

City of Bloomington Common Council

Legislative Packet

Wednesday, 13 February 2019

Special Session and Committee of the Whole

Legislation and background material regarding Resolution 19-03, Appropriations Ordinance 19-01, Ordinance 19-02, Ordinance 19-05, and Ordinance 19-06, please consult the [06 February 2019 Legislative Packet](#).

For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).

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**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
SPECIAL SESSION AND COMMITTEE OF THE WHOLE
6:30 P.M., WEDNESDAY, FEBRUARY 13, 2019
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

SPECIAL SESSION

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES 16 January 2019 – Regular Session

IV. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 19-03 To Extend the Designation of an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize A Period of Abatement for Real and Personal Property Improvements – Re: Properties at 1300 S Patterson Drive (Catalent Indiana, LLC, Petitioner)

Committee Recommendation

Do Pass: 5 – 0 – 3

V. COUNCIL SCHEDULE

VI. ADJOURNMENT

to be followed immediately by a

COMMITTEE OF THE WHOLE

Chair: Councilmember Volan

1. Ordinance 19-06 Amending Title 15 of the Bloomington Municipal Code – Re: Reducing Fees for Law Enforcement Recordings and Bringing Said Fees into Compliance with State Law

Asked to Attend: Mike Rouker, City Attorney

2. Appropriations Ordinance 19-01 To Specially Appropriate from the Food and Beverage Tax Fund Expenditures Related to the Convention Center Expansion (Appropriating Funds from the Food and Beverage Tax Fund)

Asked to Attend: Mick Renneisen, Deputy Mayor
Jeff Underwood, Controller
Philippa Guthrie, Corporation Counsel

3. Ordinance 19-02 To Amend Title 10 Of the Bloomington Municipal Code Entitled “Wastewater” (Stormwater Rate Adjustment)

Asked to Attend: Vic Kelson, Director of Utilities
Chris Wheeler, Assistant City Attorney

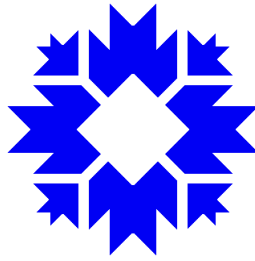
4. Ordinance 19-05 To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (A Substantial Rewriting of Title 10 Following a Review Conducted in Concert with the Environmental Protection Agency)

Asked to Attend: Vic Kelson, Director of Utilities
Chris Wheeler, Assistant City Attorney

Public Comment: Please note that pursuant to the Bloomington Municipal Code, at Committee of the Whole meetings, the public may comment *only* on items listed on the Agenda. BMC § 2.04.250

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call (812) 349 - 3409 or e-mail council@bloomington.in.gov.

Posted: February 8, 2019



**City of Bloomington
Office of the Common Council**

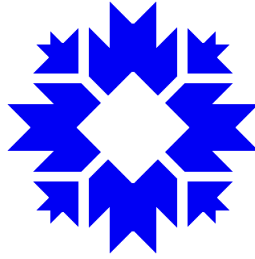
NOTICE

**THE COMMON COUNCIL WILL HOLD A
SPECIAL SESSION**

**WEDNESDAY, FEBRUARY 13, 2019
6:30 p.m.
COUNCIL CHAMBERS
CITY HALL, 401 N. MORTON**

**THIS MEETING WILL BE IMMEDIATELY
FOLLOWED BY A
COMMITTEE OF THE WHOLE
PREVIOUSLY SCHEDULED FOR THIS EVENING.**

Per Indiana Open Door Law (I.C. §5-14-1.5), this provides notice that these meetings will occur and are open for the public to attend, observe, and record what transpires.



**City of Bloomington
Office of the Common Council**

NOTICE OF SPECIAL SESSION

Members of the Bloomington Common Council
have been invited to attend

**Mayor Hamilton's *State of the City* Address
Thursday, 21 February 2019
7:00 pm**

Buskirk-Chumley Theater, 114 E. Kirkwood Ave.

As a quorum of the Council is expected to be present, this gathering will constitute a meeting of the Common Council under Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, January 16, 2019 at 6:30pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 16, 2019

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

ROLL CALL [6:30pm]

Council President Dave Rollo gave a summary of the agenda.

AGENDA SUMMATION [6:31pm]

There were no minutes for approval.

APPROVAL OF MINUTES

Councilmember Susan Sandberg spoke about the upcoming Community Development Block Grant funding process.

REPORTS

- COUNCIL MEMBERS [6:32pm]

Councilmember Chris Sturbaum commented on alleged links between President Donald Trump and Russia.

Councilmember Allison Chopra complimented the staff of the Banneker Community Center for the exceptional service they provided. She also appreciated the behind-the-scenes work done by city employees.

Councilmember Isabel Piedmont-Smith noted that the following Monday was Martin Luther King Jr. Day and invited the public to a reception to celebrate his legacy. She also encouraged people to volunteer on the holiday.

Rollo commented on the city's launch of the "Year of Food" and its goals.

There were no reports from the Mayor or City Offices.

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

There were no reports from Council Committees.

- COUNCIL COMMITTEES

There was no public comment.

- PUBLIC [6:53pm]

Councilmember Dorothy Granger moved and it was seconded to reappoint Councilmember Steve Volan to the Food and Beverage Tax Advisory Commission.

APPOINTMENTS TO BOARDS AND COMMISSIONS

The motion was approved by voice vote.

Motion to Request
Recommendations for Funding
from the Food and Beverage Tax
Advisory Commission

Councilmember Steve Volan moved and it was seconded to request that the Food and Beverage Tax Advisory Commission recommend expenditures of Food and Beverage Tax funds for consideration by the Common Council.

Volan asked why the recommendations were coming forward at that particular time.

Council Attorney Dan Sherman said the commission had progressed with its work to the point where it needed to expend funds and possibly hire an architect. He noted that the enabling statute required the Council to request the commission's recommendations concerning the expenditure of any food and beverage tax funds before spending any of those funds.

Chopra asked if Corporation Counsel Philippa Guthrie wanted to speak to the matter.

Guthrie deferred to Sherman but noted that an architect had been selected and would need to be paid.

Motion to Request Recommendations for Funding from the Food and Beverage Tax Advisory Commission (*cont'd*)

Volan asked if the Council would need to make such a motion anytime it wanted to spend funds.

Sherman said he did not think so.

Chopra asked if Sherman would read the relevant statute in its entirety.

Sherman provided the citation to the statute and read the relevant portion.

Sturbaum asked if the Council would need to take any future action.

Sherman explained that once the commission recommended expenditures, the Council would need to decide whether or not to expend funds.

The motion to request that the Food and Beverage Tax Advisory Commission recommend expenditures of Food and Beverage Tax funds for consideration by the Common Council received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Sturbaum).

Vote on Motion to Request Recommendations for Funding from the Food and Beverage Tax Advisory Commission [6:51pm]

Volan moved and it was seconded that Ordinance 19-03 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis, and gave the committee do-pass recommendation of 7-0-2.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 19-03 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: The Maple Heights Conservation District (Maple Heights Neighborhood Association, Petitioner)

Volan moved and it was seconded that Ordinance 19-03 be adopted.

Conor Herterich, Historic Preservation Program Manager, presented the ordinance to the Council. He explained that the Historic Preservation Commission would have review authority over any demolition, new construction, or moving of a structure within the district.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Ordinance 19-03.

Amendment 01 to Ordinance 19-03

Amendment 01 Synopsis: This amendment corrects typographical errors in the signature lines of this ordinance.

The motion to adopt Amendment 01 to Ordinance 19-03 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Ordinance 19-03 [6:57pm]

Sturbaum asked what sort of things would not be reviewed by the Historic Preservation Commission.

Council Questions:

Herterich said that exterior modification were not reviewed by the commission with a conservation district.

Terry Usrey, Susan Hathaway, and Jane Goodman spoke in favor of the ordinance.

Public Comment:

Volan asked whether solar panels would be allowed in a conservation district or in a historic district.

Herterich said that solar panels would not be reviewed in a conservation district. He explained that a historic district could set design guidelines that would allow for solar panels without review.

Sandberg thanked those from the neighborhood who spoke in favor of the ordinance. She commented on the importance of having a sense of place, along with the need for affordable and sustainable housing. She said she supported the ordinance.

Sturbaum noted that many older homes had sustainable features built into them and were efficient for a number of other reasons. He said it made sense to conserve the homes in the neighborhood.

Piedmont-Smith said she supported the ordinance. She emphasized the walkability of the neighborhood and its proximity to the downtown area. She said those factors put development pressure on the neighborhood. She was in favor of the ordinance as it would protect a neighborhood that was part of Bloomington's history.

Councilmember Jim Sims said he thought the argument for the conservation district had been well made by the neighborhood and staff. He said the neighborhood met the necessary criteria for a district and said he would support the ordinance.

Rollo noted the importance of cultural heritage, sustainability, and the opportunity for density. He said it was reassuring to hear residents advocating on behalf of their neighborhood.

The motion to adopt Ordinance 19-03 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Volan moved and it was seconded that Ordinance 19-04 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, and gave the committee do-pass recommendation of 9-0.

Volan moved and it was seconded that Ordinance 19-04 be adopted.

Herterich presented the ordinance to the Council. He displayed the location of the property in question. He explained the criteria used as the basis for the historic designation. He said the property was historically significant for its association with Alice Nelson, Indiana University student housing pioneer. He said the property also met the criteria for designation because the property exemplified a built environment in a period of history characterized by a distinct architectural style. Finally, he noted the property had architectural style, details, or other elements in danger of being lost, which qualified it for designation. He said the property owners voluntarily sought historic designation. He said staff and the Historic Preservation Commission recommended the designation.

Ordinance 19-03 (cont'd)

Council Comment:

Vote on Ordinance 19-03 as amended [7:18pm]

Ordinance 19-04 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: 1175 S. Smith Road Historic District (The Harvey-Nelson House) (James and Sally Harvey, Petitioner)

James Harvey, Petitioner, thanked the Council for its consideration of the matter. He spoke about the importance of historic preservation and the support he received from staff and the Historic Preservation Commission.

Ordinance 19-04 (cont'd)

Sandberg asked about the condition of the barn on the property. She asked if there was any work that needed to be done that would be hindered by the designation.

Council Questions:

Herterich said the barn was structurally sound, but did need some exterior repairs and patches. He said there could be state grants available to designated houses for repairs.

Sandberg said she wanted to make sure the structure was preserved as long as possible.

Sturbaum asked Herterich if he was aware of any way to address demolition through neglect.

Herterich said no.

Granger asked how many similar houses were in Bloomington.

Herterich said he could only think of one.

Sturbaum thought there might be four or five around town.

Harvey noted the locations of similar homes.

Rollo asked where funds came from to repair another designated home the Council had recently considered.

Sturbaum said that property had qualified for funds from the Bloomington Urban Enterprise Association because it was being used for commercial purposes.

Sturbaum said it was a privilege to work with homeowners and the community to preserve historic properties for future generations.

Council Comment:

Granger said she was excited about the designation but concerned with the upkeep of the property in the future.

Sims said he sometimes worried about the ability of property owners to meet the standards the city expected, but that was not the case with the proposed designation. He said the property met the criteria for designation and he would support the legislation.

Piedmont-Smith thanked the petitioners for bringing the request forward and said she was in favor of the ordinance.

Chopra thanked staff for the information on Alice Nelson and thought the name for the property was appropriate. She supported the ordinance.

Volan provided additional information about Alice Nelson and the buildings she oversaw on campus.

Rollo thanked the petitioners for making the request and thought the property also provided green space connectivity.

The motion to adopt Ordinance 19-04 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 19-04
[7:46pm]

Volan moved and it was seconded that Resolution 19-02 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, and gave the committee do-pass recommendation of 9-0.

Resolution 19-02 To Extend the Bloomington Urban Enterprise Zone for an Additional Five Years

Volan moved and it was seconded that Resolution 19-02 be adopted.

Bryan Payne, Assistant Director of Small Business Development, explained that the city had lobbied for the ability to extend the duration of the zone. He said the resolution would extend the urban enterprise zone for another five years.

Volan asked who the city had lobbied.

Payne said the city worked with the law firm Krieg DeVault to work on legislative affairs with the State House.

Volan asked if the city had asked the state legislature to allow the extension of the zone for another five years.

Payne said that was correct.

Piedmont-Smith asked if Payne knew the amount of outstanding loans held by the Bloomington Urban Enterprise Association.

Payne said he could find out and pass that information on to the Council.

Rollo asked if the city could extend the zone again after five years passed.

Payne said there would not be any other opportunities for renewal for the Bloomington Enterprise Zone.

Sturbaum asked if it was possible to lobby the state house again in five years.

Payne said he anticipated there would be some discussion that took place.

Sturbaum said the enterprise zone was a good mechanism to keep tax dollars in the local community to do local projects, like the Trojan Horse renovation.

Council Questions:

Council Comment:

The motion to adopt Resolution 19-02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 19-02
[7:53pm]

LEGISLATION FOR FIRST
READING

Volan moved and it was seconded that Resolution 19-01 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Resolution 19-01 To Adopt the City's Transportation Plan as an Amendment to the City's Comprehensive Plan

Volan moved and it was seconded that the Council adopt a Notice and Schedule for the Common Council Review of Resolution 19-01.

Motion to adopt a notice and schedule for the review of Resolution 19-01

Sherman provided additional detail about the process of reviewing the Transportation Plan.

The motion to adopt the Notice and Schedule for the Common Council Review of Resolution 19-01 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote on motion to adopt a notice and schedule for the review of Resolution 19-01

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Sherman reviewed the upcoming council schedule.

COUNCIL SCHEDULE [8:00pm]

The meeting was adjourned at 8:02pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2019.

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

