City of Bloomington
Common Council

Legislative Packet

Wednesday, 28 June 2017

Regular Session

For legislation and material regarding
Ordinance 17-25, please consult the
14 June 2017 Legislative Packet.

For legislation and material regarding
Ordinance 17-32, Ordinance 17-28,
and Ordinance 17-29, please consult the
21 June 2017 Legislative Packet.

All other legislation and material contained herein.

Office of the Common Council
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Bloomington, Indiana 47402
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NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
6:30 P.M., WEDNESDAY, JUNE 28, 2017
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES November 14, 2001 (Regular Session)
June 14, 2017 (Regular Session)
June 21, 2017 (Special Session)

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

1. **Councilmembers**
2. **The Mayor and City Offices**
3. **Council Committees**
4. **Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 17-32 – To Authorize Disposition of a Portion of the Switchyard Park Property (1901 South Rogers Street)

Committee Recommendation	Do Pass	8 - 0 - 0

2. Ordinance 17-25 -- To Amend the Zoning Maps from Single Family Residential (RS) to Industrial General (IG) - Re: 1.5 Acres Located at 1920 West Fountain Drive (Shelby Bloomington, LLC)

Committee Recommendation	Do Pass	5 - 1 - 2

3. Ordinance 17-28 -- To Amend Chapter 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Adding Section 20.05.0332 ("CU-13 [Conditional Use – Pocket Neighborhoods]") and Amending the Following Sections: 20.02.070 ("Residential Core [RC] – Conditional Uses"), 20.02.110 ("Residential Single-family [RS] – Conditional Uses"), and 20.11.020 ("Defined Words")

Committee Recommendation	Do Pass	8 - 0 - 0
Am 01	Do Pass	6 - 1 - 1

4. Ordinance 17-29 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Adding Section 20.05.110 ("Accessory Dwelling Units") and Amending Section 20.11.020 ("Defined Words")

Committee Recommendation	Do Pass	1 - 2 - 5
Am 01	Do Pass	5 - 2 - 1

VII. LEGISLATION FOR FIRST READING

None

VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

**Members of the public may speak on matters of community concern not listed on the agenda at one of the two Reports from the Public opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.*

***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 & Distributed: June 23, 2017

City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 26 June-01 July 2017

Monday, 26 June

12:00 pm Board of Public Works – Work Session, McCloskey
4:00 pm Council for Community Accessibility, McCloskey
5:00 pm Utilities Service Board, 600 E. Miller Dr., Board Room
5:30 pm Bloomington Human Rights Commission, McCloskey
5:30 pm Plan Commission – Special Meeting, Chambers

Tuesday, 27 June

12:00 pm Affordable Living Committee – Housing and Transportation Subcommittee, Hooker Conference Room
4:00 pm Bloomington Community Farmers' Market, Madison St. between 6th and 7th St.
5:30 pm Board of Public Works, Chambers
5:30 pm Parking Commission, Hooker Conference Room

Wednesday, 28 June

2:00 pm Hearing Officer, Kelly
4:30 pm Dr. Martin Luther King Jr. Birthday Commission, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission – Work Session, Hooker Conference Room
6:30 pm Common Council – Regular Session, Chambers

Thursday, 29 June

9:00 am Affordable Living Committee – Food and Healthcare Subcommittee, Volunteers in Medicine - 811 W. 2nd St.
12:00 pm Affordable Living Committee – Food and Healthcare Subcommittee, Dunlap

Friday, 30 June

No meetings scheduled for today.

Saturday, 01 July

8:00 am Bloomington Community Farmers' Market, 401 N. Morton St.

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please contact the applicable board or commission or call (812) 349-3400.

Posted and Distributed: Friday, 23 June 2017

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City of Bloomington
Office of the Common Council

NOTICE

THE HOUSING AND TRANSPORTATION SUBCOMMITTEE OF THE CITY COUNCIL'S AFFORDABLE LIVING COMMITTEE WILL MEET ON

TUESDAY, 27 JUNE 2017, 12:00pm
HOOKER CONFERENCE ROOM

Pursuant to 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.

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: Tuesday, 20 June 2017, 10:30 am

City of Bloomington
Office of the Common Council

NOTICE

THE FOOD AND HEALTHCARE SUBCOMMITTEE OF THE CITY COUNCIL'S AFFORDABLE LIVING COMMITTEE WILL MEET ON

THURSDAY, 29 JUNE 2017, 9:00am
VOLUNTEERS IN MEDICINE, 811 W. 2ND ST.

Pursuant to 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.

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: Wednesday, 21 June 2017, 11:15 am

City of Bloomington
Office of the Common Council

NOTICE

THE FOOD AND HEALTHCARE SUBCOMMITTEE OF THE CITY COUNCIL'S AFFORDABLE LIVING COMMITTEE WILL MEET ON

THURSDAY, 29 JUNE 2017, 12:00pm
DUNLAP CONFERENCE ROOM

Pursuant to 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.

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: Tuesday, 20 June 2017, 11:15 am

THE MONROE COUNTY LOCAL INCOME TAX COUNCIL (TAX COUNCIL)

NOTICE

THE

PUBLIC SAFETY LOCAL INCOME TAX COMMITTEE (PS LIT COMMITTEE)

WILL MEET AS FOLLOWS:

TUESDAY, JULY 25, 2017 - 7:30 PM

THURSDAY, JULY 27, 2017 - 5:30 PM

THURSDAY, AUGUST 10, 2017 - 7:00 PM

IN THE NAT. U HILL MEETING ROOM, MONROE COUNTY COURTHOUSE, 100 WEST KIRKWOOD BLOOMINGTON, IN

THE TAX COUNCIL SERVES AS THE "ADOPTING BODY" IN REGARD TO CERTAIN LOCAL INCOME TAX RATES PER IC 6-3.6 ET AL. IT IS COMPRISED OF FOUR MEMBERS - THE: BLOOMINGTON COMMON COUNCIL, ELLETTSVILLE TOWN COUNCIL, MONROE COUNTY COUNCIL, AND STINESVILLE TOWN COUNCIL. REPRESENTATIVES OF THE MEMBERS SIT ON THE PS LIT COMMITTEE, WHICH WILL MEET AS INDICATED ABOVE TO REVIEW APPLICATIONS FOR FUNDING UNDER IC 6-3.6-6-8(c) AND MAKE RELATED RECOMMENDATIONS, IF ANY, TO THE TAX COUNCIL.

PURSUANT TO INDIANA OPEN DOOR LAW (I.C. 5-14-1.5), THIS PROVIDES NOTICE THAT THIS MEETING WILL OCCUR AND IS OPEN FOR THE PUBLIC TO ATTEND, OBSERVE, AND RECORD WHAT TRANSPIRES.

Member	Address	Phone / Email
Bloomington Common Council	401 N. Morton St. (Room 110) P.O. Box 100 Bloomington, IN 47402	812-349-3409 / council@bloomington.in.gov
Ellettsville Town Council	1150 W. Guy McCown Drive P.O. Box 8 Ellettsville, IN 47429	812-876-3860 / clerktreasurer@ellettsville.in.us
Monroe County Council	100 W. Kirkwood Ave (Room 306) Bloomington IN 47404 -5140	812-349-7312 / mflory@co.monroe.in.us
Stinesville Town Council	P.O. Box 66 Stinesville, IN 47464	812-876-8303 / stinesville@bluemarble.net

Posted: Wednesday, June 21, 2017

***** Amendment Form *****

Ordinance #17-28

Amendment #01

Submitted By: Councilmember Piedmont-Smith

Date: 21 June 2017

Proposed Amendment:

1. Section 3, provision 20.05.0332(b)(2) entitled, "Central Open Space," shall be amended by revising the last sentence by replacing the word "part" with "up to fifty percent," such that 20.05.0332(b)(2) shall read as follows:

> (2) Central Open Space. All pocket neighborhoods shall include at least one centrally located open space area of at least four hundred (400) square feet per dwelling unit. Parking areas cannot be counted toward open space requirements. Community buildings or clubhouses can be substituted for up to fifty percent of the open space requirement.

Synopsis

This amendment provides greater precision to the provision allowing community buildings or clubhouses to be substituted for the pocket neighborhood open space requirement. Instead of stipulating that such buildings can be substituted for *part* of the open space requirement, this amendment specifies that such buildings can be substituted for *up to fifty percent* of the open space requirement.

06/21/17 Committee Action: Do Pass: 6 – 1 (Rollo) – 1 (Mayer) [Chopra – absent]
06/28/17 Regular Session Action:

(21 June 2017)

***** Amendment Form *****

Ordinance #17-29

Amendment #01

Submitted By: Councilmembers Piedmont-Smith and Sturbaum

Date: 21 June 2017

Proposed Amendment:

1. <u>The penultimate "Whereas" clause shall be deleted and replaced with the following:</u>

WHEREAS, the Council requests that the Planning and Transporation Department report back to the Council after 30 conditional use approvals for ADUs have been granted, so that Council, in collaboration with the Administration, can assess how ADUs are impacting neighborhoods and determine any unintended consequences.

2. <u>A new Section 1 of Ord 17-29 shall be added and shall read as follows</u>:

Section 20.02.030, entitled "Residential Estate (RE); Conditional Uses," shall be amended by adding the term "Accessory Dwelling Units *."

3. <u>A new Section 2 of Ord 17-29 shall be added and shall read as follows</u>:

Section 20.02.070, entitled "Residential Core (RC); Conditional Uses," shall be amended by adding the term "Accessory Dwelling Units *."

4. <u>A new Section 3 of Ord 17-29 shall be added and shall read as follows</u>:

Section 20.02.110, entitled "Residential Single-family (RS); Conditional Uses," shall be amended by adding the term "Accessory Dwelling Units*."

5. <u>The exisiting Section 1 of Ord 17-29 shall be deleted in its entirety and replaced with a new Section, entitled Section 4, which shall read as follows</u>:

A new section, Section 20.05.0333, entitled "CU-14 (Conditional Use - Accessory Dwelling Units)," shall be created, added to the Table of Contents, and shall read as follows:

20.05.0333 CU-14 (Conditional Use – Acessory Dwelling Units)

Purpose: This Accessory Dwelling Unit ("ADU") section is adopted to permit the creation of legal ADUs that are compatible with residential neighborhoods while also adding housing options for the City's workforce, seniors, families with changing needs, and others for whom

ADUs present an affordable housing option.

This conditional use section applies to the following zoning districts:

RC RE RS

(a) Applicability: This section applies to the construction, remodeling and continuing use of an ADU as part of a single family dwelling use.
(b) Maximum Number: Not more than one (1) ADU may be located on one (1) property.
(c) Existing Planned Unit Developments: For any Planned Unit Development that permits detached single family dwellings, and which was approved before the effective date of this section, ADUs shall be considered a conditional use subject to the requirements of this section.
(d) Minimum Lot Size: ADUs shall not be established on a lot that is less than the minimum lot size of the zoning district.
(e) Proximity: The Board of Zoning Appeals or Hearing Officer shall review the proximity of a proposed ADU to other existing ADUs to ensure that there is not an undue concentration of ADUs leading to adverse impacts on a block or neighborhood.
(f) Site Plan: A single family dwelling unit that includes an ADU shall be treated as a single-family dwelling unit for purposes of site plan review.
(g) Utilities: All ADUs must be connected to the public water main and sanitary sewer, when adjacent to property, per City of Bloomington Utilities' Rules & Regulations or Construction Specifications. Where water or sanitary sewer mains are not adjacent to property and the primary dwelling on the lot utilizes a septic system, the ADU may utilize the septic system per Monroe County Health Department Standards.
(h) Design Standards:
  (1) Detached ADU: Detached ADUs shall meet the architectural and foundation requirements for a single family dwelling within the applicable zoning district as found in 20.05.016.
  (2) Maximum square footage of habitable space:
    (A) Attached ADU: Six hundred (600) square feet or no more than 35% of structure, whichever is less;
    (B) Detached ADU: Four hundred forty (440) square feet.
  (3) Maximum bedrooms: In no case shall an ADU include more than 2 rooms that may be used as bedrooms.
  (4) Minimum Setbacks:
    (A) Attached ADUs: Per requirements for the primary structures of Chapter 20.02: Zoning Districts.
    (B) Detached ADUs: Per requirements for the accessory structures of Chapter 20.02: Zoning Districts except that the front setback can be as close to the street as the primary dwelling unit.
  (5) Maximum Height:
    (A) Attached ADUs: Per requirements for the primary structures of Chapter 20.02: Zoning Districts.
    (B) Detached ADUs: Twenty-five (25) feet

(6) If located within an historic district, any exterior changes or new construction must be in compliance with the district's guidelines and any required Certificate of Appropriateness must be obtained pursuant to Section 8.08.020, prior to review by the Board of Zoning Appeals or Hearing Officer.

(i) Occupancy: ADUs shall only be permitted on a property where either the primary dwelling unit or the ADU is owner occupied. For the purposes of this section, the owner is defined as the individual, family, or group who holds the property tax homestead deduction for the property in accordance with Indiana state law. Any primary dwelling or ADU used as a rental unit shall register with the Department of Housing & Neighborhood Development (HAND) and receive appropriate certification prior to occupancy.

(j) Enforcement: Violations of the terms of this section shall result in revocation of the conditional use approval for the ADU as well as fines per Section 20.10.040.

(k) Commitments: Before obtaining a conditional use approval for an ADU, an applicant shall record a commitment, consistent with the standards of Section 20.09.110, stating the following:

(1) The ADU shall not be sold separately from the primary unit.

(2) The conditional use approval shall be in effect only so long as the primary dwelling unit, or the ADU, is occupied by the owner(s) of record as their primary residence. If at any time the conditional use approval is revoked or is no longer in effect, the ADU must be removed from the property. This can include, but is not limited to removal of any second kitchen on the lot, including all kitchen appliances and cabinets

6. <u>All subsequent sections of Ord 17-29 shall be re-numbered.</u>

Synopsis

This amendment shifts the allowance for Accessory Dwelling Units (ADUs) in Ord 17-29 from a by-right allowance capped at 30 ADUs, where approval is granted by staff to a conditional use without a cap, where approval is granted by the Board of Zoning Appeals or the Hearing Officer. With this shift to a conditional use, the amendment also deletes the requirement that ADUs be sited at least 300 feet from each other and replaces it with a more context-sensitive directive that decisionmakers take into consideration the proximity of any proposed ADU to existing ADUs in an effort to avoid undue concentration of ADUs, leading to adverse impacts on blocks and neighborhoods. The amendment adds a "Whereas" clause requesting the Planning and Transportation Department to provide a report to the Council on the implementation of this new allowance for ADUs after 30 ADUs have been granted conditional use approvals. The amendment also makes minor changes in wording to the "Purpose" of the new provision.

06/21/17 Committee Action: Do Pass: 5 – 1 (Ruff) – 2 (Rollo; Volan)
06/28/17 Regular Session Action:

(21 June 2017)

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copies of the minutes for the November 14, 2001 meetings of the Bloomington City Council are full, true and complete copies of drafts of the minutes of those meetings and which are kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I hereunto set my signature as Clerk of the City of Bloomington on the date set forth below, 2017.

_____
Nicole Bolden
Clerk
City of Bloomington, Indiana

Date:_____

In the Council Chambers of the Showers City Hall on Wednesday, November 14, 2001 at 7:30 pm with Council President Cole presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
November 14, 2001

Roll Call: Banach, Ruff (arrived at 8:23 p.m.), Cole, Diekhoff, Mayer, Pizzo, Willsey (left at 10:40 p.m.), Sabbagh, Gaal

ROLL CALL

Council President Cole gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Jeffrey Willsey asked that a Disclosure of Conflict of Interest form be accepted for Resolution 10-26.

MESSAGES FROM COUNCILMEMBERS

Jeffrey Willsey asked that a Disclosure of Conflict of Interest form be accepted for Resolution 10-25.

It was moved and seconded that Ben Piper be appointed to the Board of Housing Quality Appeals. The appointment was approved by a voice vote. It was moved and seconded that Jack Hopkins be appointed to the Bloomington Human Rights Commission. The appointment was approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 01-26 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Do-Pass Recommendation of 9-0. It was moved and seconded that Resolution 01-26 be adopted.

LEGISLATION FOR SECOND READING

Resolution 01-26 A Resolution Supporting the Renewal and Modification of the Bloomington Urban Enterprise Zone

Resolution 01-26 received a roll call vote of Ayes: 7, Nays: 0. (Ruff had not yet arrived, Willsey abstained from voting per his Conflict of Interest Disclosure.)

It was moved and seconded that Resolution 01-27 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Do-Pass Recommendation of 9-0. It was moved and seconded that Resolution 01-27 be adopted.

Resolution 01-27 To Approve Modification of the Quitclaim Deed to Wonderlab and Consent to Placement of a Mortgage upon the Real Estate in Order to Secure Construction Funding

Amendment #1 to Resolution 01-27

It was moved and seconded to adopt Amendment #1 to Resolution 01-27.

Amendment #1 to Resolution 01-27 received a roll call vote of Ayes: 9, Nays: 0.

Revises the resolution to more precisely describe and authorize WonderLab's proposed transaction whereby 4th Street Realty will take a ground lease in order to build and lease back the WonderLab Facility. The Resolution as amended gives the required consent to the ground lease and to the attachment of the construction loan mortgage to the real estate but only on condition that City's payment obligation in the event of reversion will be limited to the fair market value of the improvements. Establishes a 90 day period in which the City must decide whether to exercise its reversionary rights, extend the date by which the Deed requires the WonderLab Facility to commence operation, and waives the current Deed provision requiring 60 days written notice prior to groundbreaking.

Resolution 01-27 as amended received a roll call vote of Ayes: 9, Nays: 0.

Resolution 01-27 as amended

It was moved and seconded that Ordinance 01-36 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Do-Pass Recommendation of 9-0. It was moved and seconded that Ordinance 01-36 be adopted.

Ordinance 01-36 To Amend Ordinance 00-31 Which Fixed the Salaries of Appointed Officers and Employees of the City of Bloomington for the Year 2001 (Three Positions in the Parks and Recreation Department)

Ordinance 01-36 received a roll call vote of Ayes: 9, Nays: 0.

for approval

It was moved and seconded that Ordinance 01-37 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Do-Pass Recommendation of 9-0. It was moved and seconded that Ordinance 01-37 be adopted.

Ordinance 01-37 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 01-37 To Amend Ordinance 01-28 Which Fixed the Salaries of Appointed Officers and Employees of the City of Bloomington for the Year 2002 (Three Positions in the Parks and Recreation Department)

It was moved and seconded that Ordinance 01-38 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Do-Pass Recommendation of 8-0-1. It was moved and seconded that Ordinance 01-38 be adopted.

Ordinance 01-38 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 01-38 To Amend Ordinance 00-32 Which Fixed the Salaries of Appointed Officers and Employees of the City of Bloomington Utilities Department for the Year 2001
(Two Positions Related to Customer Service and Payroll Administration)

It was moved and seconded that Ordinance 01-39 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Do-Pass Recommendation of 8-0-1. It was moved and seconded that Ordinance 01-39 be adopted.

Ordinance 01-39 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 01-39 To Amend Ordinance 01-29 Which Fixed the Salaries of Appointed Officers and Employees of the City of Bloomington Utilities Department for the Year 2002 (Two Positions Related to Customer Service and Payroll Administration)

It was moved and seconded that Appropriation Ordinance 01-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Do-Pass Recommendation of 9-0. It was moved and seconded that Appropriation Ordinance 01-09 be adopted.

Appropriation Ordinance 01-09 received a roll call vote of Ayes: 9, Nays: 0.

Appropriation Ordinance 01-09 To Specially Appropriate from the General Fund, Parks General Fund, Sanitation Fund, Fleet Maintenance Fund, Truck Route Bond Fund, and Redevelopment Bond Fund of 1980 Expenditures Not Otherwise Appropriated (Appropriating Conference Revenue to the General Fund, Appropriating a Transfer from the General Fund, Appropriating Reimbursements to the Parks General Fund, Approving Transfers within the General Fund, Sanitation Fund and the Fleet Maintenance Fund, and Appropriating Transfers from Two Dormant Funds to the General Fund)

It was moved and seconded that Ordinance 01-20 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis saying that final action was due on this item after it had been introduced on August 1, 2001 and a public hearing was held on October 3, 2001. It was moved and seconded that Ordinance 01-20 be adopted.
It was moved and seconded that a letter written by Janet Tapp be included in these records.
The inclusion of a letter written for the record by Janet Tapp was approved by a voice vote. *That letter is an addendum to this document*.

Ordinance 01-20 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 01-20 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Arlington Place/Cascades Heights Area)

It was moved and seconded that Ordinance 01-21 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis saying that final action was due on this item after it had been introduced on August 1, 2001 and a public hearing was held on October 3, 2001. It was moved and seconded that Ordinance 01-21 be adopted.

Ordinance 01-21 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 01-21 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Grandview Backyards Area)

It was moved and seconded that Ordinance 01-22 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis announcing that this was the legally advertised public hearing on this annexation. It was moved and seconded that Ordinance 01-22 be forwarded to the December 19, 2001 Regular Session meeting for final action.

The motion to forward Ordinance 01-22 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 01-22 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Broadview Phase III/Southern Pines Area)

for approval

It was moved and seconded that Ordinance 01-23 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis announcing that this was the legally advertised public hearing on this annexation. It was moved and seconded that Ordinance 01-23 be forwarded to the December 19, 2001 Regular Session meeting for final action.

Ordinance 01-23 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Fullerton/Tapp Development Area)

The motion to forward Ordinance 01-23 received a roll call vote of Ayes: 7, Nays: 0, Pass: 2 (Ruff, Cole).

It was moved and seconded that Ordinance 01-24 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis announcing that this was the legally advertised public hearing on this annexation. It was moved and seconded that Ordinance 01-24 be forwarded to the December 19, 2001 Regular Session meeting for final action.

Ordinance 01-24 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (The Arbors Area)

The motion to forward Ordinance 01-24 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 01-25 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis announcing that this was the legally advertised public hearing on this annexation. It was moved and seconded that Ordinance 01-25 be forwarded to the December 19, 2001 Regular Session meeting for final action.

Ordinance 01-25 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Silver Creek Area)

The motion to forward Ordinance 01-25 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 01-32 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis announcing that this was the legally advertised public hearing on this annexation. It was moved and seconded that Ordinance 01-32 be forwarded to the December 19, 2001 Regular Session meeting for final action.

Ordinance 01-32 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Woolery Farm – Parcel A)

The motion to forward Ordinance 01-32 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 01-40 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Do-Pass Recommendation of 6-0-3. It was moved and seconded that Ordinance 01-40 be adopted.

Ordinance 01-40 To Amend Ordinance 79-74 To Authorize Expenditures from the Special Non-Reverting Improvement Fund (Authorizing Expenditures to Pursue Grants, Obtain Legal Services, and Acquire and Improve Land Related to Certain Projects)

Ordinance 01-40 received a roll call vote of Ayes: 7, Nays: 1 (Sabbagh). (Willsey abstained from discussion and voting as per his conflict of interest disclosure.

It was moved and seconded that Resolution 01-25 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Do-Pass Recommendation of 3-0-6. It was moved and seconded that Resolution 01-25 be adopted.

Resolution 01-25 To Authorize Use of the Special Non-Reverting Improvement Fund
(To Pursue Grants and Obtain Legal Services Related to the Relocation and Greenways Development of the McDoel Switchyard)

Resolution 01-25 received a roll call vote of Ayes: 8, Nays: 0. (Willsey abstained from discussion and voting as per his conflict of interest disclosure.

It was moved and seconded that Resolution 01-29 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis saying that there was no committee recommendation on this item. It was moved and seconded that Resolution 01-29 be adopted.

Resolution 01-29 To Approve the Use Of Revenues from Municipal Building Vending Machines for City Employee Functions

Resolution 01-29 received a roll call vote of Ayes: 8, Nays: 0. (Willsey had left the meeting before this vote was taken.)

It was moved and seconded to suspend the rules in order for the following legislation to be read by title only. The suspension of the rules was approved by a voice vote.

LEGISLATION FOR FIRST READING

It was moved and seconded that the following legislation be introduced and read by title only. Clerk Moore read the legislation by title only.

for approval

Appropriation Ordinance 01-10 To Specially Appropriate from the Parks General Fund Expenditures Not Otherwise Appropriated (To Repay the City of Bloomington Utilities for Stormwater Culvert Replacement at Peoples Park) — Appropriation Ordinance 01-10

Ordinance 01-41 To Amend Title 9 of the Bloomington Municipal Code Entitled "Water" (Adjustment of Rates and Charges) — Ordinance 01-41

Ordinance 01-42 An Ordinance of the City of Bloomington Authorizing the Issuance of Waterworks Revenue Bonds for the Purpose of Providing Funds to Pay the Cost of Certain Additions, Extensions and Improvements to the Municipal Waterworks of Said City, Providing for the Safeguarding of the Interests of the Owners of Said Bonds, Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, and Repealing Ordinances Inconsistent Herewith — Ordinance 01-42

Ordinance 01-43 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” (Amending Chapter 2.21 "Department of Law" to Codify Anti-Discrimination Policy in Regard to the Provision and Implementation of City Programs and Services) — Ordinance 01-43

PUBLIC INPUT

The meeting was adjourned at 1:25 a.m. on November 15, 2001 — ADJOURNMENT

APPROVE: ATTEST:

Christopher Gaal, President
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

for approval

October 12, 2001

Patricia Cole
828 W. 7th Street
Bloomington, IN 47404

Dear Ms. Cole:

As property owners on North Monroe Street, several members of our neighborhood, including myself, attended your October 3, 2001 meeting concerning the proposed annexation of our property. Though our initial reaction to the proposed annexation was unfavorable, we were anxious to learn more concerning the reasons for annexation, and the benefits, if any, that might accrue. After listening to Judy Clark's presentation to the Council, and after subsequent private discussions with her, we are now strongly opposed to the annexation, and are concerned that an incomplete presentation of critical underlying factual data may inappropriately influence the Council.

In the private discussions with Ms. Clark, she indicated a primary motivation for the annexation is to create a clearly defined boundary line along 20th street, in order to ease the task of determining jurisdictional responsibility, between the City and County for the provision of Police and Fire protection. To achieve her objective, she needed to reach a small residential parcel. Though she admits, the annexation of my 4 acres which are zoned "Business Park" is not a purposeful part of the annexation, it was included only so that the contiguous line of properties could reach the targeted property. Further, she remarked that the adjacent properties to my 4 acres on Monroe are not part of the annexation plan because they are zoned "Business Park". At the risk of pointing out the obvious, the proposed plan discriminately treats my "Business Park" property as fair game in the annexation plan, while leaving similar adjacent parcels within the County jurisdiction. As a result of this unfair discrimination, my property will be taxed at considerably higher rates than the adjacent parcels, which is a major point of my opposition. Further, and somewhat ironically, in the effort to clearly delineate a jurisdictional boundary along 20th street, Ms. Clark's proposal has now created the similarly confusion along Monroe Street properties.

Of additional concern to members of my neighborhood, is the biased nature of the slides and material presented to the Council. As part of the annexation discussion, Ms. Clark displayed slides of properties along 20th Street, which were in various states of disrepair. Her accompanying comments referenced a desire of the city to provide financial assistance to these property owners to improve the neighborhood area. Please be advised that these properties constitute only a small portion of the property included in the annexation proposal. In contrast, the remaining properties along the Monroe Street corridor are well maintained, and in Ms. Clarks own words are "beautiful homes" with "nicely landscaped yards". Considering the drastic increase in property taxes that will be assessed against our properties, and the city's expressed desire to provide financial assistance to these nearby property owners, it again appears obvious that we are being

targeted to provide the resources to fund improvements to other nearby property owners. Again, the injustice appears obvious. With regards specifically to two of my neighbors on Monroe Street, one receives only disability income and the other couple is very elderly with many medical bills, and have expressed to me that the tax increase will prove to be a financial hardship.

In light of these underlying facts, I request the following action of the Council on behalf of residents in this area:

1. We request postponement of the annexation proposal for the properties along Monroe Street. Most of the property owners in this area have occupied our homes for more than 40 years. Accordingly, it is likely that many of the properties will be sold, or passed through estates in the near future. A postponement of the current long-time property owners is particularly significant to these households, and at the same time produces only a minor inconvenience to the city as a result of the delay.

2. To maintain a clearly delineated jurisdictional line along Monroe Street (a desired objective of Ms. Clarks proposal), and to promote equity and fairness between adjacent property owners, I request that the properties at 1912, 1918 and 1920 N. Monroe, which are zoned "Business Park" be excluded from any future annexation proposals until all similarly zoned adjacent properties are included.

3. I respectfully request that this correspondence be read into the record of any upcoming meetings which consider the pending annexation proposal.

I appreciate your favorable consideration of this letter as you deliberate the annexation proposal under consideration. If there is additional information or assistance that I can provide, please contact me.

Sincerely,

Janet L. Tapp
1918 N. Monroe Street
Bloomington, IN 47404-2142
(812) 339-9105
jtapp@indiana.edu

cc: Council Members

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 14, 2017 at 6:30pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 14, 2017

Roll Call: Sturbaum (arrived 6:33pm), Ruff, Chopra, Granger, Sandberg, Mayer, Piedmont-Smith (arrived 6:32 pm) Volan (arrived 6:33 pm)
Members Absent: Rollo

ROLL CALL
[6:30pm]

Council President Susan Sandberg gave a summary of the agenda.

AGENDA SUMMATION
[6:31pm]

Councilmember Tim Mayer moved and it was seconded to approve the minutes of May 17, 2017 and May 31, 2017. The motion was approved by voice vote.

APPROVAL OF MINUTES
May 17, 2017 (Regular Session)
May 31, 2017 (Regular Session)
[6:34pm]

REPORTS

- COUNCIL MEMBERS [6:35pm]

Councilmember Isabel Piedmont-Smith commented on the increased police presence in Peoples Park and on Kirkwood Avenue. She said she had heard concerns about whether the increased presence was an effective way to deal with the issues some people were experiencing in those areas. She noted that the taskforce studying the issue was scheduled to present its report the next day. She suggested that policing might be part of a bigger strategy. She said the heightened police presence was only addressing symptoms, not the underlying problems. She said that social service agencies should receive support and that people experiencing homelessness or addiction needed help, not to be arrested.

Councilmember Allison Chopra reported on progress on the East Morningside Drive sidewalk project, which was near completion.

- The MAYOR AND CITY OFFICES [6:38pm]

Annual Tax Abatement Report

Alex Crowley, Director, Economic & Sustainable Development (ESD), presented the 2016 Annual Tax Abatement Report. He first provided background on the statutory authority that authorized municipalities to abate certain taxes. He explained that the existing law allowed for abatements ranging from one year to 10 years. He explained other details on how abatements were applied and the reason a city might use abatements as incentives. He detailed the process of a tax abatement. He explained that ESD monitored the tax abatement projects. ESD collected state-mandated forms to ensure compliance with any conditions on the abatements. He presented a number of slides that detailed the economic impacts of the city's abatements. The slides compared proposed new investment with actual new investment, detailed jobs and salaries created, and compared original assessed values and current assessed values of the properties in question. He noted there were only four ongoing abatements. He presented details of each abatement and provided an update on the status of each project. He recommended that the Council find each project to be in substantial compliance with the conditions of the abatements. He then detailed a number of projects in progress, providing various details for each project. He asked if the Council had any questions.

Council Questions:

Councilmember Dorothy Granger asked about the progress of The Foundry project.

Chopra relayed an update she received from the realtor, noting the project was ongoing, on schedule, and for sale.

For Approval

Annual Tax Abatement Report (*cont'd*)

Piedmont-Smith asked what was located at the B & L Rentals site before that project was constructed. She asked if Crowley had before and after numbers for the assessed value of the property.

Crowley said he did not know what had been at that site before and said he could follow up and provide the AV information.

Piedmont-Smith verified that there had been three tax abatements for Cook Pharmica.

Crowley confirmed that was the case.

Councilmember Andy Ruff asked if there was a reason for the discrepancy between the projected salaries created and the actual salaries created, wondering if the proposals were just extremely conservative.

Crowley said that discrepancy was largely a function of the Cook Pharmica abatement. He said it was also difficult to separate out metrics from an aggregate report when the submission of a request or proposal was targeted at a specific incentive. He said it may just be a function of the difficulty in separating out various measurements.

Motion to approve the Annual Tax Abatement Report [6:59pm]

Mayer moved and it was seconded to approve the Annual Tax Abatement Report. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Sturbaum out of room).

Granger explained she was employed by Shalom Community Center, and, as such, had recused herself from discussing Jack Hopkins Social Service funding as it related to that organization. She also explained she would be recusing herself from voting on that funding later in the meeting.

Motion to accept disclosure of conflict of interest form from Councilmember Granger [7:02pm]

Mayer moved and it was seconded to accept the disclosure of conflict of interest form from Granger. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Sturbaum out of room).

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Appropriation Ordinance 17-02 - To Specially Appropriate from the General Fund, Parks General Fund, Motor Vehicle Highway Fund, Parking Facilities Fund, Parking Meter 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 2016 for Unmet Needs in 2017)

Mayer moved and it was seconded that Appropriation Ordinance 17-02 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Stephen Lucas read the legislation by title and synopsis, giving the committee Do Pass recommendation of 7-0-1.

Mayer moved and it was seconded that Appropriation Ordinance 17-02 be adopted.

Jeffrey Underwood, Controller, explained the purpose of the ordinance, which was a request to appropriate a portion of the amounts reverted from various departments. He highlighted some of the noteworthy requests from each department. He noted the amount of funds requested in each fund category. He said there could be an additional request later in the year for further spending from the reversions.

Council Questions:

Granger asked Underwood to explain why vehicles for parking enforcement were being purchased out of the parking meter fund when her reading of Bloomington Code did not authorize such capital expenditures out of the fund.

Underwood said that, after consultation with the Legal Department, he believed the purchase was authorized by code.

Granger said she wanted to ensure the fund was only used for authorized purchases.

For Approval

Appropriation Ordinance 17-02 (*cont'd*)

Underwood assured Granger that he was a strict steward of the fund and looked at all expenditures out of the fund to make sure those expenditures were qualified.

Piedmont-Smith asked if the $40,000 category three expenditure was related to the parking study that had been proposed.

Underwood confirmed it was. He said the other $40,000 for that study was coming from the parking facilities fund.

Piedmont-Smith asked about funds for the Unified Development Ordinance work. She asked whether that money was for amendments to the current ordinance or whether it was for work to take place after the new Comprehensive Plan was passed.

Underwood explained that the expenditure would allow staff to begin working on UDO amendments as the Comprehensive Plan approval process moved forward.

Piedmont-Smith asked whether that was to occur out of the Mayor's Office budget or the Planning and Transportation Department budget.

Underwood said it was to be taken from the Planning and Transportation budget.

Councilmember Steve Volan asked if the $80,000 for the parking study was just for the study called for by the Parking Commission or if those funds encompassed more than that.

Underwood said the administration wanted to ensure there were sufficient funds for the study, as they had not yet developed the scope of services yet.

Volan and Underwood had discussion clarifying the timeline for amendments to the UDO and work on the Comprehensive Plan.

Volan asked when the second reversion ordinance would be proposed.

Underwood estimated August at the earliest.

Public Comment:

Jim Blickensdorf, Chair of the Parking Commission, spoke about recent efforts of the Commission and about concerns related to the appropriation proposed for parking vehicles.

Council Comment:

Volan said he was pleased to see the request for the parking study. He agreed with Blickensdorf that clarification might have been needed in Bloomington Code to address concerns raised by Granger about expenditures from the parking meter fund. However, he supported the proposed appropriation ordinance.

Granger said she was still concerned about the appropriation for the parking vehicles but would be supporting the proposal.

Piedmont-Smith said it was nice to have reversions that the city could use to fill some needs. She was glad to see money for the UDO revisions, but wanted to be sure those revisions did not occur before the Comprehensive Plan was passed. She did appreciate the forward thinking of planning for those revisions, as they were the mechanism through which the City implemented the vision laid out in the Comprehensive Plan. She was also glad to see the allocation for the parking study.

Volan clarified what he thought Blickensdorf meant during his earlier comment.

Vote on Appropriation Ordinance 17-02 [7:22pm]

The motion to adopt Appropriation Ordinance 17-02 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

For Approval

Mayer moved and it was seconded that Resolution 17-27 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read the legislation by title and synopsis.

Resolution 17-27 – Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2017 and Other Related Matters

Mayer moved and it was seconded that Resolution 17-27 be adopted.

Mayer moved and it was seconded to divide the question as follows: "I move that the Council consider Resolution 17-27 in two parts. Part I will separate out Section 1 and Section 2 (q) and (r) for vote. Part II will consider Sections 2 (a)-(p) and (s)-(v), 3, and 4. This division will allow Councilmember Granger, an employee of the Shalom Community Center, to remove herself from consideration of any funding for Shalom while providing for her consideration of allocations for all other agencies recommended for funding and other related matters."

Motion to divide the question on Resolution 17-27

The motion to so divide the question on Resolution 17-27 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on motion to divide the question on Resolution 17-27 [7:25pm]

Volan moved and it was seconded to limit speakers on Resolution 17-27 to no more than two minutes per speaker and to limit the public comment period to no more than 40 minutes total.

Motion to limit speakers and to limit the public comment period on Resolution 17-27

The motion to so limit speakers and the public comment period received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Granger out of room).

Vote on motion to limit speakers and to limit the public comment period on Resolution 17-27 [7:27pm]

Mayer presented the resolution to the Council. He spoke about the process of the Jack Hopkins Social Services Funding Committee and about the history of the funding. He named the members of the committee and noted the committee had $295,000 to allocate. He explained that meetings of the committee were open to the public, and the committee had invited public comment before funding recommendations were made. He spoke about the process of disbursing the funds, and noted the Council would like to see a non-reverting fund established in the event that not all funds were allocated.

Granger read the allocation list for Part I of the resolution.

Piedmont-Smith commended the requests from the Shalom Community Center and LIFEDesigns.

Council comment:

Sandberg said the city was making a significant contribution to the Shalom Center to help that agency address issues of homelessness. She thought it was worth commending the housing-first model that the Shalom Center and LIFEDesigns collaboration put forward.

Mayer said the contribution to the Shalom Center for the Friends' Place initiative was a joint effort between the city and county, which helped keep that initiative alive.

The motion to adopt Part I of Resolution 17-27 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1.

Vote on Part I of Resolution 17-27 [7:36pm]

For Approval

Amendment 01 to Part II of Resolution 17-27

Granger moved and it was seconded to introduce and adopt Amendment 01. Granger explained the purpose of the amendment to Part II of the resolution, which was to correct an error in one of the amounts listed.

Vote on Amendment 01 to Part II of Resolution 17-27 [7:38pm]

The motion to adopt Amendment 01 to Part II of Resolution 17-27 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Granger read the allocation list for Part II of the resolution.

Public Comment:

Wanda Savala spoke in support of Planned Parenthood and All-Options Pregnancy Resource Center being allocated Jack Hopkins grant funding.

Mariquisha Matthews and Lauren Alexander spoke in support of All-Options Pregnancy Resource Center being allocated Jack Hopkins grant funding.

Laura Miller, Betsy Astrup, Lizzy Bartelt, Daniel Hassoun, Cassie Barnhill, Kelli Garvey, and Jack McGroo spoke in support of Planned Parenthood being allocated Jack Hopkins grant funding.

Rhonda Branham, Monica Siefker, Scott Tibbs, Jenna Fisher, Anna Baglione, Gianna Siefker, Carole Canfield, Brandon Cortés, Alexis Siefker, Maria Siefker, Brian Bailey, Dale Siefker, and Margaret Key spoke in opposition to Planned Parenthood being allocated any Jack Hopkins grant funding.

Carole Canfield spoke in opposition to Planned Parenthood or All-Options Pregnancy Resource Center being allocated any Jack Hopkins grant funding.

Council Questions:

Councilmember Chris Sturbaum asked for clarification as to how funding for Planned Parenthood and All-Options Pregnancy Resource Center would be used.

Sandberg explained that the money awarded to Planned Parenthood would be used to pay for LARCs, STD testing, and colposcopies. She explained that the money awarded to All-Options Pregnancy Resource Center would be used to pay for diapers and wipes for the Hoosier Diaper Bank.

Council Comments:

Granger explained she had been active with many social service agencies in the community. She said her understanding of those agencies made her a good member of the JHSSF committee. She said Planned Parenthood was a medical organization whose focus was on women and sexual healthcare, but who did provide abortions. But Granger noted that obtaining an abortion was a woman's legal right, and Planned Parenthood and All-Options provided safe abortions. She thought it was important to support children after birth as well, to ensure children had what they needed to become productive members of society. She was surprised by the opposition to All-Options and thought that organization provided good services. She said she would not recuse herself from voting simply because she had volunteered for an agency.

For Approval

Resolution 17-27 (*cont'd*)

Sandberg explained that recusal was required when a councilmember had a financial connection to an organization. It was not required simply because a councilmember had volunteered with an organization. She expressed her commitment to the well-being of children and spoke about her background in social services. She said she was surprised at the criticism the Council received for the wide-array of services it was trying to fund. She said she was proud to help provide support for the social service organizations included.

Sturbaum said he had changed a lot of diapers as a grandfather and was firmly in favor of helping provide people with diapers and wipes. He recognized that people had different viewpoints and encouraged people to lead by example. He thanked everyone for coming to speak about things they cared about.

Chopra said it was an honor to serve on the JHSSF committee. She complimented Mayer, as well as staff, for their work on the committee, and said the process was quite smooth.

Piedmont-Smith thanked Dan Sherman, Council Administrator/Attorney, and Stacy Jane Rhoads, Deputy Administrator/Deputy Attorney, for their work. She thanked Dan Niederman and Doris Sims, both in the City's Housing and Neighoborhood Development department, as well as fellow committee members Sue Sgambelluri and John West. She pointed out that the committee had not allocated all of the available funds, but said that money would be used for social service funding in the future. She admired the young people that had come to the meeting to speak.

Volan commented on parliamentary procedure and how it allowed people to have emotional debates without resorting to attacks on personalities. He said it allowed civil society to debate those controversial issues that mattered to everyone. He noted that even non-profit organizations made gross profits, but that did not mean something was wrong. He said that not all speakers at the meeting were city residents, which he noticed. He hoped that, through education, the need for abortions would decrease, but thought organizations like Planned Parenthood and All-Options did good work.

Mayer thanked Sherman, Rhoads, Sims, Niederman, and members of the JHSSF committee. He explained why there was some funding left over that did not get allocated and what would happen with that money.

Vote on Part II of Resolution 17-27 [8:46pm]

The motion to adopt Part II of Resolution 17-27 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

For Approval

Mayer moved and it was seconded that Resolution 17-26 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read the legislation by title and synopsis.

Resolution 17-26 – To Amend Resolution 16-12, Which Established an Economic Revitalization Area (ERA), by Extending the Expiration Date for this ERA by Another Five Years – Re: Property Located at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washing Street and Identified by the Monroe County Parcel ID Numbers 015-35020-00, 015-35010-00, 015-35030-00, 015-10000-00, 015-33130-00 (H.M. Mac Development, LLC, Petitioner)

Mayer moved and it was seconded that Resolution 17-26 be adopted.

Crowley explained that when the abatement in question was being discussed and considered by the petitioner and by the Council, the parties had agreed to extend the period of abatement to a ten-year period. However, the accompanying pieces of legislation had not been amended to reflect that change. Crowley said the proposed resolution would accomplish what the parties had intended.

The motion to adopt Resolution 17-26 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Resolution 17-26 [8:48pm]

Mayer moved and it was seconded that Ordinance 17-26 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read the legislation by title and synopsis.

Ordinance 17-26 – To Amend Ordinance 16-17, Which Established an Economic Development Target Area (EDTA), by Extending the Expiration Date an Additional Five Years – Re: Property Located at 405 S. Walnut Street; 114, 118, and 120 E. Smith Avenue; and 404 S. Washing Street and Identified by the Monroe County Parcel ID Numbers 015-35020-00, 015-35010-00, 015-35030-00, 015-10000-00, 015-33130-00 (H.M. Mac Development, LLC, Petitioner)

Mayer moved and it was seconded that Ordinance 17-26 be adopted.

Crowley explained the purpose of the ordinance.

The motion to adopt Ordinance 17-26 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote on Ordinance 17-26 [8:50pm]

Mayer moved and it was seconded that Resolution 17-29 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read the legislation by title and synopsis.

Resolution 17-29 – To Designate an Economic Revitalization Area, Approve the Statement of Benefits, and Authorize Periods of Abatement for Real Property Improvements – Re: Property Located at N. Kinser Pike 53-05-28-300-170.000-005 (015-38250) (Naples, LLC, Petitioner)

Mayer moved and it was seconded that Resolution 17-29 be adopted.

For Approval

Resolution 17-29(*cont'd*)

Crowley introduced himself once again, and thanked the Council and the petitioner for the work done so far on the project. He explained why the project helped advance some of the priorities of the administration. He said the resolution was merely a declaratory resolution and acknowledged there was still some work to be done. He said some issues were yet to be decided, including the number of work force units, the definition of work force housing, and the correct valuation for the abatement. He asked the Council to approve the resolution so that work to answer those questions could continue. He summarized the need for housing in the community, along with the benefits of additional housing units and, especially, work force housing units. He recalled some of the questions raised at the previous meeting and addressed them in turn. He spoke about the need for affordable housing and the importance of encouraging affordable housing whenever possible. He requested passage of the declaratory resolution so the proposal could be refined. He said he was available for questions.

Council Questions:

Volan clarified how many units would be work force housing units.

Crowley said the previous proposal included six work force housing units, but the petitioner was willing to increase that number to eight.

Volan asked where Crowley had obtained a statistic about how much city residents spent on housing.

Crowley said his department had two SPEA students focused solely on affordable housing, and in their research, they had examined the housing cost burden and other housing issues.

Volan asked if they were getting data from the American Community Survey (ACS), noting that Bloomington had a large number of students that might not report income, which could affect the statistics.

Crowley said they were using the ACS, but were also comparing Bloomington to other similar college towns. He explained they were still finding that Bloomington residents spent more on housing than comparable cities.

Chopra asked what the ACS was.

Crowley explained what the ACS was.

Chopra read the statutory requirement to declare an area an Economic Revitalization Area (ERA) and asked Crowley if the property in question fit the statutory definition.

Crowley said the property had been owned for years by a property development group that had not been able to develop the site. He said that the lack of development was an indication that the site was an appropriate location to designate as an ERA.

Chopra asked how an ERA was appropriate without evidence that development would not occur without an abatement, noting that many property developers owned property for long periods of time.

Crowley said his understanding was that, without the proposed abatement, the petitioner would be unlikely to deliver what was proposed.

Chopra asked the petitioner whether the project would be constructed without the abatement.

Doug Duncan, speaking on behalf of the petitioner, said no. Chopra clarified her question, asking if the petitioner would construct a project by right if the abatement were not granted.

Duncan said he did not think so. The site owner had looked at a number of projects but had not come up with any viable options.

Chopra asked why the owner purchased the property in the first place if the site was not developable.

Duncan said he did not know.

For Approval

Resolution 17-29 (*cont'd*)

Granger asked who owned the property.

Crowley said First Capital owned the property through an LLC, which was Naples, LLC.

Duncan provided additional information about how the owner had acquired the parcel.

Granger asked if the owner had tried to sell it or develop since purchasing the lot some 20 years ago.

Duncan said the owner had tried to find the right development for the parcel for 20 years and said the parcel had been for sale for the last 18 months.

Granger asked what the asking price was for the property.

Duncan said $600,000.

Council Comment:

Volan said there was a need for standard definitions for work force housing and affordable housing so that the question of what those terms meant did not need to be answered every time. He thought there was still work to do in that regard. He said he was content to vote for the resolution, knowing there was more work to do and that the Council could always vote against it in two weeks.

Sturbaum said he thought the parties were close to an agreement, and the Council was setting a precedent for how affordable housing could be addressed. He said the affordable housing component would not happen but for the abatement.

Granger asked for clarification on the process of passing the abatement.

Thomas Cameron, City Attorney, explained the process and noted the abatement would be tied to the specific project proposed.

Chopra said she saw a reason to vote no, which was that the site did not meet the statutory definition for an ERA. She explained why she thought the site did not meet the definition contained in Indiana Code. She thought approving the ERA because of a desire for affordable housing was an inappropriate use of the abatement process.

Piedmont-Smith agreed with Chopra that the site did not meet the definition of an ERA. She also noted that the developer had already received an exception to the UDO to not include commercial space in the first floor of the development. She said she wanted to see affordable housing but that the proposal was an inappropriate way to accomplish that. She also thought that allowing someone making 120% of AMI to take advantage of city-subsidized housing was ridiculous. She thought that part of work force housing should be reexamined in the future.

Volan clarified his position on the proposal and said he would like to continue the discussion. He agreed with Piedmont-Smith that the range of eligibility for work force housing should be revisited. He wanted to read the definition referred to by Chopra but said that, sometimes, the spirit of a law should be followed instead of the exact letter of the law.

Sandberg said she was not willing to defeat the proposal and noted that the Council had an opportunity to make a final decision at a later date. She said she would be voting yes with the understanding that there was additional time to think through what the benefit was to the public.

For Approval

Chopra read the definition of an ERA from the Indiana Code. She said that the Council had to find that the parcel met that definition if it wanted to pass the resolution. She said voting for the resolution meant that the person voting thought the parcel met the definition of an ERA.

Sturbaum said that the definition included "other factors," which he thought allowed the Council to declare the site an ERA. He thought that unless the abatement was granted, the owner might develop the site into something that might not be as desirable to the public. He thought it was worth continuing for at least two weeks.

Granger thought the proposal differed from a previous abatement granted. She said she would be voting no as she did not see the site as an ERA.

Volan clarified the process of adopting a tax abatement and said he thought the process could be continued.

Ruff said he was inclined to vote no but did not want to preclude the possibility of getting something that better served the public interest. He said he would vote yes, but with the understanding that his vote did not indicate strong support for the proposal as it then existed.

Mayer said it might be helpful to go back and look at previous tax abatements to compare them to see if they all strictly complied with the statutory definition. He thought tax abatements were complicated questions with many factors. He said he would vote yes as there was a built-in safety valve.

The motion to adopt Resolution 17-29 received a roll call vote of Ayes: 4, Nays: 4 (Ruff, Chopra, Granger, Piedmont-Smith), Abstain: 0.

Vote on Resolution 17-29 [9:40pm]

Council and Sherman had discussion as to how best to dispose of Ordinance 17-27, given the failure of Resolution 17-29.

Mayer moved and it was seconded that Ordinance 17-27 be introduced and read by title and synopsis only.

The motion received a roll call vote of Ayes: 0, Nays: 7, Abstain: 1 (Sturbaum).

Ordinance 17-27 – To Designate an Economic Development Target Area (EDTA) – Re: Property Located at N. Kinser Pike and Identified by the Monroe County Parcel ID Number 53-05-28-300-170.000-005 (015-38250) (Naples, LLC, Petitioner)

Mayer moved and it was seconded that Ordinance 17-25 be introduced and read by title and synopsis only. Deputy Clerk Lucas read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING
Ordinance 17-25 – To Amend the Zoning Maps from Single Family Residential (RS) to Industrial General (IG) – Re: 1.5 Acres Located at 1920 West Fountain Drive (Shelby Bloomington, LLC)

Sherman spoke about the upcoming schedule.

COUNCIL SCHEDULE
[9:43pm]

The meeting was adjourned at 9:44pm.

ADJOURNMENT

For Approval

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2017.

APPROVE:

_____
Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

_____
Nicole Bolden, CLERK
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, June 21, 2017 at 6:30pm with Council President Susan Sandberg presiding over a Special Session of the Common Council.	COMMON COUNCIL SPECIAL SESSION June 21, 2017
Roll Call: Sturbaum, Ruff, Granger, Sandberg, Mayer, Piedmont-Smith, Volan, Rollo (arrived at 6:32pm) Members Absent: Chopra	ROLL CALL [6:30pm]
Council President Susan Sandberg gave a summary of the agenda.	AGENDA SUMMATION [6:31pm]
	LEGISLATION FOR FIRST READING
Councilmember Tim Mayer moved and it was seconded that Ordinance 17-32 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.	Ordinance 17-32 -- To Authorize Disposition of a Portion of the Switchyard Park Property (1901 South Rogers Street) [6:33pm]
Mayer moved and it was seconded that Ordinance 17-28 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis.	Ordinance 17-28 -- To Amend Chapter 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Adding Section 20.05.0332 ("CU-13 [Conditional Use – Pocket Neighborhoods]") and Amending the Following Sections: 20.02.070 ("Residential Core [RC] – Conditional Uses"), 20.02.110 ("Residential Single-family [RS] – Conditional Uses"), and 20.11.020 ("Defined Words") [6:34pm]
Mayer moved and it was seconded that Ordinance 17-29 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Bolden read the legislation by title and synopsis.	Ordinance 17-29 -- To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Adding Section 20.05.110 ("Accessory Dwelling Units") and Amending Section 20.11.020 ("Defined Words") [6:35pm]
There were no changes to the Council schedule.	COUNCIL SCHEDULE
There was no other business for the Council.	OTHER BUSINESS
The meeting was adjourned at 6:37pm.	ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2017.

APPROVE:

_____

Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

_____

Nicole Bolden, CLERK
City of Bloomington

for approval