

City of Bloomington Common Council

LEGISLATIVE PACKET

Meetings for the Week of 31 August – 04 September 2020

Wednesday, 02 September 2020

Regular Session

6:30 PM

Thursday, 03 September 2020

Jack Hopkins Social Services Funding

Committee 6:00 PM

Friday, 04 September 2020

Common Council Work Session

12:00 PM

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency
For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*



Legislative Packet Memo – from Council Office

Materials pertaining to the week of August 31- September 4

AGENDAS & NOTICES FOR MEETINGS OF AUGUST 31- SEPTEMBER 4

- Common Council Regular Session – Agenda and Notice
 - Wednesday, September 2, 2020 at 6:30 pm accessible via:
<https://bloomington.zoom.us/j/95833997896?pwd=NjhvN1BldVFjVXMwdDltM3dibkg0Zz09>
- Jack Hopkins Social Services Funding Committee – Notice
 - Thursday, September 3, 2020 at 6:00 pm accessible via:
<https://bloomington.zoom.us/j/97487856399?pwd=Zlhsbk4dGV3ZURwdVlNVnhCZ1FQdz09>
- Common Council Work Session – Notice
 - Friday, September 4, 2020 at 12 noon accessible via:
<https://bloomington.zoom.us/j/98711848178?pwd=RGxCK110NkVDeDIGTG NPS0j4eWdSZz09>

LEGISLATION FOR FIRST READING - WEEK OF AUG 31- SEPT 4

- **Ordinance 20-15** – To Rezone a 19.73 Acre Property from Employment (EM) to Residential Estate (RE) - Re: 2300 W. Tapp Road (Duncan Campbell, Petitioner)
 - Certification of Ord 20-15 by Plan Commission
 - Memo from Planning staff
 - Map of Zoning for Surrounding Parcels
 - Aerial Map of Surrounding Area
 - Petitioner’s Statement
 - Supporting documents for proposed addition (not subject of Council review, but included for context)

Ordinance 20-15 would rezone a 19.73 acre parcel from Employment (EM) to Residential Estate (RE). Such a change would subject the property in question to the RE district dimensional standards found in the new UDO at [BMC 20.02.020](#). Additional development standards from [BMC 20.04.020](#) (Dimensional Standards) would also apply. Please see the staff memo provided by Ryan Robling, Zoning Planner, for a description of the request and relevant issues, the applicable Comprehensive Plan goals and policies, and recommendations from both the Plan Commission and the Planning and Transportation Department. If you have questions about how this proposed zoning change would affect the dimensional or development standards applied to the property in question, please reach out to staff.



The Council's review of a proposal to change the city's zone maps is guided by state statute. Within ninety (90) days after such a proposal is certified to the Council by the Plan Commission, the Council may adopt or reject the proposal.¹ The Plan Commission certified Ordinance 20-15 to the Council on July 23, 2020 with a favorable recommendation (9-0). If the Council fails to act on the proposal within 90 days after certification (by October 21, 2020), the ordinance would take effect as if it had been adopted (as certified).²

In its consideration of this proposal, state law provides that the Council *shall* pay reasonable regard to the following:

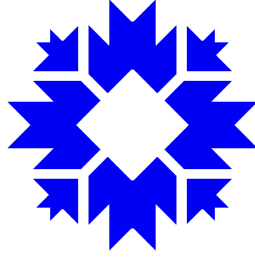
- (1) the [comprehensive plan](#);
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.³

→ Contact: Ryan Robling, roblingr@bloomington.in.gov, 812-349-3423

¹ IC 36-7-4-608(f)

² IC 36-7-4-608(f)(4)

³ IC 36-7-4-603



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

NOTICE

Wednesday, 02 September 2020 at 6:30 PM

Regular Session

***Per [Executive Orders](#) issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:
<https://bloomington.zoom.us/j/95833997896?pwd=NjhvN1BldVFjVXMwdDJtM3dibkg0Zz09>***

Statement on public meetings during public health emergency

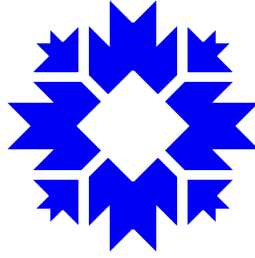
As a result of Executive Orders issued by the Governor, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:

- allowing members of the Council and its committees to participate in meetings electronically;*
- posting notices and agendas for meetings solely by electronic means (See <https://bloomington.in.gov/council>);*
- using electronic meeting platforms to allow for remote public attendance and participation; and*
- encouraging the public to watch meetings via Community Access Television Services broadcast or livestream and encouraging remote submissions of public comment.*

Please check <https://bloomington.in.gov/council> for the most up-to-date information about how the public can access Council meetings during the public health emergency.

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

Posted: Friday, 28 August 2020



City of Bloomington
Office of the Common Council

NOTICE

Jack Hopkins Social Services Funding Committee

Thursday, 03 September 2020, 6:00pm

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<https://bloomington.zoom.us/j/97487856399?pwd=Zlhsbkc4dGV3ZURwdVINVnhCZ1FQdz09>

Statement on public meetings during public health emergency

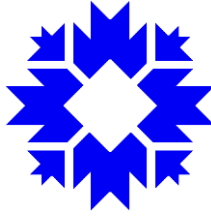
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Posted: Friday, 28 August 2020



City of Bloomington
Office of the Common Council

NOTICE

COMMON COUNCIL WORK SESSION

Friday, 04 September 2020 at 12:00pm

*Per [Executive Orders](#) issued by the Governor, this meeting will be conducted electronically. The public may access the meeting at the following link:
<https://bloomington.zoom.us/j/98711848178?pwd=RGxCK110NkVDeDI GTGNPS0J4eWdSZz09>*

Statement on public meetings during public health emergency

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ORDINANCE 20-15

**TO REZONE A 19.73 ACRE PROPERTY FROM EMPLOYMENT (EM) TO
RESIDENTIAL ESTATE (RE)
- Re: 2300 W. Tapp Road
(Duncan Campbell, Petitioner)**

WHEREAS, Ordinance 20-06, which repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code entitled, “Unified Development Ordinance”, went into effect on April 18, 2020; and

WHEREAS, the Plan Commission has considered this case, ZO-16-20, and recommended that the petitioner, Duncan Campbell, be granted an approval to rezone 19.73 acres from Employment (EM) to Residential Estate (RE); and

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.06 of the Bloomington Municipal Code, the zoning of the property located at 2300 W. Tapp Road shall be changed from Employment (EM) to Residential Estate (RE). The property is further described as follows:

Lot Number One (1) in 2300 TAPP ROAD SUBDIVISION, being a part of Section 18, Township 8 North, Range 1 West, in Monroe County, Indiana, as shown by the plat thereof recorded at page 47 of Plat Book 8 in the office of the Recorder of Monroe County, Indiana.

SECTION 2. This rezoning shall be approved as attached hereto and made a part thereof.

SECTION 3. 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 of the other sections, sentences, provisions, or applications 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 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2020.

STEPHEN VOLAN, 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 _____, 2020.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2020.

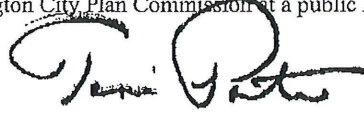
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 20-15 rezones 19.73 acres from Employment (EM) to Residential Estate (RE).

ORDINANCE CERTIFICATION

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 20-15 is a true and complete copy of Plan Commission Case Number ZO-16-20 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 13, 2020.



Date: July 23, 2020

Terri Porter, Secretary
Plan Commission

Received by the Common Council Office this 23rd day of July, 2020.



Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other _____

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected _____	_____	_____
Fund Balance as of January 1, _____	\$ _____	\$ _____
Revenue to Date _____	\$ _____	\$ _____
Revenue Expected for Rest of year _____	\$ _____	\$ _____
Appropriations to Date _____	\$ _____	\$ _____
Unappropriated Balance _____	\$ _____	\$ _____
Effect of Proposed Legislation (+/- _____)	\$ _____	\$ _____
Projected Balance _____	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes No

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

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Interdepartmental Memo

To: Members of the Common Council
From: Ryan Robling, Zoning Planner
Subject: ZO-16-20
Date: July 21, 2020

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case ZO-16-20. The Plan Commission heard this petition at the July 13, 2020 hearing and voted 9-0 to send this petition to the Common Council with a favorable recommendation. The Plan Commission report is attached.

REQUEST: The petitioner is requesting to rezone 19.73 acres from Employment (EM) to Residential Estate (RE).

BACKGROUND:

Area: 19.73 acres
Current Zoning: EM
Comprehensive Plan Designation: Employment Center
Existing Land Use: Dwelling, Single-Family (Detached)
Proposed Land Use: Dwelling, Single-Family (Detached)
Surrounding Uses: North – Vacant
South – Vacant Quarry (Monroe County)
East – Park
West – Vacant

REPORT: The 19.73 acre property is located at 2300 W. Tapp Rd. The property is currently developed with a State historically designated single-family dwelling. The surrounding properties to the north and west are vacant and are both zoned within PUDs, RS/PUD/BL/PCD-64-94 (North) and PUD-06-06 (West). The property to the east is zoned Employment and has been developed with a City of Bloomington Park (Clear Creek Trail). The property to the south is owned by the petitioner and is outside of the City of Bloomington's jurisdictional boundaries. The nearest residential properties is Regency Adams Village and is to the northwest of the property at 2182 W. Tapp Rd. The property fronts on W. Tapp Rd.

The petitioner is requesting to rezone the property from Employment (EM) to Residential Estate (RE). The property was annexed by the City of Bloomington and zoned Quarry (QY) as the property and surrounding areas have historically featured stone quarries. The property's zoning designation changed to EM in April 2020 as part of the Conversion Map and adoption of the current UDO. The rezone is requested in order to allow for construction of an addition to the currently existing single-family dwelling on the property. The historic, current, and proposed use of the property is "Dwelling, Single-family Detached" which is not a permitted use in the EM district. Because the current use is not permitted in the EM district it is considered legal nonconforming and cannot be expanded. The currently existing structure has been in existence since 1855.

COMPREHENSIVE PLAN: This portion of W. Tapp Rd. is designated as 'Employment Center' in the Comprehensive Plan. The intent of the district is to provide locations for business and

professional offices, light assembly plants, flex-tenant facilities, and research and development centers. The Comprehensive Plan acknowledges minor oversights may arise from its “broad brushed” approach to land use mapping and as such intends for flexibility while evaluating parcel-level considerations. The Department feels that while the Employment Center designation is suitable for many of the surrounding parcels and uses, it may not be suitable for this individual property. The Comprehensive Plan contains the following goals and policies as guidance when determining land use:

- **Goal 2.2 Preservation:** Preserve assets of historical, architectural, archaeological, or social significance.
- **Policy 5.2.3:** In historic neighborhoods and districts, preserve or enhance authentic design characteristics, such as building form, by encouraging new or remodeled structures to be historically compatible with the neighborhood and adjacent structures. Design elements from the prevailing existing neighborhood fabric should be utilized in new building and renovation, even if the overall building design is more contemporary.
- **Historic Preservation:** To enhance our sense of community, to preserve the stories of older cultures found in the landmarks and landscapes we visit, and to protect the memories of people, places, and events honored in our local monuments and markers. Historic preservation can apply to individual buildings or neighborhoods and is an essential component to maintaining the unique character of our community.

The Comprehensive Plan also gives guidance on protecting historic and environmental resources:

- **Comprehensive Plan Purpose:** The plan should be used to assist the mayor, City Council, Plan Commission, and City staff to ensure that development decisions are balanced with the protection and conservation of natural, cultural, and historic resources according to public preferences and input.
- **Vision Statement Principle 9:** Nurture a resilient, environmentally responsible community by judiciously using our scarce resources, enhancing our natural assets, protecting our historic resources, and supporting a vital local food system.
- **Vision Statement Principle 12:** Recognize the many virtues of historic preservation, rehabilitation, and reuse of our historic structures.
- **Goal 3.4:** Increase the areas of native shrubs, trees, and herbaceous plants to increase ecosystem services associated with green infrastructure, including improved soil, air, and water quality and increased carrying capacity of pollinators, birds, and other wildlife.

The Comprehensive Plan also gives guidance which aligns with the specific and general goal of allowing residents to age in place that this petition is attempting to achieve:

- **Vision Statement Principle 3:** Meet basic needs and ensure self-sufficiency for all residents.
- **Goal 1.2 Health & Safety:** Support programs and strategies that sustain and enhance the health and safety of residents and visitors.
- **Policy 4.4.5:** Encourage special design qualities such as universal design, 1-2 bedroom limits, adequate storage space, and use of sustainable and enduring materials, that promote housing which is built for all citizens and for a range of ages and affordability options.
- **Policy 5.3.2:** Enable seniors to remain in their own homes to “age in place”.....
- **Policy 5.3.3:** Support home modifications (e.g. Universal Design standards) for non-

student-oriented, multifamily housing to accommodate the needs of older adults and people with disabilities, including designs that allow for independent living, various degrees of assisted living, and/or skilled nursing care.

The proposed rezoning from EM to RE will allow the site to achieve the listed goals. The property has been used as a single-family dwelling for 165 years and is within a State of Indiana historic district (Borland House and Furst Quarry State Listed Historic District). The property features a large wooded area which has been untouched by development. The proposed addition would allow for the petitioner to stay in their home and age in place, continuing his stewardship and protection of the home and its surroundings.

ISSUES:

Dimensional Standards: The RE district has a minimum rear building setback 60 feet. The current structure is set back 60' from the rear property line. The proposed addition will encroach 35' into the rear building setback, and will require a variance in order to be constructed. The property to the south of the site is owned by the petitioner and is outside of the City of Bloomington boundaries.

Accessory Uses and Structures: The RE district allows for accessory structures with a maximum cumulative footprint of 50% of the square footage of the primary structure. The current primary structure is 2,077 square feet. The maximum footprint for an accessory structure on this property is limited to 1,038 square feet. The site currently features 3 existing accessory structures with a cumulative footprint of 3,366 square feet, which is 2,328 square over the maximum allowable for the property. A variance will also be required to legitimize the existing accessory structures on the site.

20.06.070(b)(3)(E)(i)(1) ZONING MAP AMENDMENT PLAN COMMISSION REVIEW AND RECOMMENDATION:

[a] The recommendations of the Comprehensive Plan;

Proposed Finding: The Comprehensive Plan designates this property and surrounding area as 'Employment Center.' When determining future land uses for the City the Comprehensive Plan did not attempt a parcel-level evaluation and instead attempted to identify larger portions of the city where land uses could be most suitable. This approach can cause some outlier parcels to be inadvertently identified as districts that are not compatible with their built environment or environmental characteristics. That is especially the case for properties containing sensitive historic structures. This property has been used as a single-family dwelling for more than 150 years, and will very likely continue to be used as such in the future due to its characteristics and historic classification. This proposal would allow for the current use to be permitted within the proposed district and help ensure the long term preservation of the historic structure on the property.

The Comprehensive Plan gives guidance to land use decisions throughout the city. This guidance includes goals which seek to preserve unique historic properties throughout Bloomington. This property contains a historic structure that is over 150 years old and is within a State of Indiana historic district. The Comprehensive Plan also gives guidance to enhance

health and safety for the city's residents. The proposal would allow for an expansion to the existing use allowing the current residents to build an addition which will help them age in place.

[b] Current conditions and character of structures and uses in each zoning district;

Proposed Finding: The current condition of structures and use on the property align with RE district standards. The UDO has identified the purpose of the RE district as:

The RE district is intended to provide residential development on large lots while allowing for limited agricultural and civic uses and protecting sensitive environmental resources

The current use as a single-family dwelling on a 19.73 acre heavily wooded property would be suitable within the RE district. The historic residence on the property would be a permitted use within the RE district and be allowed to continue and expand as a legal use.

[c] The most desirable use for which the land in each zoning district is adapted;

Proposed Finding: The property contains a historic single-family dwelling which is unique and should be preserved. The historic nature of the property makes for a single-family use to be the most desirable use for the property, as its loss would be detrimental to the character of the city. The property is heavily wooded and the RE district would help further protect environmental assets within the city.

[d] The conservation of sensitive environmental features;

Proposed Finding: The property is heavily wooded. The RE district would allow for the long term conservation of this wooded area, as it would limit the use of the property to largely single-family and light agricultural uses. The proposed rezone would also have a protective effect on the property even if the surrounding properties develop in the future.

[e] The conservation of property values throughout the jurisdiction; and

Proposed Finding: The property is currently developed with a single-family dwelling and has caused no detrimental effects to the surrounding property values. The property to the north and west are currently vacant. The property to the east is home to Clear Creek Trail. The property to the south is owned by the petitioner, is outside of the City's jurisdictional boundaries, and is a vacant quarry. No negative effects are expected as a result of this rezoning.

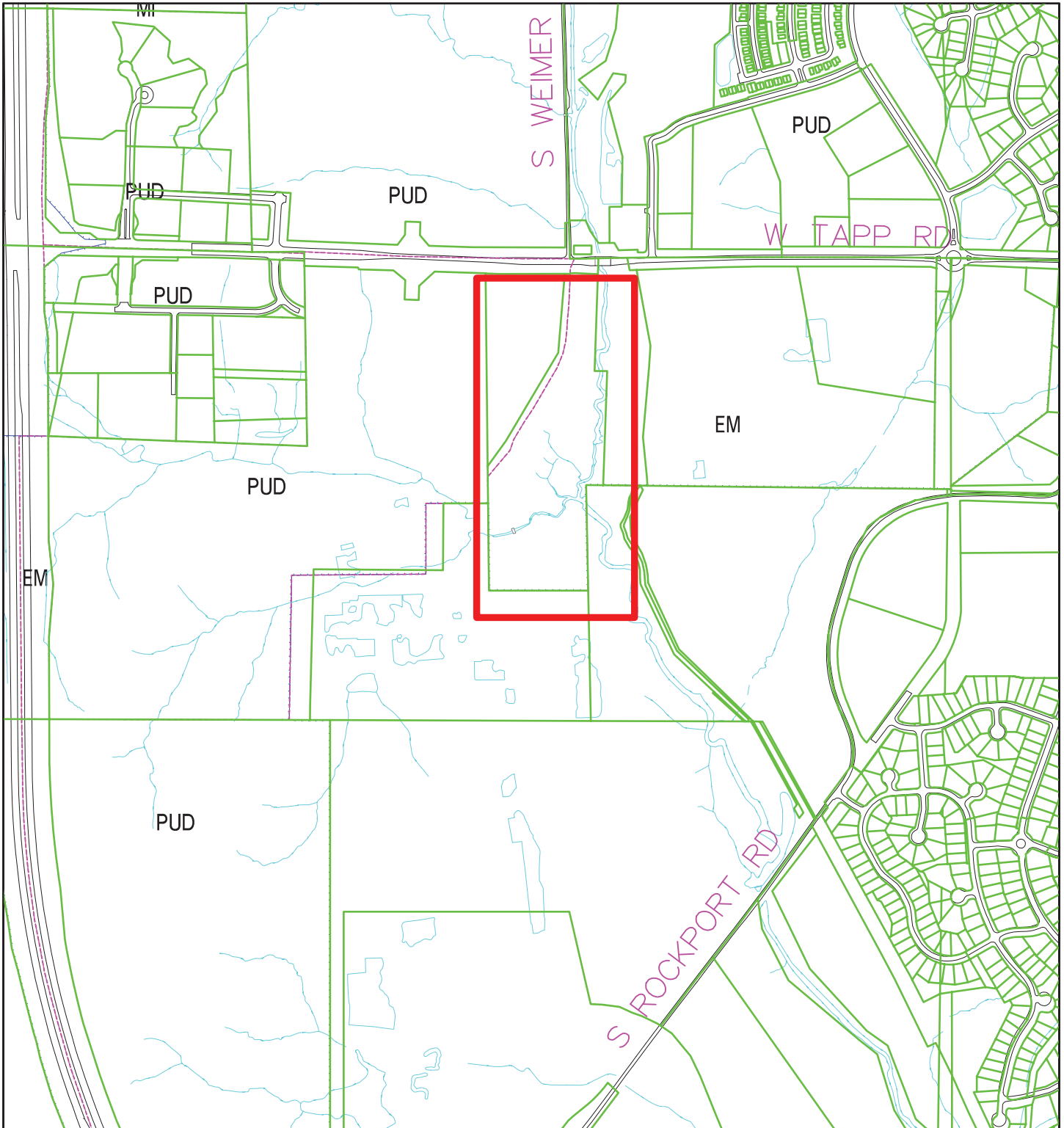
[f] Responsible development and growth.

Proposed Finding: The property is currently developed with a single-family dwelling and has been for over 150 years. It is responsible to protect this historic property and preventing it from becoming another more intense use. There are vacant lands set for more intense development to the north and west of the property. These properties are far more suitable for non single family uses whereas this property should maintain it's current use as a single family residence

CONCLUSION: The Department promotes rezoning a property which has unique historic and environmental characteristics which should be preserved. The Comprehensive Plan gives guidance which supports the preservation of both historic and environmental features, as well as giving guidance to help assist residents continue to live in their homes and age in place. When this property was annexed by the City it carried forward the zoning from Monroe County because the property was in the former Areas Intended for Annexation. However that designation, Quarry, was a historic remnant of the former quarry property to the south because they have often been under single ownership. While Quarry was consolidated into Employment with the Conversion Map, the designation is not appropriate for this large residential property. The current zoning district does not allow for the expansion, or any development, of the current and historic use. While the Comprehensive Plan does identify this area as ‘Employment Center’ this is a result of using the existing zoning as a guide and the desire to not make granular decisions about individual properties and instead focus on broad strokes for large areas of the city. Parcel-level changes were not part of the Conversion Map process, but the possibility that some would need to be addressed was anticipated for the Zoning Map process. There are residential land uses in the area with Regency Adams Village and other single-family houses less than half a mile from the property. The Department believes that aligning the zoning with the use that will best protect the historic structure and the surrounding property is in line with the intents of the Comprehensive Plan. The rezone to a single-family district will also require future uses on surrounding properties to be setback further than they would otherwise be required to if this property were to remain zoned EM, further protecting the historic and environmentally sensitive property. Allowing the rezone will allow the desired addition, improving the chance of long-term stewardship and care of the site, while allowing the long time owners to age in their home.

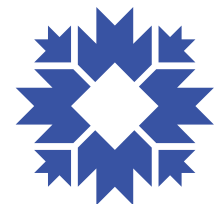
RECOMMENDATION: Based on the findings of fact in the report, the Department recommends forwarding this petition to the Common Council with a positive recommendation with the following conditions:

1. The proposed addition to the structure must receive a variance from the Board of Zoning Appeals in order to encroach into the rear building setback.
2. The property must receive a variance from the Board of Zoning Appeals in order to legitimize the existing accessory structures on the property.



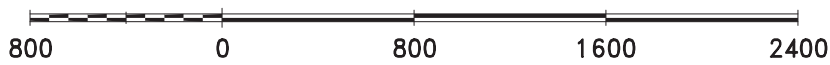
ZO-16-220 Duncan Campbell
 2300 W. Tapp Rd.
 Plan Commission
 Site Location, Zoning, Parcels

City of Bloomington
 Planning & Transportation



Scale: 1" = 800'

By: roblingr
 8 Jul 20

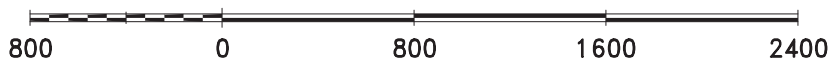


For reference only; map information NOT warranted.



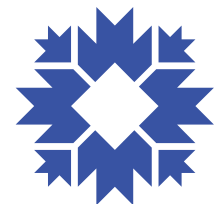
ZO-16-220 Duncan Campbell
 2300 W. Tapp Rd.
 Plan Commission
 2016 Orthophotography

By: roblingr
 8 Jul 20



For reference only; map information NOT warranted.

City of Bloomington
 Planning & Transportation



Scale: 1" = 800'



PETITIONER'S STATEMENT

Request to rezone 19.73 acres from Employment (EM) to Residential Estate (RE)

Duncan Campbell & Cathy Spiaggia, owners/petitioners
2300 West Tapp Road
Bloomington, IN 47403

We purchased this 19.73 acre site, a portion of the original 1830's Edward Borland farm, in 1986, and two years later purchased an additional adjoining 32 acres of the original farmstead. The 19.73 acres was annexed into the City in the early 2000's; the 32 acres remain under County jurisdiction.

The 19.73 acre parcel that we bought included the original 1830's Borland house, an 1855 English threshing barn, a garage constructed from limestone quarried on the property, and a few of the original farmstead's outbuildings. The 32-acre site included seven inactive limestone quarries, a quarry blacksmith shop, and most of the early quarrying equipment, including fully rigged derricks.

At the time of our original purchase, the seller owned over 200 acres of the historic Borland Farm, which at one time included over 1500 acres in Perry Township. The seller subdivided this land in the mid-eighties into three large divisions: what is now the Surgery Center, our 52 acres, and an intermediate parcel of approximately 100 acres. The entire site was zoned Quarry.

The Borland brothers came to Bloomington shortly after statehood in 1818 from western Pennsylvania. The oldest brother, James, was a surveyor and was subsequently appointed by President James Monroe as the Seminary Agent for Perry Township, responsible for the sale of designated Seminary lands retained in federal ownership (Perry Township) to support the founding of land grant colleges, the future Indiana Seminary. James platted the first downtown lots in Bloomington, Spencer, Martinsville, and other nearby towns, and his name graces all of the earliest land transactions in Bloomington and Perry Townships. Edward, James' younger brother, was a mason and master builder who participated in the construction of the early Indiana Seminary buildings, Monroe County's first brick Courthouse, the Wylie House, and several other early masonry structures in Bloomington. A third brother, John, founded one of Bloomington's earliest newspapers.

All three brothers served the newly founded Indiana Seminary in various ways, James as its first treasurer, and Edward as a member of the Board of Trustees. John later succeeded James as treasurer. All three, and their offspring, also actively farmed. The Edward Borland family owned and occupied the Borland Farm for over

a hundred years, until 1930, when a granddaughter sold a large portion of the original homestead to Carl Furst, a quarry operator with sandstone quarries in southern Ohio and limestone quarries in Bedford, Indiana.

The Furst Quarry Company operated quarries on our property from 1930, until sometime in the mid 1970's, when they closed their mining operations. During that time two generations of the Jackson family occupied the Borland House and served as quarry superintendents for Carl Furst. The 19.73-acre parcel that we purchased from Carl Furst's daughter was never quarried, but was maintained as a residence for the superintendents and their families. After the quarries ceased mining operations, the Furst daughters leased the home to family friends until 1985, a year before our purchase.

We are the third owners of this historic property, and the Borland house has been in continuous use as a residence for 190 years. We have lived in and stewarded the Borland House for 34 years, during which we carefully and accurately restored and maintained the house, barn, and grounds, and preserved and interpreted the quarry infrastructure. Our entire property, including the quarry ground, is listed on the Indiana Register of Historic Sites and Structures.

Our Petition requests changing the zoning of the 19.73-acre parcel from Employment (EM) to Residential Estate (RE). The Quarry zoning was changed to Employment zoning as a conversion map change in the very recent past--April, 2020--in order to more appropriately encourage the development of employment opportunities along West Tapp Road. We were living on our property at the time, and had been for over three decades, privileged as a legal, nonconforming residential use under the Quarry designation, a use that continued after the map change to Employment. We did not object to the alteration because we did not believe it affected our residential status. However, neither Quarry nor Employment zoning would allow us to expand our residential use, since it was nonconforming.

We are now 75 years old, healthy and active members of the community, and wanting to age in place and stay in our home as long as possible. To that end, we carefully designed an historically compatible addition that would locate an accessible bathroom and laundry on the first floor, enclose the outside entrance to the cellar, and create a space for a ground floor bedroom should we become unable to use the stairs, or require greater accessibility. An addition would allow us to remain stewards of the house and grounds we have so carefully restored, and continue to enjoy the fruits of our considerable efforts. Accordingly, we requested a building permit to add an addition. It was at that point that we learned of the restriction on expanding our residential use, and it became clear that we would need to request a rezone.

As we explored options with the Planning and Transportation Department, Residential Estate appeared to be the most appropriate zoning for the continued and future use of a property that has in reality been in residential use since the

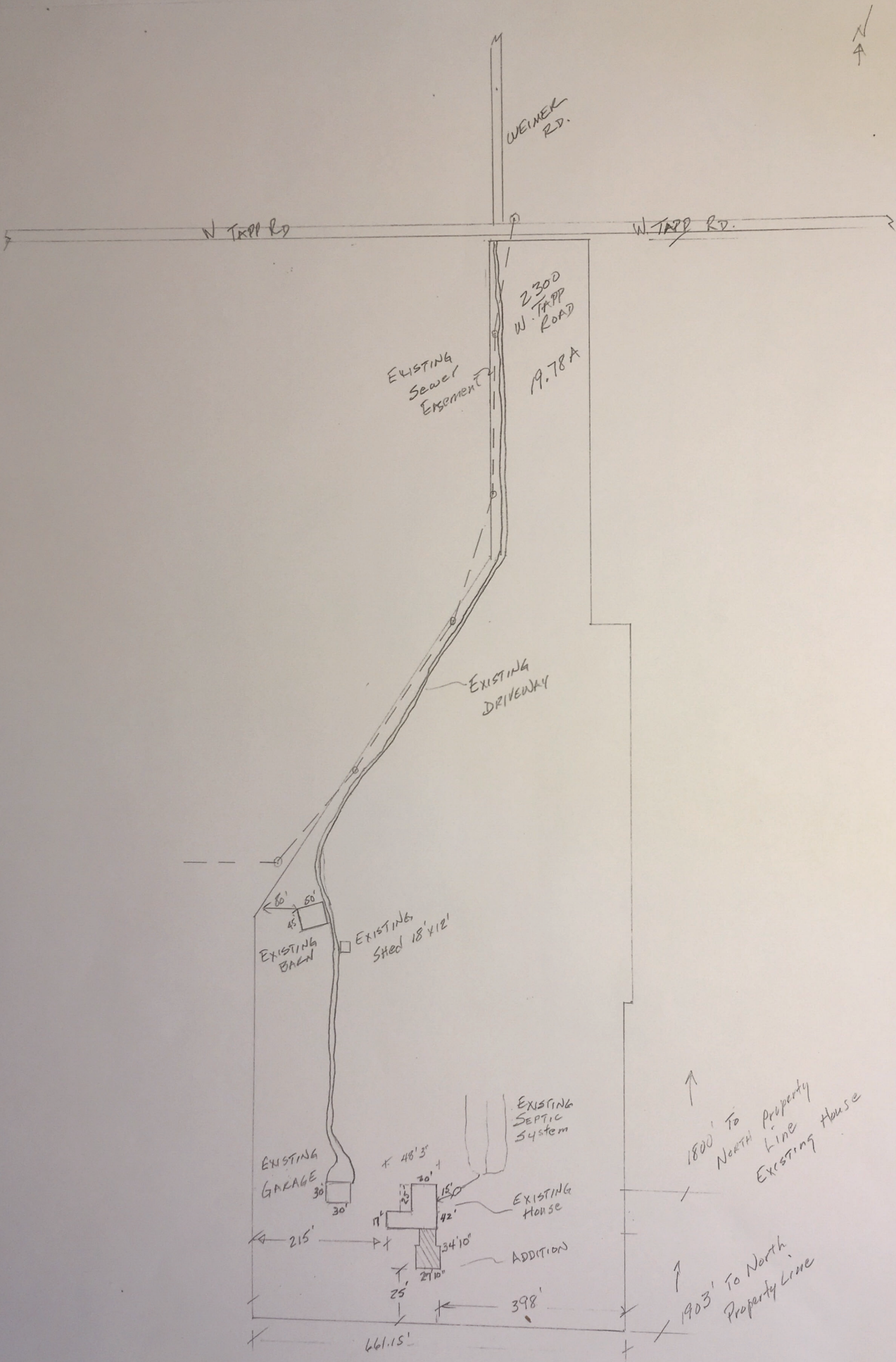
1830's, and at least in our tenure was never intended for development as anything else, much less employment. As stated in the UDO, the RE district is intended to provide residential development on large lots (greater than 2.5 acres) while allowing for limited agricultural and civic uses and protecting sensitive environmental resources. Our lot clearly exceeds the 2.5 acre required minimum, but also quite adequately meets the additional standards. We conduct limited agriculture in the form of a large organic garden for food production, small-scale dead wood timber harvesting (mostly ash trees lost to the ash borer), the eradication of invasive species, the protection of extensive wetlands and flood plain areas, as well as the obvious built environment preservation of the Borland House, barn, and outbuildings. During a recent Carbon Footprint survey, we learned that we are not just carbon neutral, but carbon negative.

In addition, although not specific to the 19.73 acre lot in question, we have extended our stewarding to the historic quarry acreage, and Duncan provides both educational sessions and active tours of the quarry areas to patrons of Visit Bloomington, stone carver guilds, industrial archaeologists, and state and local conference participants as an active advocate for the history of the Indiana limestone industry. Moreover, as a professional historic preservationist and educator prior to retirement, Duncan has used the Borland Farm restoration as an illustration of best practices to numerous students of preservation, historic barn tour patrons, and the preservation interests of the greater community.

Thank you for considering our petition for rezone and concurring with us that our continued occupancy and stewardship of this important property serves the greater good.

Submitted, June 24, 2020,

Cathy Spiaggia and Duncan Campbell



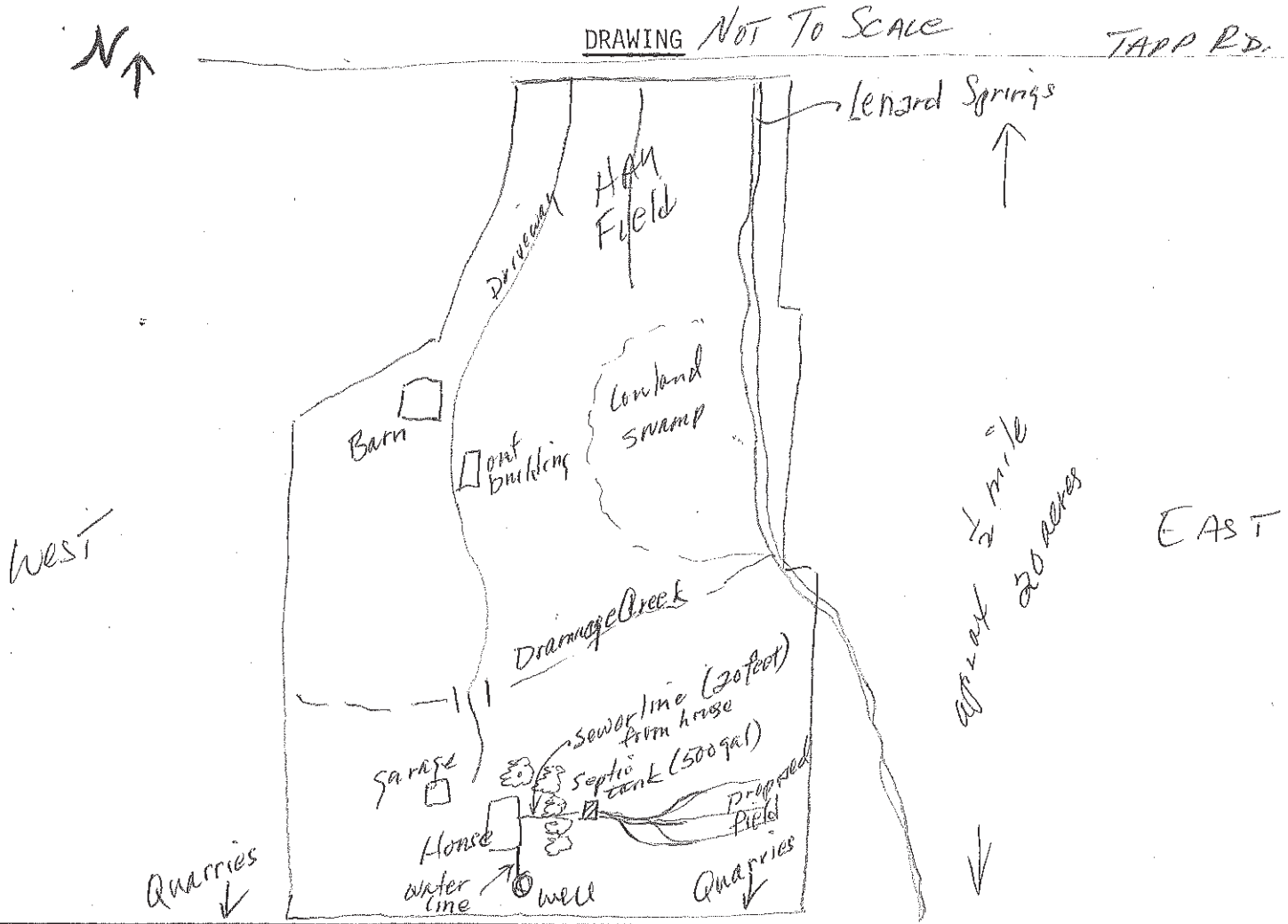
LEGAL DESCRIPTION OF PROPERTY - WE CANNOT COMPLETE YOUR APPLICATION WITHOUT THIS!

1. Lot # one (1) of 2300 TAPP RD Subdivision, being a part of Section 18, Township 8 North, RANGE 1 WEST, in Monroe Co. IN, as shown by the plat hereof, recorded in Plat Book number 8 at page 47 office of the Recorder of Monroe Co, Indiana

****ALL APPLICATIONS MUST BE ACCOMPANIED BY AN ACCURATE DRAWING THAT SHOWS THE FOLLOWING:

- A. Property Lines
- B. Water Lines
- C. Well or Cistern (If applicable)
- D. Septic Tank (Existing &/or Proposed)
- E. Distribution Boxes (Existing &/or Proposed)
- F. Absorption Field (Existing &/or Proposed)
- G. Distance between Units
- H. All Creeks, Ditches, Lakes, Etc.

LOCATION OF ANY OR ALL COMPONENTS TO OBVIOUS LANDMARKS WILL BE HELPFUL



****APPROVAL OF THIS APPLICATION GIVES ONLY A PERMISSION TO CONSTRUCT - THE PERMIT IS NOT VALID UNTIL IT IS SIGNED AFTER AN INSPECTION ON THE JOB SITE AT THE TIME OF ACTUAL CONSTRUCTION!****

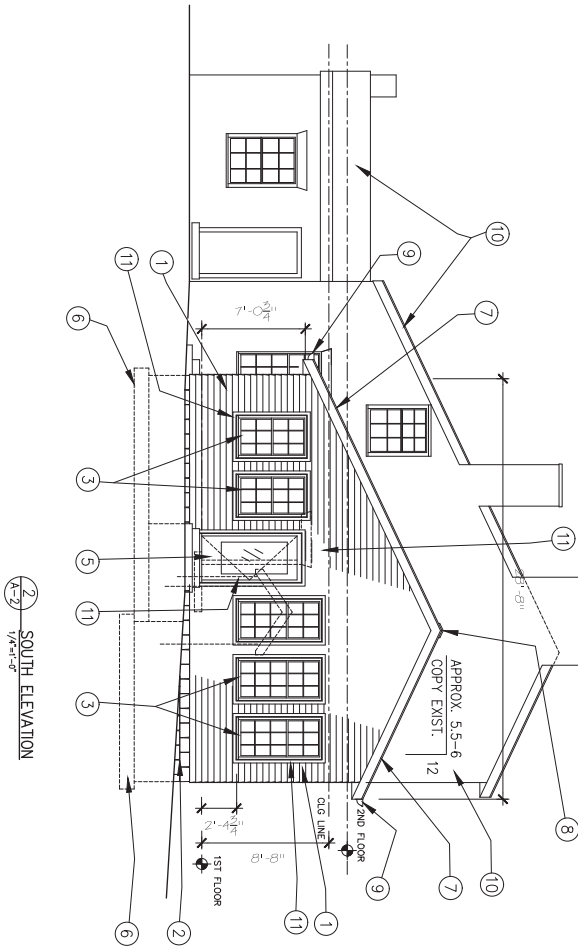
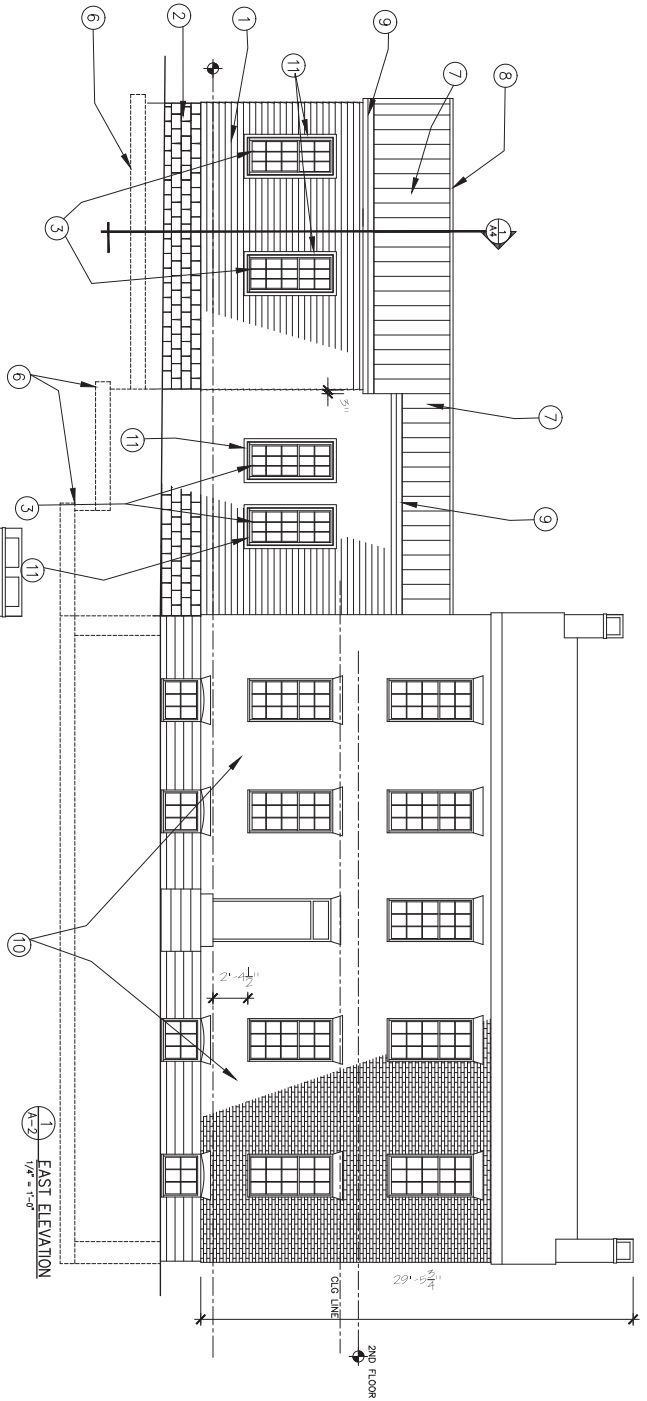
FOR HEALTH DEPARTMENT USE ONLY

SOIL REPORT ATTACHED _____ YES NO

APPROVED 9-23-88

SIGNED Lambda Mort

DISAPPROVED _____



PLAN NOTES

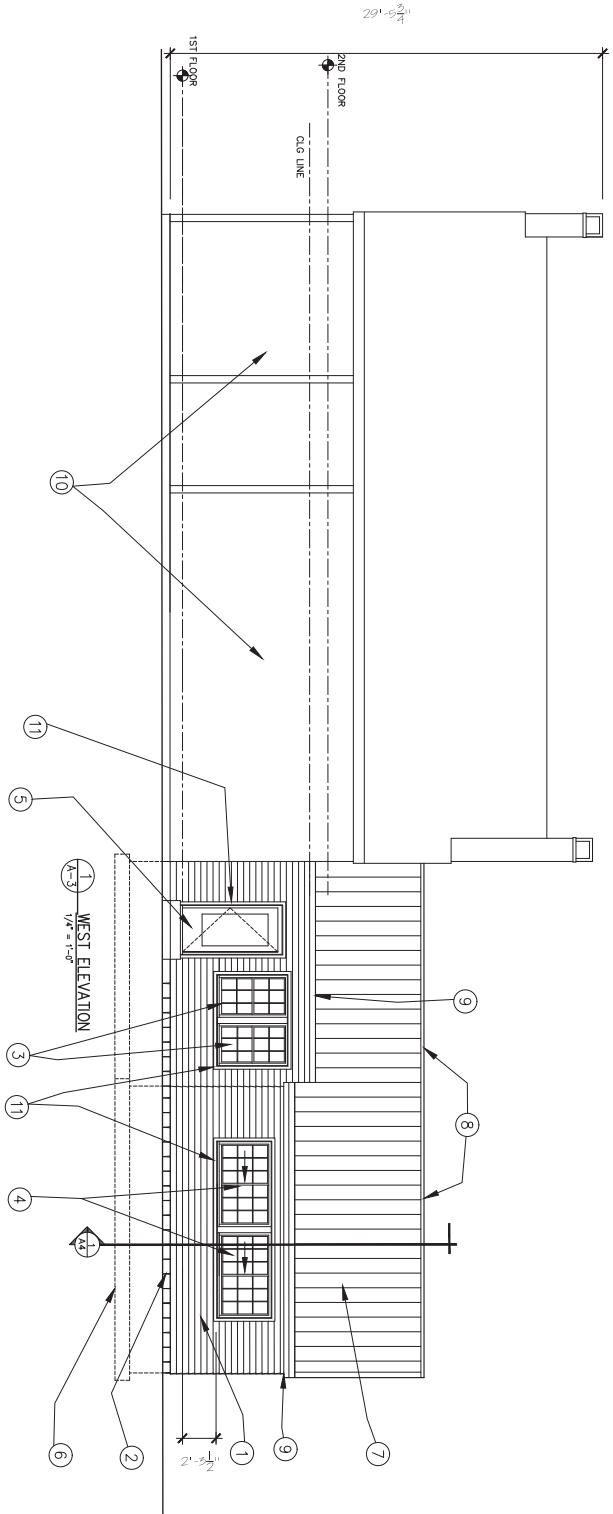
- 1 CEMENTIOUS LAP SIDING, PTD., W/ 4" REVEAL
- 2 "SHOT SURFACE" LIMESTONE VENER LUNTS
- 3 INSULATED WOOD DOUBLE HUNG WINDOW
- 4 NEW ENTRY DOOR
- 5 FOOTING, BEYOND
- 6 PRE-FINISHED STANDING SEAM METAL ROOFING, OVER W. R. GRACE, "ICE AND WATER SHIELD", ON 5/8" WD ROOF DECKING, W/ CLIPS, ON TOP OF 2x12" RAFTER @ 16" O.C.,
- 7 ICE AND WATER SHIELD FLASHING AND TERMINATION SYSTEM, MIN. 8" ABOVE ROOF SURFACE, W/ D. ICE AND SNOW GUARDS.
- 8 CONTINUOUS RIDGE VENT
- 9 GUTTERS AND DOWNSPOUTS, TO MATCH EXISTING.
- 10 1x3 CEMENTIOUS, PTD. TRIM, W/ ALTERNATE OPTION TO BE PTD WOOD, 1x3 W/ 1/2" QTR RD. SURFACE BEAD.
- 11 EXISTING HOUSE.

PROJECT:

Remodeling/ Addition to:
 BORLAND HOUSE
 2300 Tapp Road
 Bloomington, Indiana

LOCANT ARCHITECTS
 CONSULTING ARCHITECTS
 6024 Shadden Drive 46280
 Bloomington, Indiana 47404
 317/327-7271
 317/327-7271
 317/327-7271
 317/327-7271

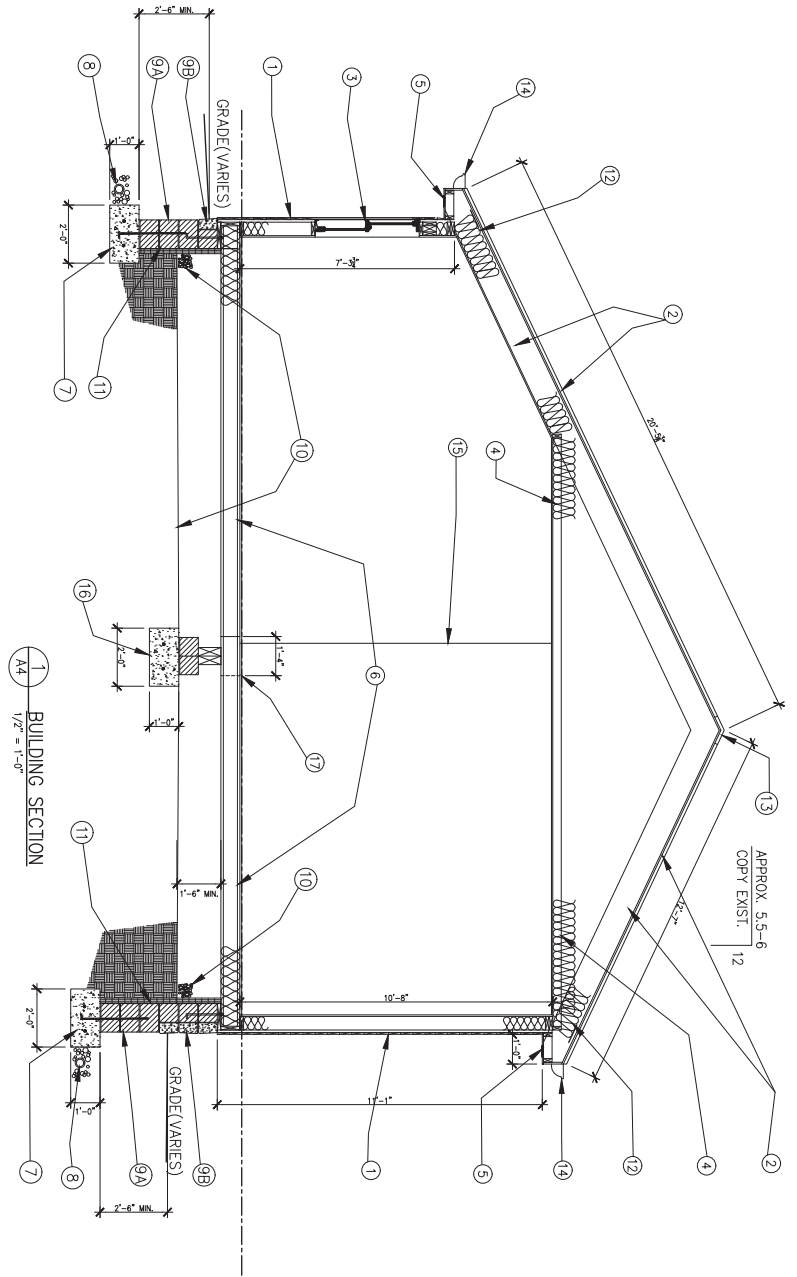
A-2
 EAST & SOUTH ELEVATIONS



PLAN NOTES

- ① CEMENTIOUS LAP SIDING, PTD. w/ 4" REVEAL
- ② "SHOT SURFACE" LIMESTONE VENEER UNITS
- ③ INSULATED, WOOD, DOUBLE HUNG WINDOW
- ④ INSULATED, WOOD, BI-PASS WINDOW
- ⑤ NEW ENTRY DOOR
- ⑥ FOOTING, BEYOND
- ⑦ PRE-FINISHED STANDING SEAM METAL ROOFING SYSTEM, 1/2" AND WATER SHIELD* ON 5/8" WD ROOF RAFTER @ 16" O.C.
- ⑧ CONTINUOUS RIDGE VENT
- ⑨ GUTTERS AND DOWNSPOUTS, TO MATCH EXISTING.
- ⑩ 1-3, CEMENTIOUS, PTD. TRM. w/ ALTERNATE OPTION TO BE PTD WOOD, 1x3 w/ 1/2" OTR RD. SURFACE BEAD.

<p>PROJECT: Remodeling/ Addition to: BORLAND HOUSE 2300 Tapp Road Bloomington, Indiana</p>	<p style="text-align: right;">LOCANT ARCHITECTS</p> <p style="text-align: right;"><small>CONSULTING ARCHITECTS</small></p> <p style="text-align: right;">Nashville, Tennessee 604 844-4444 604 844-4444 604 844-4444 604 844-4444</p>	<p>WEST ELEVATION</p> <p style="font-size: 2em; font-weight: bold;">A-3</p>
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- PLAN NOTES**
- 1 TYPICAL EXTERIOR WALL LAP JOINTS OVER ROOF EDGE SHALL BE OVER 5/8" FIBERGLASS BATT INSULATION WITH INSULATED WOOD BRACKETS WITH 1/2" OR 5/8" STAINLESS STEEL W/ 1/2" ANCHOR BOLTS. SET IN GROUND, 1/2" MIN. TO FACE OF ROOFING. PROVIDE SURFACE WITH ICE AND SNOW GUARDS.
 - 2 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 3 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 4 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 5 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 6 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 7 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 8 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 9 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 10 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 11 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 12 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 13 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 14 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 15 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 16 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 17 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 18 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.
 - 19 2x6 CEILING JOISTS/COLUMNS W/ 1/2" FIBERGLASS BATT INSULATION.

LOCANT ARCHITECTS	CONSULTING ARCHITECTS 6024 Bladder Drive Bloomington, Indiana 47404 317/327-7271 Fax: 317/327-7271 Email: locant@locantarchitects.com	These drawings are preliminary, and the property and copyright of the architect. They shall be used only for the project and site shown on them. No other project or work shall be undertaken without the written consent of the architect.	<p>PROJECT: Remodeling/ Addition to: BORLAND HOUSE 2300 Tapp Road Bloomington, Indiana</p>
BUILDING SECTION	Revision #1 Date: 02/28/25 Revision #2 Date: 07/25/25 Revision #3 Date: 02/27/25 Revision #4 Date: 02/27/25		

A-4



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

Minutes for Approval

02 September 2020

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, September 04, 2019 at 6:31pm, Council President Dave Rollo presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
September 04, 2019

Members Present: Ruff (arrived at 6:35pm), Chopra, Piedmont-Smith, Granger, Rollo, Volan, Sims, Sturbaum, Sandberg
Members Absent: None

ROLL CALL [6:31pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:32pm]

There were no minutes for approval.

APPROVAL OF MINUTES

Councilmember Allison Chopra thanked the Bloomington Police Department (BPD) for protecting citizens. She spoke of a current court case in Lawrence County, Indiana.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Councilmember Dorothy Granger spoke of the recent events that took place in Bloomington, including the Garlic Festival and PRIDE Fest.

Councilmember Chris Sturbaum thanked the police officers for their service.

Councilmember Jim Sims spoke of various hateful incidents occurring in Bloomington. He said the community needed to focus on those issues and find a solution.

Councilmember Stephen Volan thanked the audience for attending the council meeting. He said September 5th was his late father's birthday

Kelsey Thetonia, MS4 Coordinator from the Utilities Service Center, provided information on the Residential Stormwater Grant Program implemented in early 2019. She thanked the council for approving the budget and informed them of the approved projects.

- The MAYOR AND CITY OFFICES [6:45pm]

There were no council committee reports.

- COUNCIL COMMITTEES

Paul Post, BPD, spoke of lack of staffing in the Police Department due to low wages. He said the BPD needed more funding for staffing and better benefits.

- PUBLIC [6:48pm]

Trae Luck, BPD, spoke about low staffing due to low pay and poor benefits. He said the Bloomington community would suffer due to a lack of police services.

Jeff Rogers, BPD veteran, spoke of the issues of police recruitment and officer retention due to low wages. He compared BPD's salaries with other cities.

Jacob Woods said BPD's officers take on a lot of responsibility, yet the department has low recruitment and retention issues. He said BPD officers need higher wages.

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Volan moved and it was seconded that Ordinance 19-12 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 0, Nays: 1, Abstain: 3.

LEGISLATION FOR SECOND READING AND RESOLUTIONS [8:02pm]

Ordinance 19-12 To Amend the City of Bloomington Zoning Maps by Rezoning 3.85 Acres of Property from Commercial Arterial (CA) to Planned Unit Development and to Approve a District Ordinance and Preliminary Plan - Re: 1800 N. Walnut Street (CDG Acquisitions, LLC, Petitioner)

Eric Greulich, Senior Zoning Planner, explained that the property needed to be rezoned to allow the development of an apartment complex for student housing. He displayed a map detailing the proposed site plan and explained various aspects of the building plan. He discussed the changes made to the petition. He briefly explained the setbacks with the buildings. He said the Bloomington Planning Commission approved of the plan.

Alex Crowley, Director of Economic and Sustainable Development, spoke in support of this project because it was a step forward to provide low-income housing.

Rollo asked Dan Sherman, Council Attorney, to explain the schedule and process of the petition.

Council Question:

Sherman explained that the council had to have a majority vote against the Ordinance to prevent the petitioners from developing the area. Sherman said the council could postpone the vote.

Volan presented the summary of the previous Land Use Committee meetings and their proposed changes given to the developers. There was extensive council discussion.

Public comment:

Brandt Stiles, employee of CDG Acquisitions, explained the importance of student housing. He stated various amenities in the apartment complexes. Stiles discussed the changes made to the petition after listening to the comments made by the Land Use Committee. He introduced CDG's architect from Dwell Design Studio.

Amran Kafite discussed the architectural design of the potential plaza on Walnut Street and the overall site plan.

Stiles discussed the new plan that had a larger focus on sustainability. He discussed implementing solar energy to produce power and a green roof. Stiles explained the building materials that would be used.

The motion to adopt Ordinance 19-12 received a roll call vote of Ayes: 3 (Chopra, Sims, Sandberg), Nays: 5, Abstain: 1 (Sturbaum). FAILED

Vote to adopt Ordinance 19-12 [9:42 pm].

Volan expressed a wish to postpone the vote to a later date for Ordinance 19-12.

The rest of the council disagreed.

Volan moved and it was seconded that Ordinance 19-15 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING [9:45pm]

Ordinance 19-15 An Ordinance Authorizing the Refunding of Certain Outstanding Sewage Works Revenue Bonds of the City; Authorizing the Issuance of the City of Bloomington, Indiana Sewage Works Refunding Revenue Bonds of 2019 to Provide Funds for such Refunding and the Payment of the Costs Thereof; and Addressing Other Matters Connected Therewith
Public Comment

Volan moved and it was seconded that Ordinance 19-16 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 19-16 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment)

Volan moved and it was seconded that Ordinance 19-17 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 19-17 To Amend Title 10 of the Bloomington Municipal Code (BMC) Entitled "Wastewater" - Re: Amending BMC 10.08.040 (Connection Fees) to Allow Waiver of those Fees in Two Limited Circumstances - To Promote Conversion of Septic to Sewer and to Complement Certain City Affordable Housing Programs

Volan moved and it was seconded that Ordinance 19-18 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 19-18 To Authorize the Issuance of Bonds by the Monroe County Redevelopment Commission Pursuant to IC 36-7-14-3.5

Volan moved and it was seconded to reconsider the vote on Ordinance 19-12.

Motion to reconsider vote on Ordinance 19-12.

Sherman read the legislation explaining the process for reconsidering the vote on Ordinance 19-12.

Volan asked the council to reconsider the vote after entertaining a third reading.

Volan withdrew his motion to reconsider the vote on Ordinance 19-12.

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Sherman explained the upcoming schedule for the council.

COUNCIL SCHEDULE [9:51pm]

Sherman asked what councilmembers would be able to attend the work session on September 6.

Volan moved and it was seconded to cancel the Council Work Session scheduled for September 6, 2019. The motion was approved by voice vote.

Volan moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [9:56pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ___ day of _____, 2020.

APPROVE:

ATTEST:

Stephen Volan, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

In the Cook Room of the Monroe County Convention Center, Bloomington, Indiana on Monday, September 16, 2019 at 8:00pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
September 16, 2019

Members present: Granger, Rollo, Volan, Sandberg, Ruff, Piedmont-Smith, Sturbaum, Sims
Members absent: Chopra

ROLL CALL [8:00pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [8:00pm]

Councilmember Jim Sims provided a declaration that recognized the appearance of a conflict of interest related to Ordinance 19-12. The declaration was accepted by the Council by voice vote.

PREVIOUSLY CONSIDERED
LEGISLATION [8:02pm]

Councilmember Stephen Volan moved and it was seconded to structure deliberations during the meeting. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Ordinance 19-12 To Amend the City of Bloomington Zoning Maps by Rezoning 3.85 Acres of Property from Commercial Arterial (CA) to Planned Unit Development and to Approve a District Ordinance and Preliminary Plan - Re: 1800 N. Walnut Street (CDG Acquisitions, LLC, Petitioner)

Volan moved and it was seconded to suspend the rules to reopen consideration of Ordinance 19-12. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Volan moved and it was seconded to return Council consideration of Ordinance 19-12 to a motion to adopt. The motion received a roll call vote of Ayes: 7, Nays: 1 (Ruff), Abstain: 0.

Volan moved and it was seconded that Ordinance 19-12 be read by title and synopsis only. The motion was approved by voice vote. Chief Deputy Clerk Stephen Lucas read the legislation by title and synopsis.

Volan moved and it was seconded that Reasonable Condition 01 to Ordinance 19-12 be adopted.

Volan described the proposed revisions made by the Plan Commission.

Brandt Stiles, representative from the Collegiate Development Group, thanked the council for reconsidering the ordinance and presented the proposed changes.

Councilmember Isabel Piedmont-Smith asked if the development group would fill in all of the gaps in the sidewalk on 19th Street from Walnut to Dunn.

Council questions:

Stiles said yes.

Volan asked if CDG Acquisitions would be able to build the sidewalk network or were there third-party considerations.

Stiles said it appeared that there was right-of-way space for sidewalks, but he was prepared to work with landowners if necessary. Stiles stated that CDG had committed to up to \$300,000 for other for pedestrian and vehicular improvements.

Councilmember Andy Ruff asked what the difference in cost was between units with parking spaces and those without.

Stiles responded that the parking spaces would be sold individually and would not be included in the rent.

There was no public comment.

Public comment:

Piedmont-Smith commented that CDG had gone farther than others to meet the council's requests including more pedestrian-friendly planning, sustainable features to the project, and an additional bus route. Piedmont-Smith expressed her support for the project.

Ordinance 19-12 (cont'd)

Sims encouraged the council to demand reasonable conditions from developers to improve the community. Sims stated that he was in support of the project, but was reluctant to continue supporting student-centered housing projects in the future.

Councilmember Chris Sturbaum commented that it was the responsibility of the council to ensure a public good when considering projects, and that there was a need to have more housing.

Councilmember Dorothy Granger expressed her support for the amendment and shared her appreciation for the council's attention to detail.

Volan expressed his respect for the petitioner and the commitment to providing bus transportation. Volan stated his support for projects in bus routes in Bloomington. He stated that public transportation will decrease the need for parking spaces.

Councilmember Dave Rollo stated that he appreciated the reasonable conditions demanded by the council to improve the community and expressed his support for the amendment.

Ruff commented that the support for sidewalks and bus routes happened because of large projects. Ruff continued that he did not think it was a necessary scale and stifled local developers who could not compete.

The motion to adopt Reasonable Condition 01 to Ordinance 19-12 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Reasonable Condition 01 to Ordinance 19-12 [8:55 pm].

Volan stated that both the council and petitioner had good intentions for the project, despite the difficulties. He also stated that local contractors had the ability to build large projects. Volan expressed his hesitation with a densely-populated student housing project, but he supported the improvements that were agreed upon with the petitioner.

Council comment:

Granger stated she would vote against Ordinance 19-12, and expressed her disapproval of the project. Granger stated that she would like to see local contractors, and affordable housing. Granger stated that the city must have a plan for those that are displaced or have no housing.

Sturbaum discussed the difficulties of finding affordable housing. Sturbaum stated that creating housing on the upper end of the housing cost spectrum, while also on the lower end, was a way to create balance.

Piedmont-Smith stated that the project would meet several community needs, like a completed sidewalk service and bus service. She discouraged the perception that developers who contribute to the Housing Development Fund received preferential treatment.

Ruff acknowledged the complexity of the project. He expressed that using large-scale development groups to fund affordable housing projects had significant consequences, and that he did not support the project.

Ordinance 19-12 (cont'd)

Rollo stated that upscale single-occupancy developments were not sustainable as a long term investment for the city and that he was not in favor of the project.

The motion to adopt Ordinance 19-12 subject to Reasonable Condition 01 received a roll call vote of Ayes: 5, Nays: 3 (Ruff, Granger, Rollo), Abstain: 0.

Vote adopt Ordinance 19-12 subject to Reasonable Condition 01 [9:14pm]

Dan Sherman, Council Attorney, discussed the upcoming schedule for the council.

COUNCIL SCHEDULE [9:14pm]

Volan moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [9:16pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2020.

APPROVE:

ATTEST:

Stephen Volan, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, September 18, 2019 at 6:30pm, Council President Dave Rollo presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
September 18, 2019

Members present: Ruff, Chopra, Piedmont-Smith, Granger, Rollo, Volan, Sims, Sturbaum, Sandberg
Members absent: none

ROLL CALL [6:30pm]

Council Vice-President Dorothy Granger announced that the agreement with the American Sign Language services stated that the interpreters would work for two hours, and that if the meeting went longer than two hours, the interpreters would leave.

AGENDA SUMMATION [6:31pm]

Council President Dave Rollo summarized the agenda.

There were no minutes for approval.

APPROVAL OF MINUTES

Councilmember Susan Sandberg commented on the retirement of Joe Hoffman (Chair, Plan Commission).

REPORTS

- COUNCIL MEMBERS [6:35pm]

Councilmember Chris Sturbaum commented about Hoffman, a UDO amendment pertaining to plexes, and state legislation.

Councilmember Jim Sims commented about Hoffman, the importance of registering to vote, and electing representatives.

Councilmember Steve Volan said he was grateful for the Special Session held on September 16, 2019. Volan said there would be a panel discussion on parking on WFHB that coming Friday.

Councilmember Alison Chopra stated that the debate pertaining to plexes in the UDO should also consider the needs of those who do not own homes. Chopra said it was not fair to the public or councilmembers to call the meeting on September 16, 2019 with such short notice.

Councilmember Isabel Piedmont-Smith referenced a discussion from the Indiana Climate Change Leadership Summit.

Granger thanked the County Commissioners for calling a meeting on September 16, 2019 to discuss the Convention Center.

Rollo said in regards to the Special Session that while he did not agree with the Planned Unit Development, he appreciated the work that went in to the discussion.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES [6:45pm]

There were no council committee reports.

- COUNCIL COMMITTEES

Paul Post, President of the Fraternal Order of Police, Lodge 88, said he was glad to have met with councilors and have his questions answered. Post spoke about the police union contract negotiations.

- PUBLIC [6:48pm]

Drew Bazun, Bloomington Police Department, Second Shift Representative, spoke about the police union contract negotiations.

Jeff Rodgers, Bloomington Police Department , provided the value of overtime pay and comp time for 2018, and the projected amount for 2019, as well as sick pay.

- Public (cont'd)

Jacob Woods, Bloomington Police Department, Night Shift Representative, discussed the sustainability of police department staffing, and that current staffing is the same as 2009.

Greg Alexander spoke about the need for sidewalk improvements in the city.

Granger moved and it was seconded that Jerett Alexander and Corbin Baird be appointed to the Bloomington Commission on Sustainability. It was seconded and approved by a voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:47pm]

Volan moved and it was seconded that Ordinance 19-18 be read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 8, Nays: 0, Abstain: 0.

Ordinance 19-18 To Authorize the Issuance of Bonds by the Monroe County Redevelopment Commission Pursuant to IC 36-7-14-3.5

Volan moved and it was seconded that Ordinance 19-18 be adopted.

Jeff Cockerill, Monroe County Legal, clarified that the projects being looked at included property that would be developed and that enhanced connectivity, included two roads, extension of Profile Parkway and Vernal Pike. Cockerill explained where sidewalks would be placed.

Iris Kiesling, Monroe County Redevelopment Commission, said she appreciated the partnership with the city to develop the Westside.

Volan said he appreciated the development and connectivity goals of the west side.

Council comments:

Sandberg said she supported the project.

Piedmont-Smith said she hoped the county would take into consideration the full impacts of growth and any new employers, including on environment, storm water, affordable housing, and bringing employees from outside.

Sims said he would like to know who owned Gates Drive, in regards to connectivity and that the area was sidewalk-starved.

There was no public comment.

Public comment:

Rollo stated that he supported the legislation and the county's work.

The motion to adopt Ordinance 19-18 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 19-18 [7:29pm]

Volan moved and it was seconded that Ordinance 19-15 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of 8-0-0.

Ordinance 19-15 An Ordinance Authorizing the Refunding of Certain Outstanding Sewage Works Revenue Bonds of the City; Authorizing the Issuance of the City of Bloomington, Indiana Sewage Works Refunding Revenue Bonds of 2019 to Provide Funds for such Refunding and the Payment of the Costs Thereof; and Addressing Other Matters Connected Therewith

Volan moved and it was seconded to adopt Ordinance 19-15.

Jeff Underwood, Controller, presented the legislation to the council.

There were no council questions.

There was no public comment.

Granger said she appreciated the work on saving money.

Rollo concurred with Granger.

The motion to adopt Ordinance 19-15 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0 (Sturbaum out of the room).

Vote to adopt Ordinance 19-15 [7:34pm]

Volan moved and it was seconded that Ordinance 19-16 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, and gave the committee do-pass recommendation of 7-0-1.

Ordinance 19-16 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment)

Volan moved and it was seconded that Ordinance 19-16 be adopted.

Vic Kelson, Director of Utilities, presented the legislation to the council. Kelson discussed the process of bringing rate increase requests to the Common Council, establishing customer classes based on geography for sewer, the revenue raised by rate increases due to inflation and maintenance of the system, and capital projects for modernization and expansion.

Piedmont-Smith asked for clarification on the surcharge for residents outside of city limits, and if it was based on cost providing service to them.

Council questions:

Kelson confirmed that it was.

Volan clarified that the bulk of the increase was for capital improvements.

Kelson discussed the capacities of the Dillman Road Plant and the Blucher Poole Plant, and that the Indiana Department of Environmental Management (IDEM) required improvements and increased capacity. There was additional discussion regarding customers inside the city versus those outside of the city.

Sturbaum asked if the rate increase gave bigger consumers in the city a break that individual consumers outside of the city were making up.

Kelson said in-city consumers were subsidizing those outside of the city.

Granger asked if county consumers would see their rate decrease if the area was annexed.

Kelson said an analysis would have to happen and a new in-city and outside of city rate would be determined.

Rollo said cost-of-service was fair and remedied the subsidization of growth outside of the city so that the user payed for the service.

Rollo said there was a negative impact in county residents building their own septic.

Ordinance 19-16 (cont'd)

Kelson said the rate increase, around \$3/month, would not likely be the determining factor of building their own septic.

There was no public comment.

Public comment:

Granger said she supported the ordinance.

Council comment:

Sims said he would be supporting the ordinance, and appreciated the work of the staff and the consultant.

Volan explained why the rates were being addressed. Volan thanked staff for their report.

Sturbaum voiced his appreciation for the rational justification of the ordinance, but a flat rate across the board would be ideal. He would not support the ordinance.

Volan responded that the line between in-city and out of city was not arbitrary and that individuals who have been served outside of the city were now going to have to pay for services.

Rollo said the rate increase made sense because in-city residents should not subsidize the service for those outside of the city.

The motion to adopt Ordinance 19-16 received a roll call vote of Ayes: 8, Nays: 1 (Sturbaum), Abstain: 0.

Vote to adopt Ordinance 19-16 [7:58pm]

Volan moved and it was seconded that Ordinance 19-17 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis, and gave the committee do-pass recommendation of 8-0-0.

Ordinance 19-17 To Amend Title 10 of the Bloomington Municipal Code (BMC) Entitled "Wastewater" - Re: Amending BMC 10.08.040 (Connection Fees) to Allow Waiver of those Fees in Two Limited Circumstances - To Promote Conversion of Septic to Sewer and to Complement Certain City Affordable Housing Programs

Volan moved and it was seconded that Ordinance 19-17 be adopted.

Chris Wheeler, Assistant City Attorney, presented the legislation. He said staff from Legal and the Utilities Department recommended the passage of the ordinance.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Ordinance 19-17.

Amendment 01 to Ordinance 19-17

Amendment 01 Synopsis: This amendment is sponsored by Cm. Piedmont-Smith. It clarifies the circumstances under which a property owner may obtain a waiver of connection fees for purposes of converting from septic to sewer or otherwise protecting the municipal separate stormwater sewer system (MS4). It also corrects the reference to the municipal codes as it appears in the sub-title of the ordinance.

Volan clarified that the waivers were not limited to city limits. Wheeler and Kelson further commented on the sewer utility and storm water utility, inside city limits versus those who lived outside city limits.

Council questions:

Vic Kelson stated that a discussion would need to occur with Monroe County government for reimbursements for the waivers.

Sturbaum asked if the waivers were an incentive.

Kelson stated that it was possible and that a septic would have to be fully abandoned and possibly certified by the Monroe County Health Department.

Ordinance 19-17 (cont'd)

There was no public comment on Amendment 01 to Ordinance 19-17.

Public comment:

Volan said the question of inside versus outside city limits was relevant and fair, and he supported the amendment.

Council comment:

The motion to adopt Amendment 01 to Ordinance 19-17 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 19-17 [8:14pm]

Sturbaum asked if HAND had a program to incentivize homeowners.

Council questions:

Wheeler stated that he did not know but that generally federal funds could not be applied to fees.

Volan asked if Utilities had a program to incentivize homeowners

Kelson said no.

Volan asked how it was determined that excess water was considered storm or waste water.

Kelson explained that it depended on where the water went.

Rollo asked if there were specific areas where storm water runoff was compromised by septic that could be targeted for the waivers.

Kelson said there was and homeowners replacing septic for sewer would be notified of the waivers. Kelson stated that the septic would need to be filled in properly. Kelson discussed the value of funding storm water properly and the improvements, current and future.

There was no public comment.

Public comment:

Granger stated that it would be beneficial to work with Monroe County government on the issues at hand.

Council comment:

Sims said the cost analysis that was conducted was sufficient and questions about the cost were not necessary. Sims stated that the incentive to homeowners on septic was the switch to sewer and that further incentives were not necessary.

The motion to adopt Ordinance 19-17 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 19-17 as amended [8:24pm]

LEGISLATION FOR FIRST READING [8:23pm]

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

Ordinance 19-19 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" - Re: Amending Title 2 to Create a Procedure to Address Conflicts of Interest by Employees Responsible for Issuing Permits

There was no additional public comment.

ADDITIONAL PUBLIC COMMENT

Piedmont-Smith moved and it was seconded to replace the Committee of the Whole scheduled for Wednesday, October 2nd with a Regular Session of the Council. The motion was approved by voice vote.

COUNCIL SCHEDULE [8:26pm]

Volan moved and it was seconded to adjourn. The motion was approved by voice vote.

ADJOURNMENT [8:29pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2020.

APPROVE:

ATTEST:

Stephen Volan, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

FOR APPROVAL