



City of Bloomington Common Council

Legislative Packet

Wednesday, 02 November 2016

Regular Session

For legislation and material regarding
Ordinance 16-22 and Ordinance 16-24 please consult the
[19 October 2016 Legislative Packet](#).

All other legislation and background material contained herein.

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
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City of City Hall
401 N. Morton St.
Bloomington Post Office Box 100
Indiana Bloomington, Indiana 47402



**Office of the Common
Council**

(812) 349-3409
Fax: (812) 349-3570
email:

council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: October 28, 2016

Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

**Legislation for Second Reading and Resolutions at the Regular Session on
Wednesday, November 2nd:**

***Legislation and Related Material Found in this Weekly Council Legislative
Packet***

- **Res 16-17** To Approve the Interlocal Agreement Between Monroe County, Town of Ellettsville, and the City of Bloomington for Animal Shelter Operation for the Year 2017
 - Interlocal Agreement;
 - Memo from Philippa Guthrie, Corporation Counsel;
 - Computation and Statistics Sheets.

*Contact: Philippa Guthrie at 349-3426 or guthriep@bloomington.in.gov
Virgil Sauder at 349-3870 or sauderv@bloomington.in.gov*

- **Res 16-19** To Seek Proposals Regarding Conservation Measures through a Guaranteed Savings Contract
 - Memo from Jacqui Bauer, Sustainability Coordinator; and, Alex Crowley, Director, Economic and Sustainable Development

Contact: Jacqui Bauer at 812-349- 3837, bauerj@bloomington.in.gov

Legislation and Related Material Found in Weekly Council Legislative Packet Issued for the Regular Session on 19 October 2016

- **Ord 16-22** To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code (To Establish a Parking Commission)
Contact: Cm. Volan at 812-349-3409 or volans@bloomington.in.gov
Dan Sherman at 812-349-3409 at shermand@bloomington.in.gov
- **Ord 16-24** To Amend the Zoning Maps from Residential Single Family (RS) and Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) as well as Approve a District Ordinance and Preliminary Plan - Re: 600-630 E. Hillside Drive (Dwellings LLC, Petitioner)
Contact: James Roach at 812-349-3527 or roachja@bloomington.in.gov

Legislation and Background Material for First Reading (Found in this Weekly Council Legislative Packet):

- **Ord 16-41** To Establish the Housing Development Fund
 - Memo from Corporation Council Guthrie and Attorney Cameron
Contact: Philippa Guthrie at 812-349-3547 or guthrip@bloomington.in.gov
Thomas Cameron at 812-349-3557 or cameront@bloomington.in.gov
- **Ord 16-42** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending BMC 2.04.050 (Regular Meetings) and BMC 2.04.255 (Committees – Scheduling) to Start Common Council Regular Sessions and Committees of the Whole an Hour Earlier - at 6:30 p.m.
 - BMC Chapter 2.04 (Common Council) – Excerpts with Annotated Changes
Contact: Cm. Chopra at 812-349-3409 or chopraa@bloomington.in.gov
Dan Sherman at 812-349-3409 or shermand@bloomington.in.gov

Minutes from Regular and Special Sessions:

- 19 October 2016 (Regular Session)

Memo

Four Items under Second Readings and Resolutions and Two Ordinances Ready for First Readings at Regular Session on Wednesday, November 2nd

There are four items listed under Second Readings and Resolutions and two ordinances ready for introduction under First Readings at the Regular Session next Wednesday. The four items under Second Readings and Resolutions include two ordinances introduced on October 19th and two resolutions appearing on the agenda for the first time. Please see below for notes on consideration of the two ordinances and please see this packet for the resolutions, associated materials, and summaries. The two ordinances under First Readings are included in this packet and summarized herein.

Second Readings and Resolutions – Carry-Over from Committee of the Whole

The Council was scheduled to consider two ordinances at the Committee of the Whole last Wednesday but, because of a lengthy discussion of the proposed Planned Unit Development (PUD) at Hillside and Henderson (Ord 16-24), the Council adjourned before considering the establishment of a Parking Commission (Ord 16-22). Here is some additional information and some suggestions on how to proceed on these items next Wednesday.

Request to Postpone Ord 16-24 (PUD at Hillside and Henderson) to Regular Session on November 16th without Discussion Mark Lauchli, Petitioner, spoke to me toward the end of the meeting last Wednesday and wanted until November 16th to work on ways to address concerns raised at the Committee of the Whole. After the four-hour deliberation last week, he asks that at next week's meeting, the Council postpone further consideration of the ordinance until November 16th and do so without opening the matter up to further deliberations. Over the next few days, it would be helpful to think through small gatherings of interested parties that might occur in the interim. Please know that, at this point in the process, the Council only has room to impose Reasonable Conditions to the project and not rewrite the proposal.

Consideration of Ord 16-22 (Establishing a Parking Commission) without Discussion at Committee of the Whole As mentioned above, Ord 16-22 is coming forward without being discussed at the Committee of the Whole. If the Lauchli PUD is postponed in a quick manner next week, then there would only be two resolutions (see below) and this ordinance to be considered under Second Readings and Resolutions. That should allow time to learn more about the proposed Parking Commission and either be ready to take final action or schedule it for further consideration at a future meeting this year.

Second Readings and Resolutions – Two New Resolutions

Res 16-17 Approving the Animal Control Interlocal Agreement Between the County, Town of Ellettsville and City for 2017
(Second Item on the Agenda)

Res 16-17 authorizes the signing of an *Interlocal Agreement* between Monroe County, the Town of Ellettsville, and the City regarding the funding for Animal Shelter operations in 2017. The total of those payments to the City will be \$282,298.49.

Under the terms of the *Agreement*, the County will pay a total of \$263,537.89 and the Town of Ellettsville will pay a total of \$19,760.86 to the City for work we do on their behalf. This work includes the services done by the City in sheltering animals coming from the County and otherwise assisting in County operations (i.e., dispatching runs and giving information to callers), but is distinct from the City's animal control field operations, education program and volunteer program. The amount of payment is based upon a long-standing formula that takes into account the cost of shelter operations (which is about half the City's Animal Care and Control budget), offsetting revenues and the percentage of shelter operations attributable to animals coming from these jurisdictions during the previous calendar year. Prior to the 2015 agreement, this formula was applied as a way of *projecting costs* into the next full year. Since that time, the agreement uses that last full-year of expenditures as a *basis for reimbursement* to be paid in the following year. Agreeing on the amount this year allows the parties to include the amount in their budgets for next year. Please note that total payments will go up by about \$9,701 in 2017.

The formula works as follows:

Budget for Animal Shelter Operations for 2015 (which is about half of the ACC total budget. This number is further offset by adoption revenues [\$110,227.50].) \$656,508.84 (*up \$36,969.84 from 2014 to 2015*)

<p>Percentage of Shelter Operations Attributable to County (This is based upon the percentage of animals taken in 2015 by the Shelter that arrive from the County. According to the Statistics Sheet (included in the materials), the Shelter received a total of 3,793 animals, with 1,637 coming from both the County (1,522) and the Town of Ellettsville (115). It appears that the number of animals handled by the Shelter increased by 19 and the number of animals coming from the County (including Ellettsville) decreased by 54 between 2014 and 2015.</p> <p>TOTAL</p>	<p><u>x 43 %</u> <i>(down 1% from 2014 to 2015)</i></p> <p>\$ 282,298.90 <i>(Up \$9,701 from 2014 to 2015)</i></p>
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**Res 16-19 – Seeking Proposals for Conservation Measures through a
 Guaranteed Savings Contract
 (Third Item on the Agenda)**

Res 16-19 begins the Council role in the possible financing of certain projects which reduce energy or water consumption through a statutorily authorized “guaranteed savings contract.” Please see the Memo from Jacqui Bauer, Sustainability Coordinator, and Alex Crowley, Director of Economic and Sustainable Development Department, for an overview of this program and process.

IC 36-1-12.5 et al allows cities to arrange for “conservation measures”¹ proposed and implemented by “qualified energy providers” that are guaranteed to save more than the amount of the investment over a period of time and allow financing at very favorable rates.

This resolution will begin the process for what would be the fourth energy savings contract for the City. The first agreement involved about \$1.2 million for improvements to facilities in the Parks and Recreation, Public Works and Utilities departments (Res 99-24). The second involved about \$250,000 for improvements at

¹ Please note that the term “conservation measure” means an alteration of a facility or structure, technology upgrade, or in some cases, an installation or alteration of a structure or system “designed to produce billable revenue increases or reduce energy or water consumption costs, wastewater costs, or other operating costs.” IC 36-1-12.1-1

the Ice Rink (Res 01-04) and the third involved about \$2.37 million for services and improvements at the Dillman Road Wastewater Treatment Plant (Res 03-16).

Under this program, the city invites providers to evaluate our facilities and submit a report proposing a program of services and improvements. According to the memo, the report “detail(s) the work proposed, the cost of the work, and the estimated savings from the work” and “staff expects every city facility to at least be evaluated as part of this process.” The memo further states that, in accordance with statute, “the Council must find that the cost of the work will be paid back within 20 years of installation of the work (and) (o)nce this step is complete, the (City) Council may then enter into a Guaranteed Savings Contract.”

This resolution starts the Council role in the process by:

- Requesting staff to prepare and publish a notice of a Request for Proposals from qualified providers of guaranteed savings contracts in accordance with IC 36-1-12.5-5 and delegating to the Council President the date, time, and place of the Regular Session when the proposals “must be received” (which, the Memo indicates, is expected to occur sometime in December of this year); and also
- Requesting that staff prepare the aforementioned Request for Proposals to help assist respondents in formulating their response.²

Once the proposals are open, the Memo indicates that “staff will then, in conjunction with interested council representatives, review the responses, and make a recommendation (based upon the initial proposals) to the Council to negotiate further with one or more respondents.”

Here is a rough 18–24 month schedule from approval through implementation of the proposed projects:

- December 2016 – Council receives responses to RFP;
- January 2017 – City begins negotiations with one or more qualified providers;
- February 2017 – Qualified providers conduct additional investigation;
- August – December 2017 – Presentation, negotiation, and approval (by Council) of Guaranteed Savings Contracts;
- January – December 2018 – Implementation of Contracts.

² The Memo notes that the Board of Public Works has already issued a Request for Qualifications in anticipation of this next step in the process.

First Readings – Two Ordinances:

Item One – Ord 16-41 – Creating a “Housing Development Fund.”

Ord 16-41 creates a *Housing Development Fund* (Fund) to address, in part, the insufficient supply of affordable housing within the city. Indeed, monthly rents and home sale prices in Bloomington are often the highest in the state.³ At the same time, vacancy rates hovering between 4-5% are some of the lowest -- when it comes to *affordable* housing, some observers locate the vacancy rate even lower. To correct for this, the Administration proposes the creation of this Fund to incent affordable housing innovation and to serve the needs of low-to-moderate income individuals and families who otherwise find themselves priced out of an affordable place to live. As you are aware, when individuals and families are forced to pay for housing that is not affordable based on their income, individuals and families are forced to compromise other necessities of everyday life, such as food and healthcare. Unlike many affordable housing initiatives whose assistance is made available to individuals and families who are at or below 80% of area median income, the proposed fund will expand its reach to include middle income individuals and families whose income is at or below 130% of the county’s median income who are struggling to find affordable housing.

Purpose of the Fund

Ord 16-41 provides that the Fund shall only be used for the following purposes:

- **Assistance to Individuals and Families** with income at or below 130% of AMI to allow these persons to either buy or rent residential units within the City limits.
- **Purchase and Develop Real Property** for affordable housing within the City limits to be occupied by individuals and families at or below 130% of AMI.
- **Grant, Loans, and Loan Guarantees** for the development, rehabilitation of affordable housing within the City for individuals and families whose income is at or below 130% of AMI. This includes housing initiatives for older residents, persons with disabilities, and homeless persons and homeless families.
- **Administrative Costs** associated with the management of the Fund.

³ For example, 2014 American Community Survey data located median gross rent in Bloomington at \$827/month.

The Fund's Revenue

The Fund will be populated by three sources of revenue:

- Gifts and grants
- Investment income earned on the Fund's assets
- Other monies as permitted by law for deposit into the Fund.

Nature and Operation of the Fund

This fund will be a non-reverting fund and will be administered by the HAND department. Ord 16-41 provides that the Redevelopment Commission, as the entity charged with oversight of HAND, shall approve all claims charged to the fund. The Fund can only be amended or terminated by way of Council ordinance.

Restricted Gifts – Council Must Accept

Note that the proposed Fund will be a repository for grants and gifts associated with affordable housing. As you may know donations are usually classed in one of two ways: either they are “unrestricted” meaning the donor has not attached any terms or conditions to the donation or they are “restricted,” meaning such terms and conditions do attach. Gifts made in the interest of affordable housing would largely be classed as restricted. When it comes to restricted donations, the Indiana State Board of Accounts requires that the Council, as governing body, must agree in writing to the terms, conditions, or purposes attached to the proposed donation. It is anticipated that the Council would solemnize this action by way of a resolution. While, at this point, we do not have particular criteria the Council would use to accept or reject a donation, it is anticipated that the acceptance/rejection analysis will be closely tied to the context of a particular grant. The Council is under no obligation to accept a donation.

However, unlike most other funds, the Indiana Attorney General and the Indiana State Board of Accounts have made clear that once a governing body accepts a restricted donation, the Council does not need to make a subsequent appropriation for the expenditure of such donation.⁴ However, while further appropriation may not be required, the ISBA still requires that claims be “filed and approved in the regular legal manner before disbursements can be made.”⁵ While expenditures of restricted monies previously accepted by the Council do not require subsequent appropriations, all other expenditures from the Fund must be appropriated by Council.

⁴ Op. Ind. Att'y Gen. 68 (1961).

⁵ *Cities and Towns Bulletin and Uniform Compliance Guidelines*, Indiana State Board of Accounts (June 2016).

Furthermore, the guidance from the State Board of Accounts provides that where the volume of restricted funds so warrants, a unit may establish a “control” fund wherein separate, individual accounts would be established for each restricted donation or each type of such donation. Section 4 of Ord 16-41 anticipates such need.

Council Oversight

Council exercises oversight over this proposed Fund at many junctures, including:

- Creations, amendment, or termination of the Fund
- Written acceptance to the terms and conditions of any restricted gift to the Fund
- Appropriation of all expenditures from the Fund (with the exception of restricted gifts).
- Annual reporting by HAND on the activities of the Fund. Once created, the Council will review the activity of the fund every year by way of an annual report. The ordinance requires that “persons responsible for administering the Fund” (HAND) report annually to the Council on how the Fund is being used to address the issues of affordable housing. This annual reporting requirement will provide the Council with both the opportunity to learn about the activities of the Fund and to assess the efficacy and constraints of the Fund and discuss whether changes to Fund might be called for in the future.

Uncodified Fund

Note that over time, some City funds have been codified in the Bloomington Municipal Code, others have not. Ord 16-41 does not codify the Housing Development Fund. In separate conversation with the Controller, the Controller advises that the fact that the Fund is appropriated (for non-restricted revenue), that Council must accept the terms of a proposed restricted donation, and the fact that an annual reporting requirement is attached to the Fund, makes the operation of the fund transparent. Know that there is no legal requirement that a fund be codified.

Articulation With the Housing Trust Fund

Discussion of the creation of a new housing fund logically triggers questions about the long-fallow Housing Trust Fund (HTF). As you are aware, many Councilmembers and the Administration are keenly interested in revisiting the legislation and other requisite documentation associated with the HTF. At present, the HTF is managed by the Community Foundation of Monroe County by way of a Trust Endowment Agreement between the City and the Foundation. In many

ways, the HTF is tightly constrained and outdated. For example, the purpose of the HTF is “to provide loans and grants to non-profit and for-profit entities for purchase of land and structures, and the construction or rehabilitation of affordable housing units for low-income residents of the community.” Within the context of the HTF, “low income” is operationalized as residents at or below 80% of AMI. Furthermore, the minimum standards associated with the HTF require that \$125,000 remain invested with the Foundation; at least 25% of the HTF be devoted to permanent affordability; and, no more than 50% of the HTF can be used for housing proposals that have a limited period of affordability. Until the standards of the HTF are revised in cooperation with the Foundation, the proposed Housing Development Fund provides the City with the flexibility to more immediately and innovatively address the problem of affordable housing.

**Item Two – Ord 16-42 – Amending Chapter 2.04 of the BMC Entitled
“Common Council” to Start Regular Sessions and Committees of the Whole
an Hour Earlier – at 6:30 pm – as of January 1st 2017**

The second item to be introduced next Wednesday is Ord 16-42. It is sponsored by Cm. Chopra and would amend BMC Chapter 2.04 (Common Council) to start the Council’s Regular Sessions and Committees of the Whole at 6:30 pm rather than 7:30 pm at the beginning of next year. Cm. Chopra refers the Council to the Whereas clauses for the rationale and intended effect of this ordinance.

As the ordinance notes, the Council meets on all but a few Wednesdays every month of the year. Since the beginning of this year,⁶ over half of the Council Regular Sessions and Committees of the Whole lasted more than two hours, about a fifth of all these meetings lasted over four hours, and about a fifth ended after 11:00 pm. As the ordinance further notes, “(l)ate meetings discourage participation by the public, are inconvenient and compromise the well-being of City staff who must attend these meetings and return to work early the next morning, and tend to diminish the quality of deliberations by members of the Council.”

The change is intended to be simple (by merely altering the start times for Regular Sessions set forth in BMC 2.04.050 and Committees of the Whole in BMC 2.04.255) with the expectation that, all else being the same, meetings that start an hour earlier will end an hour earlier. While some Council members may want to

⁶ This tally is based upon the start and end times of Regular Sessions, Special Sessions, and Committees of the Whole (including Departmental Budget Hearings) held this year up to mid-October.

address the length of Council meetings and how the Council conducts its business – for example, by setting time limits per member - Cm. Chopra made clear at the Staff-Council Internal Work Session on October 7th that her approach here is to try something simple and see if it helps, rather than risk being waylaid by an effort to rework the mechanics of Council deliberations.

Please note that the Council may reschedule, cancel, or add Regular Sessions and Committees of the Whole by a simple majority of the Council. Please also note that the City Clerk has some ideas and possible suggestions about how to handle the Interviewing Committees which are, at times, held on Wednesdays before the Regular Sessions and Committees of the Whole.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, NOVEMBER 2, 2016
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES: October 19, 2016 (Regular 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 16-24 – To Amend the Zoning Maps from Residential Single Family (RS) and Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) as well as Approve a District Ordinance and Preliminary Plan – Re: 600-630 E. Hillside Drive (Dwellings LLC, Petitioner)

Committee Recommendation Do Pass 1-4-4

Note: Motion to Postpone until Regular Session on November 16, 2016 - anticipated

2. Resolution 16-17 – To Approve the Interlocal Agreement Between Monroe County, Town of Ellettsville, and the City of Bloomington for Animal Shelter Operation for the Year 2017

Committee Recommendation None

3. Resolution 16-19 – To Seek Proposals Regarding Conservation Measures Through a Guaranteed Savings Contract

Committee Recommendation None

4. Ordinance 16-22 – To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code (To Establish a Parking Commission)

Committee Recommendation None

VII. LEGISLATION FOR FIRST READING

1. Ordinance 16-41 – To Establish the Housing Development Fund

2. Ordinance 16-42 – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” –Re: Amending BMC 2.04.050 (Regular Meetings) and BMC 2.04.255 (Committees – Scheduling) to Start Common Council Regular Sessions and Committees of the Whole an Hour Earlier – at 6:30 p.m.

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.*



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

To Council Members
From Council Office
Re Weekly Calendar – 31 October -05 November 2016

Monday, 31 October

12:00 pm Board of Public Works Work Session, McCloskey
2:30 pm Council for Community Accessibility Work Session, McCloskey
5:00 pm Utilities Service Board, 600 E Miller Dr

Tuesday, 01 November

4:30 pm Commission on Aging, Hooker Conference Room
5:00 pm Redevelopment Commission, McCloskey
5:30 pm Board of Public Works, McCloskey
6:00 pm Bloomington Commission on Sustainability, McCloskey
6:30 pm Sister Cities International- Postoltega, Kelly

Wednesday, 02 November

2:00 pm Hearing Officer, Kelly
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
7:00 pm Arts Alliance of Greater Bloomington, McCloskey
7:30 pm Common Council Regular Session, Chambers

Thursday, 03 November

4:00 pm Bloomington Underground Digital Advisory Meeting, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 04 November

1:30 pm Metropolitan Planning Organization Policy Committee, Chambers

Saturday, 05 November

9:00 am Bloomington Community Farmers' Market, Showers Common, 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.

RESOLUTION 16-17

**TO APPROVE THE INTERLOCAL AGREEMENT
BETWEEN MONROE COUNTY, THE TOWN OF ELLETTSVILLE
AND THE CITY OF BLOOMINGTON FOR
ANIMAL SHELTER OPERATION FOR THE YEAR 2017**

WHEREAS, the Common Council of the City of Bloomington desires to contract with Monroe County and the Town of Ellettsville, through the authority of I.C. § 36-1-7-2, to provide services and facilities to Monroe County and the Town of Ellettsville for animal care and control in consideration of payment therefore; and,

WHEREAS, an agreement has been reached between the City of Bloomington, Monroe County and the Town of Ellettsville to provide said services and facilities for 2017;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

Section 1. The Common Council hereby approves the Animal Shelter Interlocal Agreement for Fiscal Year 2017 and authorizes the Mayor and the Director of the Animal Shelter to execute the Agreement as attested by the City Clerk.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution authorizes execution, by the Mayor and Director of Animal Care and Control, of the Animal Shelter Interlocal Agreement for Fiscal Year 2017 between the City of Bloomington, Monroe County and Town of Ellettsville. The agreement provides that Monroe County shall pay the City of Bloomington the sum of \$262,537.89 for 2017 in return for the space the City provides to the County and services it renders on the County's behalf. The agreement further provides that the Town of Ellettsville shall provide the City of Bloomington the sum of \$19,760.86 for 2017 in return for the space the City provides the Town of Ellettsville and services it renders on the Town of Ellettsville's behalf.

ANIMAL SHELTER INTERLOCAL AGREEMENT FOR FISCAL YEAR 2017

WHEREAS, the City of Bloomington Animal Care & Control Department operates the Animal Shelter for the care and control of animals; and,

WHEREAS, the City of Bloomington Animal Care & Control Department enforces licensing, animal care and animal control ordinances within the corporate boundaries of the municipality, including impoundment, adoptions and euthanizing of animals of the Animal Shelter; and,

WHEREAS, the County Animal Management Officers exercise similar functions within the County, but utilize the Shelter premises and staff for impoundment, adoptions and euthanasia; and,

WHEREAS, the County Animal Management Officers exercise similar functions within the town limits of the Town of Ellettsville, but utilize the Shelter premises and staff for impoundment, adoptions and euthanasia; and,

WHEREAS, the Town of Ellettsville finds it in the best interest of its citizens to contract with Monroe County for the animal management services and the City of Bloomington, Indiana for Animal Shelter use; and,

WHEREAS, Monroe County finds it in the best interest of its citizens to contract with the City of Bloomington, Indiana for Animal Shelter use and to provide the Town of Ellettsville animal management services; and,

WHEREAS, the City of Bloomington, Town of Ellettsville, and Monroe County are empowered pursuant to Indiana Code § 36-1-7 to contract together on the basis of mutual advantage to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local government;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions herein agreed, the parties agree as follows:

1. The duration of the Agreement shall be for one (1) year, commencing January 1, 2017 and ending on December 31, 2017.
2. The City of Bloomington (“City”) agrees to provide the Town of Ellettsville (“Town”) and Monroe County (“County”) the following:
 - a. The impoundment, general animal care, adoption and euthanasia for the Town and County.
 - b. Use of supplies and equipment in the City Animal Shelter by the County personnel;
 - c. Assistance to the Town and County in answering phone calls, dispatching service calls and explaining the County animal management laws to callers; and

- d. Accept and record payments for County license fees, and to remit these funds to the County monthly.
- 3. County shall administer and enforce County Animal Management Laws, including relevant kennel regulations, within the corporate limits of Ellettsville.
- 4. The County agrees to pay the City the sum of \$262,537.89.
- 5. The Town agrees to pay the City the sum of \$19,760.86.
- 6. The level of cooperation recited in this Agreement is intended to exist for the purpose of efficient and effective delivery of governmental services to the citizens of the City, Town, and County; however, the parties recognize that modifications may be required, either to the Agreement itself, or to the practices and procedures that bring the recitals contained within this document to fruition.
- 7. The City, Town, and County departments affected by the terms of this Agreement will continue to communicate and cooperate together to assure that the purposes of this Agreement are achieved on behalf of and to the benefit of the citizens of the respective political subdivisions.
- 8. Payments shall be made semi-annually to the Controller of the City of Bloomington, upon the timely submission by the City of a claim. Such claims should be submitted to the Monroe County Board of Commissioners, Room 322, Courthouse, Bloomington, Indiana 47404 and the Town Council of Ellettsville, 211 N. Sale Street, Ellettsville, Indiana, 47429.

THE PARTIES, intending to be bound, have executed this *ANIMAL SHELTER INTERLOCAL AGREEMENT FOR FISCAL YEAR 2017* on this _____ day of _____, 2016.

TOWN OF ELLETTSVILLE, INDIANA

 Scott Oldham, President
 Ellettsville Town Council

DATE: _____

ATTEST:

 SANDRA HASH, Clerk/Treasurer

DATE: _____

CITY OF BLOOMINGTON

MONROE COUNTY COMMISSIONERS

JOHN HAMILTON, MAYOR

PATRICK STOFFERS, PRESIDENT

DATE: _____

DATE: _____

JULIE THOMAS, VICE PRESIDENT

DATE: _____

IRIS F. KIESLING, MEMBER

DATE: _____

ATTEST:

ATTEST:

NICOLE BOLDEN, CLERK

THERESE CHAMBERS, COUNTY AUDITOR

DATE: _____

DATE: _____

MEMO:

To: City of Bloomington Common Council

From: Philippa Guthrie, Corporation Counsel

Date: October 21, 2016

Re: 2017 Animal Interlocal

The City of Bloomington, Monroe County, and the Town of Ellettsville have once again agreed to renew and extend the annual Animal Interlocal Agreement. This Agreement obligates the City to house animals from Monroe County and Ellettsville at the City's Shelter, along with working to adopt those animals and answering questions from the public. In return, the County pays the City \$262,537.89 and Ellettsville pays \$19,760.86 as reimbursement for the City's services.

**CITY OF BLOOMINGTON/MONROE COUNTY
INTERLOCAL AGREEMENT FOR ANIMAL CONTROL
FY 2017 PROJECTED COSTS**

There are four components to the Animal Control Department budget:

- Animal Shelter Operations
- Animal Control Field Operations
- Education Program
- Volunteer Program

Monroe County pays the City of Bloomington a percentage of the **Animal Shelter Operations** program. The percentage is calculated as the percentage of animals Monroe County generated of the total number of animals handled the previous year.

ANIMAL SHELTER OPERATIONS PROGRAM ACTUAL 2015 EXPENDITURES =
\$656,508.84

(2015 Actual Expenditure amount of \$766,736.34 is reduced by 2015 Actual Adoption Revenue amount of \$110,227.50.)

2015 PERCENTAGE OF ANIMALS FROM MONROE COUNTY SOURCES

- | | |
|---|-----|
| • Picked up by AMO's | 230 |
| • Strays brought in by county residents | 657 |
| • Animals relinquished by Monroe County residents | 750 |

Total number of Monroe County Animals **1,637**

Total number of animals handled by Shelter in 2015 3,823

Percentage of animals from Monroe County sources 43%

ANIMAL SHELTER OPERATIONS PROGRAM ACTUAL 2014 EXPENDITURES X 43% = 2015
INTERLOCAL AMOUNT

$$\$56,508.84 \times 44\% = \$282,298.80$$

2016 MONROE COUNTY ANIMAL INTERLOCAL AMOUNT **\$282,298.80**

2015 BREAKDOWN OF INCOMING ANIMALS BY JURISDICTION AND SOURCE

Animals included in City of Bloomington Total

<u>Jurisdiction</u>	<u>ACO P/U</u>	<u>Surrender</u>	<u>Stray</u>	<u>Total</u>	
City	364	689	531	1,584	41%
Owen County		42	44	86	
Greene County		48	72	120	
Lawrence County		136	51	187	
Brown County		8	9	17	
Morgan County		39	1	40	
Other Counties		103	49	152	
Subtotal Other Counties	0	376	226	602	16%

Animals included in Monroe County Total

<u>Jurisdiction</u>	<u>ACO P/U</u>	<u>Surrender</u>	<u>Stray</u>	<u>Total</u>	
Monroe County	210	696	616	1,522	40%
Ellettsville	20	54	41	115	3%
Subtotal	230	750	657	1,637	43%

TOTAL INCOMING ANIMALS 594 1,815 1,414 3,823

ACO P/U - These are animals picked up in the field by city and county animal control officers.

Surrender - These are owned animals surrendered at the shelter.

Stray - These are stray animals brought to the shelter by citizens.

RESOLUTION 16-19

**TO SEEK PROPOSALS REGARDING CONSERVATION MEASURES THROUGH A
GUARANTEED SAVINGS CONTRACT**

WHEREAS, Indiana Code 36-1-12.5 authorizes the City of Bloomington to enter into guaranteed savings contracts to reduce the City's energy or water consumption; and

WHEREAS, before the City can enter into a guaranteed savings contract, the Common Council of the City of Bloomington, as the City's governing body, must publish notice indicating that the Council is requesting qualified providers of guaranteed savings projects to propose energy conservation measures through a guaranteed savings contract; and

WHEREAS, the notice must contain the date, time, and place where proposals must be received; and

WHEREAS, once proposals have been received, Indiana Code 36-1-12.5 provides additional mandatory steps before the City can enter into a guaranteed savings contract, including the Council: (1) receiving and reviewing a report from the qualified provider detailing the work proposed, the cost of the work, and the estimated savings from the work; and, (2) finding that the cost of the work will be paid back within twenty years of the installation of the work;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. City Staff is asked to prepare the notice required by Indiana Code § 36-1-12.5-5 and to ensure it is published in accordance with state law. The Notice should indicate that the Council will open the proposals at a regular session of the Council. The specific date for opening shall be set by the Council President.

SECTION 2. In order to assist respondents in preparing their responses pursuant to the notice required by Indiana Code § 36-1-12.5-5, City Staff is asked to also prepare a Request for Proposals that outlines the City's expectations with respect to the proposals.

SECTION 3. This Resolution shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2016.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2016.

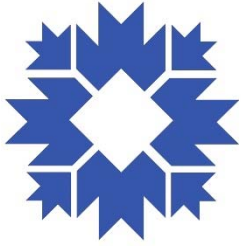
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Indiana Code 36-1-12.5 allows the City of Bloomington to enter into a guaranteed savings contract, which will reduce the City's energy consumption, water consumption, or both energy and water consumption. The first step in entering into a guaranteed savings contract is the Council publishing notice that it is requesting qualified providers to propose energy conservation measures through a guaranteed savings contract. This Resolution asks City Staff to prepare that notice and a corresponding Request for Proposals on behalf of the Council, with the proposals to be received and opened by the Council at a date set by the Council President.



MEMORANDUM

CITY OF BLOOMINGTON
economic & sustainable development

To: Members of the Common Council of the City of Bloomington
From: Jacqui Bauer, Sustainability Coordinator
Alex Crowley, Director, Economic & Sustainable Development
CC: Dan Sherman, Council Administrator / Attorney
Date: October 24, 2016
Re: Resolution 16-19 (Guaranteed Energy Savings Contracts)

Guaranteed Savings Contracts (sometimes called Guaranteed Energy Savings Contracts) are authorized by state law as a means for governmental entities, such as the City of Bloomington, to identify and finance energy conservation measures in their facilities without requiring up-front capital. Guaranteed Savings Contracts finance the improvements out of the energy savings.

The City has previously entered into Guaranteed Savings Contracts in 1999 and 2003, and realized the promised savings within five years, well ahead of the ten-year anticipated payback period.

State law proscribes a specific process before a city may enter into a Guaranteed Savings Contract.¹

First, the Common Council must publish notice indicating that the Council is requesting qualified providers to propose energy conservation measures through a guaranteed savings contract. That notice must contain the date, time, and place where proposals must be received. (This is the step being approved in Resolution 16-19.)

Although not statutorily required, Resolution 16-19 contemplates a Request for Proposals accompanying the notice, to ensure the qualified providers understand what the City is looking for.

Second, the responses must be opened. The responses will likely contain project proposals at a somewhat high level. The date for opening the responses will be set in the

¹ In preparation for the statutory process, the Board of Public Works issued a Request for Qualifications seeking responses from qualified providers. Staff reviewed the responses to the Request for Qualifications, and anticipates using what it has learned from the Request for Qualifications process in shaping the Request for Proposals contemplated by Resolution 16-19.

notice and Request for Proposals. Staff anticipates setting the date in mid-December 2016, though the exact date will be determined by the Council President.

Staff will then, in conjunction with interested Council representatives, review the responses, and make a recommendation (based on the initial proposals) to the Council to negotiate further with one or more respondents.

Before the City may enter into a Guaranteed Savings Contract, the qualified provider must provide the Council with a report detailing the work proposed, the cost of the work, and the estimated savings from the work. (Staff expects every City facility to at least be evaluated as part of this process.) Based on the requirements of the enabling statute, the Council must find that the cost of the work will be paid back within twenty years of the installation of the work. Once this step is complete, the Council may then enter into a Guaranteed Savings Contract.

Staff expects that it will take approximately 18 to 24 months to go from the approval of Resolution 16-19 through the implementation of proposed projects. An estimated schedule could be:

December 2016	Receive responses to Request for Proposals
January 2017	Begin negotiations with one or more qualified providers
Feb - Jul 2017	Additional investigation by qualified providers
Aug – Dec 2017	Presentation of required reports to Council, negotiation and approval of Guaranteed Savings Contract
Jan – Dec 2018	Implementation of Guaranteed Savings Contract

ORDINANCE 16-41

TO ESTABLISH THE HOUSING DEVELOPMENT FUND

- WHEREAS, as evidenced by high occupancy rates and apartment rents and home prices among the highest in the state, Bloomington, Indiana has a strong real estate market, which shows the interest that people have in investing and living here, and their confidence in the strength of the future here; and
- WHEREAS, a challenge presented by that strong real estate market is ensuring affordable housing is available for the diverse population essential to Bloomington's character and values; and
- WHEREAS, innovative approaches are necessary to address the affordability of housing in a manner that is sustainable over the long haul; and
- WHEREAS, there is evident interest in the community in financially supporting the City of Bloomington's ("City's") efforts to investigate and implement innovative approaches that encourage sustainable, long-term affordability of real estate; and
- WHEREAS, the City therefore wishes to establish a fund to accept monies in support of affordable housing initiatives, and
- WHEREAS, Indiana Code § 36-1-4-10 authorizes the City to "accept donations of money or other property and execute any documents necessary to receive money or other property" from any source; and
- WHEREAS, a "restricted donation" is one to which the donor has attached terms, conditions, or purposes; and
- WHEREAS, if a donation is a restricted donation, the Common Council of the City of Bloomington, Monroe County, Indiana, as the governing body of the City, must agree, in writing, to the terms, conditions, or purposes attached to the proposed donation; and
- WHEREAS, the Indiana State Board of Accounts requires that restricted donations be placed into a separate fund after such fund is established by the legislative body of the unit, and further requires that such funds may be expended only for the purpose and under the terms and conditions agreed to on accepting the donation; and
- WHEREAS, pursuant to Attorney General Official Opinion No. 68 of 1961 and the Indiana State Board of Accounts, no further appropriation is required for expenditure of a restricted donation for the designated purpose, but accounts payable vouchers must be filed and approved in the regular legal manner before disbursements may be made from the fund; and
- WHEREAS, in order to provide a repository for monies and restricted donations dedicated to innovative housing in the City, the City wishes to establish a Housing Development Fund, to be governed by the terms of this Ordinance;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Establishment of Fund. There is hereby created a Housing Development Fund (Fund) in the Office of the Controller. The Fund shall be administered by the Housing and Neighborhood Development Department.

SECTION 2. Source of Revenues. The Fund shall consist of:

- (a) gifts and grants to the Fund;
- (b) investment income earned on the Fund's assets; and
- (c) other monies permitted by law to be deposited into the Fund.

SECTION 3. Purpose of Fund. The Fund shall be used only to:

- (a) provide financial assistance to support individuals and families whose income is at or below one hundred thirty percent (130%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase, lease, or otherwise acquire or occupy residential units within the City;
- (b) purchase property within the City to be used for affordable housing, and develop that property as affordable housing serving individuals and families whose income is at or below one hundred thirty percent (130%) of the county's median income for individuals and families, respectively;
- (c) pay expenses of administering the Fund;
- (d) make grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing serving individuals and families whose income is at or below one hundred thirty percent (130%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families within the City; and
- (e) provide technical assistance or other support to nonprofit developers of affordable housing.

SECTION 4. Separate Accounts. If the volume of restricted donations is sufficient, the City Controller may create separate accounts for each restricted donation to account for receipt and distribution associated with each donation. The total activities of the separate accounts (i.e., receipts, disbursements, and total balances) shall be reflected in a control account.

SECTION 5. The terms, conditions, or purposes attached to a proposed restricted donation shall be approved in writing by the Common Council.

SECTION 6. Expenditures from Fund. Expenditures of restricted donations that have been accepted by the Common Council may be made without further appropriation. Expenditures of other monies in the Fund shall be made only after appropriation by the Common Council. Claims for payment from the Fund shall be subject to approval of the Redevelopment Commission. The Fund shall not revert into any other fund.

SECTION 7. The money in the Fund not currently needed to meet the obligations of the Fund may be invested in the same manner as other public funds may be invested.

SECTION 8. Reporting. The persons responsible for administering the Fund shall annually report to the Common Council on how the Fund is being used to address the affordability of housing.

SECTION 9. Amendment and Termination. The Fund shall continue in this form until amended or terminated by ordinance. Unless indicated otherwise by ordinance, the proceeds of the Fund at termination shall be deposited into the General Fund.

SECTION 10. Severability. If any section, sentence, or provision of this Ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any other section, sentence, provision or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 11. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance creates a Housing Development Fund. The Fund may be used to provide financial assistance to individuals and families whose income is at or below 130% of Monroe County's median income to enable those individuals and families to purchase or lease residential units within the City, to purchase and develop property as affordable housing for individuals and families whose income is at or below 130% of Monroe County's median income, and to make grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below 130% of Monroe County's median income. Monies from the Fund will either be accepted by the Common Council (in the case of restricted donations) or appropriated by the Common Council (in the case of other monies). Claims will be approved by the Redevelopment Commission. The Fund shall not revert to any other fund.



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: Members of the Common Council of the City of Bloomington

**FROM: Philippa Guthrie, Corporation Counsel
Thomas D. Cameron, Assistant City Attorney**

CC: Dan Sherman, Council Administrator/Attorney

RE: Establishment of the Housing Development Fund

DATE: October 28, 2016

Bloomington faces challenges in its ability to provide a range of housing options for non-students, especially those at low and moderate income levels. While the City has some tools, such as tax abatements, to help address this critical need, and other stakeholders are able to add other tools (such as low income housing tax credits), the Housing Development Fund would create additional possibilities for the City to expand its affordable housing inventory.

Once created, the Housing Development Fund could be used for five types of expenses:

1. To provide financial assistance and support to individuals and families whose income is at or below 130% of the area median income for their family size, allowing them to “purchase, lease, or otherwise acquire or occupy” residential units within the City.
2. To purchase property to be used for affordable housing, and to develop that property as affordable housing that serves individuals and families whose income is at or below 130% of the area median income for their family size.
3. To make grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing serving individuals and families whose income is at or below 130% of the area median income for their family size.
4. To provide technical assistance or other support to nonprofit developers of affordable housing.
5. To pay expenses of administering the Housing Development Fund.

Many existing housing assistance programs are limited to those individuals and families whose income is at or below 80% of the area median income. By setting the threshold for assistance from the Housing Development Fund at 130% of the area median income, the City will be able to address not only those at the lowest income levels, but also those at somewhat higher incomes who nonetheless face significant affordability gaps.

Although the HAND Department will manage the day-to-day administration of the Housing Development Fund, the Council will remain involved with this Fund. First, all monies that are placed in the Housing Development Fund will be approved by the Council (either because the Council has voted to accept a restricted donation or because the Council has voted to appropriate funds into the Housing Development Fund). Second, HAND will make an annual report to the Council with respect to the goals, status, and progress of the Housing Development Fund.

If you have any questions regarding the Housing Development Fund or Ordinance 16-41, please do not hesitate to contact us.

ORDINANCE 16-42

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ADMINISTRATION AND PERSONNEL” -**

**Re: Amending BMC 2.04.050 (Regular Meetings) and BMC 2.04.255 (Committees –
Scheduling) to Start Common Council Regular Sessions and Committees of the Whole
an Hour Earlier - at 6:30 p.m.**

- WHEREAS, Except for a few holidays, two recesses (one from mid-July to mid-August and the other during the end of December), and the occasional alteration by the Common Council, the Council meets almost every Wednesday of the year for either a Regular Session or a Committee of the Whole; and
- WHEREAS, According to Bloomington Municipal Code 2.04.050 (Regular Meetings) and 2.04.255 (Committees – Scheduling), except by motion of the Council, these meetings start at 7:30 p.m.;
- WHEREAS, Since the beginning of 2016, a little more than half of all of the Council Regular Sessions and Committees of the Whole lasted over two hours, one-fifth of all these meetings lasted over four hours, and one-fifth of all these meetings ended after 11:00 p.m.; and
- WHEREAS, Late meetings discourage participation by the public, are inconvenient and compromise the well-being of City staff who must attend these meetings and return to work early the next morning, and tend to diminish the quality of deliberations by members of the Council; and
- WHEREAS, Almost all of the more than two dozen City boards and commissions convene earlier than 7:30 p.m.; and
- WHEREAS, The Council wishes to start its Regular Sessions and Committees of the Whole at 6:30 p.m.;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 2.04.050 (Regular meetings) shall be amended in the following manner:

- (a) Part (a) shall be amended by striking the word “seven” as it appears in the first sentence and replacing it with the word “six” so that the first sentence reads as follows:

With the exceptions noted in subsections (b) through (g), of this section, the council shall meet in regular session on the first and third Wednesday of each month at six thirty p.m. local time.

- (b) Part (c) shall be amended by striking the time “7:30 p.m.” as it appears in the first sentence and replacing it with the time of “6:30 p.m.” so that the first sentence reads as follows:

In accordance with Indiana Code 36-4-6-7, in the year following its election the council shall hold its first regular meeting at 6:30 p.m. one evening no later than the second Wednesday in January to elect officers.

- (c) Part (d) shall be amended by striking the time “7:30 p.m.” as it appears in the first sentence and replacing it with the time of “6:30 p.m.” so that the first sentence reads as follows:

In accordance with Indiana Code 36-4-6-8, in years subsequent to the year immediately following its election, the council shall meet at 6:30 p.m. one evening no later than the second Wednesday in January to elect officers.

SECTION 2. Section 2.04.255 (Committees - Scheduling) shall be amended by striking the time of “7:30 p.m.” as it appears in Part (a)(3) and replacing it with the time of “6:30 p.m.” so that Part (a)(3) reads as follows:

(a)(3) Such meetings of the committee of the whole shall convene at 6:30 p.m. local time.

SECTION 3. The provisions of this ordinance shall apply to Common Council Regular Sessions and Committees of the Whole held on or after January 1, 2017

SECTION 4. If any section, sentence, chapter or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any other section, sentence, chapter, provision or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect after passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Chopra and would amend Chapter 2.04 (Common Council) by starting Council Regular Sessions and Committees of the Whole an hour earlier – at 6:30 p.m. With this change, these Council meetings should end about an hour earlier than otherwise.

**CHANGES TO TITLE 2 (ADMINISTRATION AND PERSONNEL)
PROPOSED BY ORD 16-42
(Which Would Start Common Council Regular Sessions and
Committees of the Whole an Hour Earlier – At 6:30 Pm)**

Note on Text

- ▶ **Bold Text** = New Text (*Excluding Title, Chapter & Section Titles*)
- ▶ ~~Strikeout Text~~ = Deleted Text

Title 2 ADMINISTRATION AND PERSONNEL

Chapters:

- Chapter 2.02 - BOARDS AND COMMISSIONS
- Chapter 2.04 - COMMON COUNCIL
- Chapter 2.08 - EXECUTIVE BRANCH
- Chapter 2.09 - BOARD OF PUBLIC WORKS
- Chapter 2.10 - DEPARTMENT OF PUBLIC WORKS—ESTABLISHMENT
- Chapter 2.11 - DEPARTMENT OF PUBLIC WORKS—DIVISIONS
- Chapter 2.12 - BOARDS, COMMISSIONS AND COUNCILS
- Chapter 2.13 - PLAN COMMISSION
- Chapter 2.14 - PLANNING AND TRANSPORTATION DEPARTMENT
- Chapter 2.15 - ADVISORY BOARD OF ZONING APPEALS
- Chapter 2.16 - HISTORICAL PRESERVATION COMMISSION
- Chapter 2.17 - BOARD OF PUBLIC SAFETY
- Chapter 2.18 - BLOOMINGTON REDEVELOPMENT COMMISSION
- Chapter 2.19 - HOUSING AND NEIGHBORHOOD DEVELOPMENT
- Chapter 2.20 - BLOOMINGTON BOARD OF PARK COMMISSIONERS
- Chapter 2.21 - DEPARTMENT OF LAW
- Chapter 2.22 - HUMAN RESOURCES DEPARTMENT
- Chapter 2.23 - COMMUNITY AND FAMILY RESOURCES DEPARTMENT
- Chapter 2.24 - UTILITIES*
- Chapter 2.25 - INFORMATION AND TECHNOLOGY SERVICES DEPARTMENT
- Chapter 2.26 - CONTROLLER'S DEPARTMENT
- Chapter 2.27 - ORDINANCE VIOLATIONS BUREAU
- Chapter 2.28 - BLOOMINGTON LIVING WAGE ORDINANCE
- Chapter 2.29 - GREEN BUILDING PROGRAM
- Chapter 2.30 - STATUTORY BOARDS AND COMMISSIONS
- Chapter 2.31 - RESPONSIBLE BIDDER ORDINANCE
- Chapter 2.32 - POLICE COLLECTIVE BARGAINING
- Chapter 2.33 - DEPARTMENT OF ECONOMIC AND SUSTAINABLE DEVELOPMENT

Chapter 2.34 - FIREFIGHTERS COLLECTIVE BARGAINING
Chapter 2.44 - AIRPORTS
Chapter 2.52 - PROPERTY SALES
Chapter 2.56 - MISCELLANEOUS PROVISIONS
Chapter 2.76 - BLOOMINGTON PUBLIC TRANSPORTATION CORPORATION

...

Chapter 2.04 COMMON COUNCIL

Sections:

Article I. - Officers and Employees
Article II. - Meetings and Rules of Procedure
Article III. - Committees
Article IV. - Ordinances and Resolutions
Article V. - Proceedings and Motions
Article VI. - Council Districts

...

Article II. Meetings and Rules of Procedure

[2.04.050 Regular meetings.](#)

[2.04.060 Special meetings—Emergency meetings.](#)

[2.04.070 Budget meetings.](#)

[2.04.080 Parliamentary authority.](#)

[2.04.090 Amendment and suspension of rules.](#)

[2.04.100 Convening meeting—Quorum.](#)

[2.04.110 Seating of members.](#)

[2.04.120 Limits on debate.](#)

[2.04.130 Absence from meeting—Leaving meeting in session.](#)

[2.04.140 Orderliness of members.](#)

[2.04.150 Conflict of interest.](#)

[2.04.160 Expressing dissent.](#)

[2.04.170 Violation of rules.](#)

[2.04.180 Address on personal privilege.](#)

[2.04.190 Expulsion of member.](#)

[2.04.200 Investigatory powers—Removal of officers.](#)

▶▶▶ **Ord 16-42 – Section 1:**

2.04.050 Regular meetings.

- ▶
- (a) With the exceptions noted in subsections (b) through (g), of this section, the council shall meet in regular session on the first and third Wednesday of each month at ~~seven~~ **six** thirty p.m. local time. The council may agree by majority vote to dispense with any regular session or to change the day or hour of any meeting, but the council shall meet at least once a month.
 - (b) The council shall not meet on legal holidays as enumerated in Indiana Code 1-1-9-1. The council may agree by majority vote to meet at an alternative time should such a holiday fall on a Wednesday.
- ▶
- (c) In accordance with Indiana Code 36-4-6-7, in the year following its election the council shall hold its first regular meeting at ~~7~~ **6:30** p.m. one evening no later than the second Wednesday in January to elect officers. Should the council president of the previous year still be a member of the council, he or she shall preside over the election of new officers. If the president of the previous year is no longer on the council, the majority party shall designate a councilmember to preside over the election of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this first meeting of the year.
- ▶
- (d) In accordance with Indiana Code 36-4-6-8, in years subsequent to the year immediately following its election, the council shall meet at ~~7~~ **6:30** p.m. one evening no later than the second Wednesday in January to elect officers. The council president of the previous year shall preside over the election of officers. The council may decide by majority vote to reschedule a regularly scheduled Wednesday meeting and conduct other official business at this meeting.
 - (e) The council shall go into recess upon adjournment of the first regular session in August and reconvene on the first Wednesday in September. No legislation shall be heard for first reading at the August meeting.
 - (f) The council shall not meet on the Wednesday before Thanksgiving Day. The council may by majority vote decide to combine the meeting scheduled for this date with the meeting scheduled for the previous or following Wednesday.
 - (g) The council shall go into recess upon adjournment of the second regular session held in December and reconvene in January. No legislation for first reading shall be heard at the last regular session of December.

(Ord. 90-48 § 3, 1990).

(Ord. No. 13-05, § 2, 3-6-2013)

....

▶▶▶ **Ord 16-42 – Section 2:**

2.04.250 Committee of the whole.

- (a) With the exceptions noted in this section, the council may resolve itself into a committee of the whole to consider ordinances, resolutions, or other matters with the freedom of committee procedures. The council may decide by majority vote to cancel any such committee meeting or to meet at an alternative date and time. The council may by majority vote resolve itself into a committee of the whole at any other time and for any other legitimate purpose.
- (b) Whenever the council resolves itself into a committee of the whole the presiding officer shall leave the chair. Chair of the committee meetings scheduled for Wednesday evenings and city budget hearings shall rotate by alphabetical order among all councilmembers except the council president and such rotation will be tracked by the city clerk. Should a councilmember be unable to attend a committee meeting the next member on the rotation shall preside and the rotation shall proceed from that point. The council president will designate the chair for any unscheduled committee meetings.
- (c) When the council resolves itself into the committee of the whole, the rules of the council shall govern except that:
 - (1) The committee of the whole may consider only matters and questions referred to it, and the only motions in order shall be to amend or adopt, or that the committee rise and report;
 - (2) No limit shall be placed on frequency of speaking, but no member may speak for longer than five minutes at a time;
 - (3) Interested citizens may be heard on the question under consideration if they address the chair and ask permission to speak;
 - (4) The previous question may not be moved;
 - (5) The clerk shall keep a memorandum of proceedings and recommendations in a manner consistent with IC 5-14-1.5-4.
- (d) When the committee of the whole rises, the residing officer of the council shall resume the chair, and the chairperson of the committee shall report its recommendations to the council. The question shall then be on agreeing the recommendations of the committee and adopting the action or measures recommended.

(Ord. 79-97 § 2 (part), 1979).

(Ord. No. 12-10, §§ 1, 2, 5-2-2012; Ord. No. 13-05, § 4, 3-6-2013)

...

2.04.255 Committees—Scheduling.

- (a) Meetings of standing committees or the committee of the whole convened to consider legislation referred by the council shall meet on the second or fourth Wednesday of the month. Motions for referral to a standing committee shall be entertained before a motion for referral to the committee of the whole and shall include the approximate time at which the committee will convene.
 - (1) If more than one standing committee has had legislation referred to it during the same period of time, the committees shall not be scheduled at the same time, so that any council members may attend any meeting.
 - (2) Such standing committee meetings shall not begin before 5:30 p.m. or after 9:45 p.m.



- (3) Such meetings of the committee of the whole shall convene at 7 6:30 p.m. local time.
- (b) A council committee shall not meet on legal holidays as enumerated in Indiana Code 1-1-9-1 during the month of August, on the Wednesday evening immediately before Thanksgiving Day, or on or between the fourth Wednesday in December and New Year's Eve.

(Ord. No. 12-10, § 3, 5-2-2012)

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, October 19, 2016 at 7:33pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
October 19, 2016

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

ROLL CALL
[7:33pm]

Council President Andy Ruff gave a summary of the agenda.

AGENDA SUMMATION
[7:34pm]

It was moved and seconded to approve the minutes from October 13, 2016.

APPROVAL OF MINUTES
[7:37pm]

The motion to approve the minutes was approved by voice vote.

October 13, 2016 (Special Session)

Councilmember Dave Rollo commented on the war in Syria, and said people needed to appeal to the government to engage in diplomacy to avoid conflict, saying the potential for conflict between major powers was real. He encouraged the government and other governments to work out a diplomatic solution to the situation.

REPORTS [7:38pm]
• COUNCIL MEMBERS

Councilmember Allison Chopra commented on Columbus Day, noting that she would like to celebrate Indigenous People's Day on the second Monday in October starting in 2017, to celebrate the indigenous people of North America. She noted that many other cities in the nation had abolished Columbus Day and had instituted Indigenous People's Day.

Councilmember Isabel Piedmont-Smith reminded everyone that October was domestic violence awareness month, which was an opportunity to give to organizations that supported victims of domestic violence. She recognized Middle Way House and Toby Strout, Director of Middle Way House. She noted that October 20th was Wear Purple Day, which was meant to help raise awareness of domestic violence and to show support for victims.

Councilmember Steve Volan noted the Chicago Cubs were still in the playoffs and voiced his support for the team.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES
- PUBLIC

There were no reports from council committees.

Jan Sorby introduced herself and commented on Bloomington Restoration, Inc.'s 40th Tour, saying it was a celebration of the work of the Council and the preservation community, and provided details of the event.

Gabe Rivera spoke on the war on drugs.

It was moved and seconded to appoint Coleman Burnett to Bloomington Commission on Sustainability. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS
[7:52pm]

It was moved and seconded to appoint Birk Billingsley to the Human Rights Commission. The motion was approved by voice vote.

It was moved and seconded to appoint Seth Debro and Brian Richardson, Jr. to the Commission on the Status of Black Males. The motion was approved by voice vote.

It was moved and seconded that Resolution 16-15 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, noting no committee recommendation.

It was moved and seconded that Resolution 16-15 be adopted.

Doris Sims, Director of the Housing and Neighborhood Development department, presented Resolution 16-15 and explained that it was an annual request. She detailed the purpose and effect of the resolution.

Councilmember Tim Mayer pointed out that the request to waive payments in lieu of taxes was an annual event for the Housing Authority.

Councilmember Susan Sandberg thanked Ms. Osterholt for her work with the Bloomington Housing Authority, expressing her appreciation and thanks.

Ruff said the Council as a whole seconded Sandberg's comments.

The motion to adopt Resolution 16-15 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 16-15 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read Ordinance 16-15 by title and synopsis, giving the committee Do Pass recommendation of 6-0-2.

It was moved and seconded that Ordinance 16-15 be adopted.

Councilmember Chris Sturbaum presented Ordinance 16-15, noting that the proposed procedure in the ordinance was elective, so only a board or commission that wanted to add advisory members would do so. He pointed out an advantage of the proposal was that it allowed younger people and more people to participate in the board and commission system, which encouraged public participation.

Rollo asked whether a board or commission could reverse the creation of the advisory positions.

Sturbaum said he did not know, but said he supposed that as the process went along, a board might stop adopting the positions, or could amend the bylaws.

Rollo asked for clarification from council administrator/attorney Daniel Sherman.

Sherman said the language in the ordinance did not foresee that step being taken, but said the Council could amend the provisions to provide such method for reducing the number of voluntary advisory board members.

Rollo asked what the terms would be for the advisory positions.

Sturbaum said the terms would be set and then staggered like the regular terms on the various boards and commissions.

Rollo asked whether the positions would need to be confirmed by the board or commission itself when that term expired.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:38pm]

Resolution 16-15 – Waiving
Current Payments in Lieu of Taxes
by the Bloomington Housing
Authority to the City

Council Comment:

Vote to adopt Resolution 16-15
[7:56pm]

Ordinance 16-15 – To Amend Title
2 of the Bloomington Municipal
Code (BMC) Entitled
“Administration and Personnel” –
Re: Amending BMC Chapter 2.02
(Boards and Commissions) to
Provide for the Common Council
Appointment of No More than Four
Non-Voting Advisory Members to
Certain Boards, Commissions, and
Councils
[7:57pm]

Council Questions:

Ordinance 16-15 (cont'd)

Sturbaum explained how the advisory positions worked on the Historic Preservation Commission and noted the spirit of the ordinance was that it was a voluntary addition.

Sherman said the provision for filling vacancies would be similar to any other appointment to a board or commission, and detailed that process.

Volan asked Sturbaum to clarify whether the Council would still make the appointments themselves, while the board or commission would be able to decide whether that board or commission wanted the advisory position in the first place.

Sturbaum said it would be the same process as was then in place.

Volan asked what the administration's position on the ordinance was.

Sherman said the administration had indicated that it did not oppose the ordinance, but did not think it was necessary.

Chopra asked whether the Clerk's Office had weighed in on how the proposed ordinance would affect that office's workload and whether it was capable of taking on additional work with current staff.

Lucas said yes, it would increase the workload for the Clerk's Office, but the office did not have any concerns about the legislation.

Sturbaum confirmed that the Clerk had communicated the same to him, and that they had discussed the changes happening gradually.

Volan said he was skeptical of the idea at first, but commended Sturbaum for persuading him that it was not a bad idea, and looked forward to supporting it.

Council Comment:

Sandberg said she saw the merit of the proposal and viewed it as a pipeline for potential future board members, noting she was in favor of the ordinance.

Rollo said he thought the ordinance was a good evolutionary step to give boards and commissions discretion to include other advisory members.

Councilmember Dorothy Granger thanked Sturbaum for bringing the proposal forward, and said she thought many boards and commissions would welcome the opportunity to bring more people in to participate.

Sturbaum said the system of boards and commissions was something Frank McCloskey brought to the City, which helped bring the community into the system of governing. He said the proposal helped create a mentoring process for the various boards and commissions.

Ruff commended Sturbaum for being patient in bringing the ordinance forward, as the Council's schedule had previously delayed the ordinance. Ruff said the ordinance expanded on the tradition of engaging and involving citizens formally through boards and commissions, and while it might not be necessary, anything that formalized citizen engagement was a good thing and was in the spirit of what Bloomington had been doing for years.

The motion to adopt Ordinance 16-15 received a roll call vote of Ayes: 9, Nays: 0.

Vote to adopt Ordinance 16-15
[8:09pm]

It was moved and seconded that Ordinance 16-23 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read Ordinance 16-23 by title and synopsis, giving the committee Do Pass recommendation of 7-1-0.

It was moved and seconded that Ordinance 16-23 be adopted.

Bethany Emehiser, Program Manager in the Housing and Neighborhood Development department, introduced herself, and provided background information on the request and the property in question. She noted that the house met two of the architectural criteria for local historic designation. She displayed and discussed aerial photographs of the location from different time periods. She provided additional details of the house and the architecture, adding that she was available for questions.

Rollo asked how many ranches of the same style existed, and whether unaltered homes like the one in question were rare in Bloomington.

Emehiser estimated there were ten homes of similar caliber and condition in Bloomington.

Volan asked whether the adjacent homes were considered notable or contributing.

Emehiser said there were one outstanding, two notable, and one contributing homes nearby.

Volan asked what the process was by which a street or an area of houses would be declared historic, clarifying that it seemed to him that the home in question was being preserved by itself and the entire area might need to be preserved.

Emehiser said the area would be a nice historic district, but home in question was a voluntary designation, and she believed the City should take the designations as they came. She explained the process for a historic designation.

Sturbaum said it was curious that modernism was historic and new traditionalism was modern. He said he was pleased that the Petitioner wanted to protect the house and was pleased it was happening.

Mayer thanked the Petitioner for bringing the request forward.

Granger echoed Sturbaum and Mayer's comments and thanked the Petitioner.

Volan said his previous concerns still existed, though he thanked the Petitioner for being willing to voluntarily seek the historic designation. He said it would be more justified if it were part of a bigger group and said he would not support it because there were other buildings around it that should be considered together.

Piedmont-Smith said she would be voting for the ordinance. She noted that nearby neighbors had been informed, and she encouraged staff to explain to the neighbors the process of designating the homes as historic. She said she did not see a problem with starting with the home in question and adding more in time

Ordinance 16-23 – The Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: 2233 East Moores Pike Historic District (Terry L. Kemp, Owner and Petitioner)
[8:10pm]

Council Questions:

Council Comment:

The motion to adopt Ordinance 16-23 received a roll call vote of Ayes: 8, Nays: 1 (Volan).

Vote to adopt Ordinance 16-23
[8:21pm]

It was moved and seconded that Ordinance 16-20 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read Ordinance 16-20 by title and synopsis, giving the committee Do Pass recommendation of 0-1-7.

Ordinance 16-20 – To Amend the Zoning Maps from the Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) as well as Approve a District Ordinance and Preliminary Plan – Re: 405 E. 17th Street (RCR Properties, LLC, Petitioner)
[8:22pm]

It was moved and seconded that Ordinance 16-20 be adopted.

Eric Greulich, Zoning Planner, presented the ordinance and described the request to rezone the property in question from Residential High-Density Multifamily (RH) to Planned Unit Development (PUD), summarizing the location of the property, the zoning of surrounding properties, and details of the petition being considered. He noted with the request was a request to vacate a section of right-of-way on Grant Street located on the north side of the petition site. Since the last hearing, petitioners had provided additional information, but overall request had essentially stayed the same. Greulich went over the Greenbelt Design and its intended design, function and appearance. He displayed various renderings of the proposed project. He noted that the petitioners and the architects for the project was available to answer questions as well. He explained that the building had one corner that followed the topography of the site would exceed the height limit, but otherwise the building would comply with height restrictions. He summarized some of the building materials proposed to be used for the project. He said he was available to answer any questions the Council had.

Michael Carmin, attorney for the Petitioner, introduced himself and the Petitioner and the individuals involved with the project. He noted that concerns about parking in the Garden Hill area could be addressed before the estimated completion date for the project in question, which was August 2018. He said the Council would have plenty of time to look into establishing a neighborhood parking zone in that area and that the Petitioner opposed connecting that issue with the petition before the Council.

Jim McKinney, speaking on behalf of Regency Consolidated Residential, LLC, introduced himself and talked about his history with Regency. He provided additional information about Regency's other properties and projects in Bloomington. He provided the Council with a document summarizing Regency's entire portfolio, reflecting its investment in Bloomington, and went through the document with the Council. He explained Regency's reasons for taking on the proposed project, noting the property in question did not reflect the quality, the style, or the type of property that Regency or Bloomington should want. They undertook a study and determined purpose build student housing was the most appropriate use of the site. He noted the current property was meant to improve a number of issues, and said he was available for questions.

Will Kreuzer thanked the Council for having the Petitioners back, and said he would attempt to answer questions and respond to comments previously raised by councilmembers or by neighbors. He first addressed the retail component of the project, noting that he had been having conversations with local businesses about occupying the space, and said he envisioned the space would have a variety of uses rather than just a single restaurant or business. Second he addressed bike storage, noting that the revised plans

reflected where the bike storage would be located. He said they intended to provide 17% bike storage for the units, but they would be willing to go up to 20%. Next he explained how he went about analyzing the estimated need for parking at the proposed development. He said he did not want to provide too little parking because it could be detrimental to the Garden Hill neighborhood. The next item brought up was about bus routes. Kreuzer said the A and X routes from IU served the location, and ran every five minutes. He said he reached out to Garden Hill Historic neighborhood, and would support and ordinance for parking zone in the neighborhood if necessary. Also discussed security with the neighborhood association, and reported that they did not want an animal house; they wanted it to be a controlled environment. He added that if concerns came up, he provided construction managers information, property managers information, and his own information for contacts. He said it would also be helpful to have some visitor parking spots on 18th street.

Dan Hronkowsky, Vice President Design and Development with CA Ventures, introduced himself and explained he would be addressing some of the same topics already raised, as well as attempting to address other questions he thought the Council might raise. He explained some of the considerations the Petitioner had undertaken when it came to the potential retail space in the building, and how that space would function with the dwelling units. He summarized ideas for the location and function of the retail space. On parking, he echoed Kreuzer's analysis of the parking need for the project, and he added additional explanation for how he had analyzed and determined what he thought the parking need of the development would be. He estimated that the development would need 85 parking spots per resident, and said that he did not perceive any downside if they had overestimated the parking need, as the parking garage would be at least partially hidden from sight. Hronkowsky said there had been previous discussion on the four-bedroom unit types, and acknowledged those units had a party connotation. He said the rules for the complex would be in place, any violation would not be tolerated, and said they had not experienced disproportionate issues coming from four-bedroom units in other properties. Last, he reminded the council of the exhibits of the greenbelt in the materials provided, reviewed the design and renderings of the proposed Greenbelt, and added that some changes to the project overall could still occur as the process goes forward.

Rollo asked whether the development increase runoff, decrease runoff, or be neutral toward runoff, and asked where that runoff would go.

Greulich said the Utilities Department required that post-development runoff rate cannot exceed the pre-development runoff rate. He said the existing site had essentially no stormwater mitigation, so there would be a huge improvement with the proposed project, as the stormwater would be direct to rain gardens, and connected to stormwater inlets in the street.

Rollo asked whether there would be an increase or decrease in the vegetative surface with the proposed project, and also whether native plants would be used in the vegetative surfaced.

Greulich said the project had not progressed to that level of site plan detail yet, but using native species could be incorporated into the project. He said the project adhered to the maximum impervious surface coverage requirements. He noted that the council could require the use of native species only.

Council Questions:

Chopra asked Greulich to clarify the impervious surface rates for the various parcels in the project. Ordinance 16-20 (cont'd)

Greulich said the petitioners were asking to allow a 70% impervious surface coverage for the main parcel. The parcels to the north would meet the 50% requirement for impervious surface.

Chopra asked whether the parcel with 70% was a request for a variance.

Greulich said yes, the large parcel to the south included a request to allow the 70% impervious surface.

Chopra asked whether the request for additional impervious surface coverage was in addition to the zoning change requested.

Greulich said yes.

Chopra asked whether there were any other variations being requested.

Greulich said there was a request to deviate from the height requirement, allowed density for the sight, and the request to deviate from the amount of allowed impervious surface, were the main deviations requested from the underlying zoning district standards.

Chopra asked Greulich to compare the density standard to the requested variance.

Greulich said the request was for 50 dwelling units per acre, while the underlying zoning district allowed for 15 dwelling units per acre. He added that the Dunn Hill Site was about 30 units per acre at that time.

Chopra asked what the PUD would allow.

Greulich said the PUD would allow for an overall density of 50 units per acre on the entire project overall.

Piedmont-Smith asked whether there was a commitment to use pervious pavers for the Greenbelt.

Ken Ramsey, the architect for the project, introduced himself, and explained that emergency services allowed pervious materials, but not grass-paved materials.

Piedmont-Smith asked whether they were committing to use pervious materials for the entire walkway.

Ramsey said they would use pervious materials for a certain percentage of the walkway.

Piedmont-Smith asked what percentage.

Ramsey said that number had not been worked out.

Piedmont-Smith said she would expect that percentage to be high.

Volan asked how many other developments in Bloomington had a density of 50 units per acre or greater.

Greulich said outside of downtown, there were none that he could think of. He said the downtown area was the only area he could think of that had a similar density.

Volan asked whether the rule regarding three unrelated adults would apply to the project.

Greulich said because the zoning is residential high density multifamily, it would allow for five occupants per unit, but the petitioner had committed to the occupancy matching the bedrooms, so a three-bedroom unit would only have three occupants.

Volan asked whether Regency or CA had any other rentals where people lived in a unit with more people than bedrooms.

Hronkowsky said that arrangement only works in specific situations, but does provide a lower price point. He said he could think of only a couple projects where that arrangement was allowed, and they were careful not to do plan that.

Volan asked whether it was uncommon to have more people than bedrooms. Ordinance 16-20 (cont'd)

Hronkowsky said it was somewhat common, but with the business plan to be best in class, they did not think it was the best in class living accommodations, so they did not allow it very often.

Ruff asked why not have the building step down to bring it into compliance with the height requirement.

Greulich said there was nothing preventing that, but when looking at height issues, it was looked at in comparison to what surrounded it. He said the corner in question was elevated because they were using the existing topography and simply kept the floors level. He added that with it being next door to the stadium, there was not a risk of creating a corridor feeling with tall buildings and narrow streets, so impact of the variance was mitigated with the open space.

Ruff clarified that the requested height was not within the limits for that corridor, and that the mitigating factors might have been taken into account with the height limit was established. He asked whether it would be possible to step the building down.

Greulich said yes.

Hronkowsky added that the building was at the zoning grade for the majority of the property, and that only a small portion was higher due to the grade level of the land.

Ruff asked staff to clarify if they were or were not asking for a 20 foot variance.

Greulich responded that the petitioners were asking for the building to be 20 feet taller than would have been allowed. He elaborated that overall the building was at the height limit except for the one area where the topography dipped down, and made that portion of the building higher.

Piedmont-Smith asked how many stories were on the northeast corner.

Ramsey responded that it was a five-story building with a basement where people could walk out.

Piedmont-Smith asked for a walkthrough of the architecture and design of the building to provide more context for the scope of the building as a whole.

Ramsey affirmed to her request.

Chopra asked what brick veneer meant, and if it was actually brick.

Ramsey explained that it was brick, and was a true masonry product, that would not be a load bearing product.

Chopra asked if limestone was being used or a similar product.

Ramsey answered that it was a simulated limestone product that was difficult to tell the difference from real limestone.

Chopra asked about the possibility of restaurants on the site.

Kreuzer responded that the original vision was to designate one area of the building for one business. He said that after several conversations with local business owners, the idea shifted to break up the area for three or more tenants.

Rollo asked about the nature of commercial development in the area, and asked if the vision was to cater to the people in the development.

Kreuzer replied that it was what he hoped would happen, and that he thought it would be an amenity to those who lived there.

Rollo asked Greulich about the process moving forward.

Ordinance 16-20 (cont'd)

Greulich responded that the plans would not be changed substantially, and would look like what the council was seeing that night.

Rollo asked the architect about the variations of the building front, so that it did not look like one monolith.

Ramsey replied that the property was designed so that it looked like a series of buildings.

Rollo asked for confirmation that the developer would explore the idea of making the greenbelt into a public plaza, and asked for the width.

Ramsey said that they did want to encourage people to use the area. He also said that the space was about 40 feet.

Sturbaum asked if there would be any commercial activity on the corner of 18th and Dunn.

Greulich replied that it was all non-residential office space, but would not be commercial.

Sturbaum asked why it would not be functional as a commercial space.

The response was that there was not a great deal of parking, but the hope was to make it an amenity center for the residents.

Volan asked what problems were currently being experienced at the current property.

McKinney explained that the property was open, and allowed non-residents to use facilities they were not entitled to use. He added that the proposed plan would allow for more control over the property.

Volan asked how they would restrict access.

Hronkowsky responded that they wanted to encourage greenbelt usage, but the pool and private courtyard would be restricted.

Volan asked if there was a plan for tailgating on football Saturdays.

Hronkowsky said that they had plans in place for special events, which included more staff and community assistance. He added that no event would happen on the property that was not under control.

Phil Worthington asked the council to draft a resolution to ask IU to build more on-campus housing.

Public Comment:

Carrie Slough spoke against the PUD.

Tim Ellis spoke in favor of the PUD.

Bob Beard, Vice-President of Garden Hill neighborhood, spoke against the PUD.

Steve Watt spoke in favor of the PUD.

Volan reported his discussions about parking issues and the discussion among councilmembers and the administration about parking issues in Garden Hill.

Council Comment:

Rollo asked if the parking zone would work as an exclusion to anyone who did not live in the zone.

Additional Council Questions:

Volan responded that it would.

Rollo asked where the funding for the proposed zone would come from.

Volan replied that there were two potential sources of funding; the parking meter fund or escalating fines for successive tickets.

Sandberg said that she was supportive of parking protections for Garden Hill, and noted that the council had ample time to address the issue. She asked that the council separate the issue from their review of the proposed PUD.

Ruff replied that he thought the parking discussion was relevant, and agreed that they had time to address the issue.

Rollo agreed that Garden Hill would be significantly impacted, and said that he understood the residents' concerns.

Volan added that he did not think the parking issue would address the other concerns brought forward by the residents.

Piedmont-Smith asked what the maximum percentage of permeable pavement that could be used on the greenbelt without compromising the structural integrity was.

Hronkowsky gave more background into the different types of pavers that could be used, but said that he did not have exact numbers. He said that he thought it would be about 30%, but was willing to continue to talk to the council if it was a condition of approval. He added that it would not be limited to the greenbelt, but also could include the courtyard area as well.

Piedmont-Smith asked if a condition of a footpath made of 100% permeable materials would break their project.

Hronkowsky replied that it could, because it would be out of scale with the rest of the project.

Piedmont-Smith asked if she had not made it clear that permeable materials were important a few weeks prior, and if they had enough time to get estimates.

Hronkowsky responded that she mentioned it, but that they were focused on getting approval first, and would get more specifics as they went along.

Piedmont-Smith how much percentage-wise having the entire path made out of permeable materials would bring up the total permeability of the entire project.

Greulich estimated that it would be very low, perhaps 1%. He added that from staff perspective, some materials did not work well for bicycles and skateboards, and could be an issue.

Piedmont-Smith pointed out that there was a permeable parking area at the city's utilities building.

Greulich agreed that that was true, but noted it had significant maintenance problems. He said that they had seen greater success with paver block systems. He added that there were advantages and disadvantages with the different types of materials.

Mayer commented that the city was planning to re-pave the parking lot at utilities because the permeable parking materials had been destroyed.

Hronkowsky added that he thought the project was a very green development.

Piedmont-Smith clarified that she was concerned about the variance requested in the planning commission to get 70% impermeable materials instead of the 50% required under RH zoning regulations.

Sturbaum expressed concern about the lack of first floor commercial along Dunn Street, and said that he thought the drawings showed potential for commercial space.

Greulich said that there was nothing preventing the developers from turning that space into a commercial space, but they had adhered to the minimum required.

Ordinance 16-20 (cont'd)

Rollo asked whether staff recommended a cool roof or reflective surface.

Greulich responded that the townhomes would have pitched roofs, and the main buildings would have white roofs.

Volan asked if any thought was given to including parking on the west side of Dunn.

Greulich responded that it could be done, but was not discussed.

Volan asked what the setback of the building was on Dunn.

Greulich responded that it was about 35 feet.

Volan concluded that it seemed there was ample room for parking, and asked the developers if they had considered that as a possibility.

Kreuzer said that it had been discussed, but there was a concern about the width and grade of the street.

Volan asked about the idea of routing commercial visitors to use the parking garage.

Kreuzer replied that it was a possibility for employees, but could become problematic for other visitors who would not want to walk the extra distance.

Granger asked if adding parking on Dunn would mean the loss of green space.

Hronkowsky answered that the green space would be diminished. He added that the grade of the street would make parking very difficult.

Rollo asked about the energy efficiency of the proposed project.

Hronkowsky answered that the building would qualify for LEED certification, and added that a lot of the increased efficiency was due to the construction.

Rollo asked if tenants would be responsible for utilities.

Hronkowsky replied that they were moving toward including all the utilities in the rent, except for electricity at that time.

Rollo asked if heating and cooling would be electric.

Hronkowsky responded that the air conditioning would be electric, and that the heating could be gas or electric.

Ramsey added that in addition to the LEED certification, the project would also have to comply with the international energy efficiency code.

Piedmont-Smith if the first floor of the parking garage could be accessible for guests.

Hronkowsky replied that it was possible, but added that the practice was to put residents on the lower levels of the garage.

Ruff asked if it made sense to decrease the capacity of the garage.

Hronkowsky said that it would not make a difference in the overall design to do so.

It was moved and seconded that Ordinance 16-20 be postponed to a Special Session on November 9, 2016.

Volan commented that postponing the consideration of the ordinance would give more time for questions to be answered and allow for additional reasonable conditions to be attached.

Sherman suggested checking with the petitioners if it worked for them, but otherwise had nothing to add.

Volan addressed the schedule and pointed to November 9, 2016 as the best date to address the project.

Ordinance 16-20 (cont'd)

Petitioners responded that they would have someone available if they could not have a vote that night.

Piedmont-Smith said that she supported postponing because she had several ideas for reasonable conditions and questions she wanted answered before she voted to approve the project.

Chopra commented that she was ready to move forward on the project.

Rollo said that he wanted specificity on the date of the postponement.

Sturbaum stated that he would not support the continuation.

Piedmont-Smith made a friendly amendment to postpone the ordinance to November 2, 2016 instead.

Sherman gave a brief rundown of the expected schedule on November 2, 2016.

Volan stated that he withdrew the motion.

Ruff commented that he still had several questions and would like to postpone the hearing.

Piedmont-Smith withdrew her friendly amendment and asked to allow the motion for November 9, 2016 to stand.

Volan reinstated his proposal to postpone to a Special Session on November 9, 2016.

The motion to postpone Ordinance 16-20 received a roll call vote of Ayes: 5, Nays: 4 (Sandberg, Chopra, Sturbaum, Mayer).

Vote to postpone Ordinance 16-20
[10:34pm]

It was moved and seconded that Ordinance 16-21 be introduced and read by title and synopsis only.

Ordinance 16-21 – To Vacate A Public Parcel – Re: A 50-Foot by 120-Foot Segment of North Grant Street Located South of 18th Street and East of 1313 North Grant Street (RCR Properties, LLC, Petitioner)
[10:35pm]

Sherman noted that this ordinance had an advertised public hearing attached to it, and urged the council to give the public a chance to comment.

The motion was approved by voice vote.

Deputy Clerk Lucas read Ordinance 16-21 by title and synopsis, giving the committee Do Pass recommendation of 3-1-4.

It was moved and seconded that Ordinance 16-21 be adopted.

Greulich introduced the legislation, and explained the area of the parcel to be vacated.

Ruff called for public comments; there were none.

Chopra commented that she was disappointed that there were no students commenting on a project for student housing, and encouraged students to come forward and talk about the project the next time it come forward.

Council Comment:

Volan commented that they had heard from students at the committee of the whole. He added that he did not support the vacation of right-of-way. He suggested that the greenway was not necessary to the project, and thought the right-of-way could be maintained for slow-moving traffic and provide options for connectivity. He added that he did not necessarily oppose the project itself, but he was opposed the parcel vacation.

Ordinance 16-21 (cont'd)

Piedmont-Smith stated that she had no problem supporting the ordinance, and thought the greenbelt was a good addition to the project.

Ruff said that he did not think it made sense to vote on this ordinance, and hoped someone would move to postpone it until November 9, 2016.

It was moved and seconded that Ordinance 16-21 be postponed to a Special Session on November 9, 2016.

The motion to postpone Ordinance 16-21 received a roll call vote of Ayes: 6, Nays: 2 (Chopra, Sandberg), Abstain: 1 (Sturbaum).

Vote to postpone Ordinance 16-21 [10:41pm]

LEGISLATION FOR FIRST READING [10:42pm]

It was moved and seconded that Ordinance 16-22 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read Ordinance 16-22 by title and synopsis.

Ordinance 16-22 – To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code (To Establish a Parking Commission)

It was moved and seconded that Ordinance 16-24 be introduced and read by title and synopsis only. The motion was approved by voice vote. Deputy Clerk Lucas read Ordinance 16-24 by title and synopsis.

Ordinance 16-24 – To Amend the Zoning Maps from Residential Single Family (RS) and Residential High-Density Multifamily (RH) to Planned Unit Development (PUD) as well as Approve a District Ordinance and Preliminary Plan – Re: 600-630 E. Hillside Drive (Dwellings LLC, Petitioner)

There was no public comment at this time.

ADDITIONAL PUBLIC COMMENT [10:43]

Sherman reminded the Council of the meetings schedule for the following week.

COUNCIL SCHEDULE [10:43pm]

It was moved and seconded to schedule a Special Session after the Committee of the Whole on November 9, 2016.

The motion to schedule a Special Session on November 9, 2016 received a roll call vote of Ayes: 6, Nays: 0, Abstain: 3 (Sturbaum, Sandberg, Chopra)

Vote on Special Session [10:44pm]

The meeting was adjourned at 10:45pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

FOR APPROVAL