed out that the condition required the developer to forego structured parking. She asked if the language should reflect that the developer was not required to do so.

Council Comment:

Volan said the language was a mistake and suggested that the condition could be amended.

Chopra asked how a condition imposed on the petitioner could also be optional.

Volan said that the petitioner would be allowed to trade parking for additional density.

Chopra asked if the condition contained any concrete dollar figures.

Volan said it was based on the cost of parking at \$10,000 per structured space.

Chopra asked if that figure was in the reasonable condition.

Volan said that the purpose of the condition was to encourage less traffic and promote density.

Granger asked if there was a Land Use Committee recommendation. Reasonable Condition 05 to
Volan said no. Ordinance 18-14 (cont'd)

Sims asked how many spaces would be eliminated.

Volan said he was unsure, but that the point was to reduce transportation demand.

Sims asked how much funding would be available to Bloomington Transit.

Volan said he hoped that there would be sufficient funds to have an additional route for a few years.

Chopra stated she would be voting no on the condition.

The motion to adopt Reasonable Condition 05 to Ordinance 18-14 received a roll call vote of Ayes: 2 (Ruff, Volan), Nays: 7, Abstain: 0. Vote on Reasonable Condition 05 to Ordinance 18-14 [12:28am]

Sturbaum moved and it was seconded to adopt Reasonable Condition 06 to Ordinance 18-14. Reasonable Condition 06 to Ordinance 18-14

Sturbaum explained the purpose of the reasonable condition.

Chopra asked when the reasonable condition was drafted. Council Question:
Sturbaum said it was newly revised.

Peter Gould questioned the feasibility of converting units. Public Comment:

Steve Akers spoke about his experience with the university residence halls.

The motion to adopt Reasonable Condition 06 to Ordinance 18-14 received a roll call vote of Ayes: 5, Nays: 2 (Sandberg, Sims), Abstain: 2 (Granger, Chopra). Vote on Reasonable Condition 06 to Ordinance 18-14 [12:32am]

Volan moved and it was seconded to adopt Reasonable Condition 07 to Ordinance 18-14. Reasonable Condition 07 to Ordinance 18-14

Volan explained the purpose of the reasonable condition. He noted that the condition memorialized a recent offer made by the petitioner to Bloomington, as far as such an offer could be memorialized in the context of a PUD.

Peter Gould, Steve Akers spoke against the condition. Public Comment:

Margaret Clements spoke about parking issues.

Brent Little provided additional detail about the timing of the offer.

Janice Lilly spoke about the timing of the offer.

Cary Buzzelli spoke about traffic issues.

Maggie Sullivan spoke about the next steps for Bloomington.

Volan explained that he had suggested that the petitioner and Bloomington discuss possible arrangements. He thought the petitioner's offer was generous and wished more developments included mixed-uses. Council Comment:

Granger said she felt it was not the Council's place to require such a payment.

Chopra agreed with Granger, and said she did not feel comfortable with the reasonable condition.

Reasonable Condition 07 to Ordinance 18-14 (cont'd)

Rollo thought that the condition was a good concept.

Ruff said he was not as cynical about the offer as others. He read an explanation provided by the petitioner about why the offer was made.

Piedmont-Smith raised issues of enforceability of the condition. She also said that the petition should be considered based on its own merits.

Rollo said that the offer at least provided a public benefit within the PUD.

Sims said that so many people had become involved in the negotiations that it had confused the issue.

Volan said that the idea only came up within the last week, and that it was simply part of the negotiation process.

The motion to adopt Reasonable Condition 07 to Ordinance 18-14 received a roll call vote of Ayes: 3 (Ruff, Sturbaum, Volan), Nays: 4, Abstain: 2 (Rollo, Chopra).

Vote on Reasonable Condition 07 to Ordinance 18-14 [12:55am]

Chopra said that while she personally did not have many problems with the development, she had to listen to her constituents. She also thought that developments aimed at students should be closer to campus.

Council Comment:

Rollo said he took issue with the location, the increase in density, and the target demographics of the project. He did not support the ordinance.

Sandberg said she was skeptical that the project would ever be repurposed to another use and thought the city was saturated with student-oriented housing already. She did not fault the administration for attempting to negotiate with developers in an attempt to encourage affordable housing but said she could not support the project.

Piedmont-Smith took issue with the letters of support offered by the petitioner, as the letters were signed by individuals not interested or invested in the outcome of the ordinance. She said she was uncomfortable with the pay-to-play aspect of the project, though she recognized the outreach to Bloomingfoods was in response to a suggestion from Volan. She thought that the Council should have been involved earlier in the process. She recognized that the site might be appropriate for future development, but said the proposed project was inappropriate for the site.

Sims said the university housed more students than people realized. He suggested that housing was a community problem and should be addressed by the community as a whole. He said there was a need for more housing, especially affordable and workforce housing. He did not think the proposed project was what was needed.

Ruff said the administration was attempting to encourage affordable housing through whatever means available to it. He said such attempts were made out of a sincere desire to address housing needs. However, he thought the proposed location was not appropriate for such a project and he would vote no.

Ordinance 18-14 (cont'd)

Volan said there were a number of upcoming project proposals. He suggested that people rethink their assumptions about the best way to house people as the city grew. He said growth needed to be managed, not stopped. He said that the appearance of pay-to-play was a result of state regulations that prevented the city from taking different approaches to affordable housing. He said he could not support the project without the reasonable conditions he had proposed.

Granger thanked the petitioner for working with the city to try to come up with an appropriate project. She was concerned with what happened to large projects in the years that followed. She was concerned with the amount of green space and with the location of the project.

The motion to adopt Ordinance 18-14 subject to reasonable conditions received a roll call vote of Ayes: 0, Nays: 8, Abstain: 1 (Sturbaum).

Vote on Ordinance 18-14 subject to reasonable conditions [1:32am]

LEGISLATION FOR FIRST READING

Volan moved and it was seconded that Appropriation Ordinance 18-06 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis.

Appropriation Ordinance 18-06
To Specially Appropriate from the, Cumulative Capital Development Fund, Municipal Arts Fund and Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Parking Facilities Fund, Risk Management Fund, Police Pension Fund, Alternative Transportation Fund; and, Appropriating Additional Funds from the Cumulative Capital Development Fund, Municipal Arts Fund and Rental Inspection Program Fund)

Volan moved and it was seconded that Ordinance 18-20 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis.

Ordinance 18-20 An Ordinance to Amend Ordinance 17-45 Which Made Changes to Chapter 20.03 "Overlay Districts" to Provide Clear Guidance on Downtown Overlay Development and Architectural Standards – Re: Extending the Expiration Date from the End of December 2018 to the Earlier Date of December 31, 2019 or the Adoption of a New Unified Development Ordinance

Volan moved and it was seconded that Ordinance 18-24 be introduced and read by title and synopsis only. The motion was approved by voice vote. Lucas read the legislation by title and synopsis.

Ordinance 18-24 An Ordinance to Amend Ordinance 17-37, Which Fixed Salaries for Certain City of Bloomington Employees for the Year 2018 – Re: Additional Pay for Dispatch Employees Who Assume Training Responsibilities

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Council Attorney Dan Sherman spoke about the upcoming schedule.

COUNCIL SCHEDULE

The meeting was adjourned at 1:38am.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 9th day of December, 2018.

APPROVE:

ATTEST:



Dorothy Granger, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington