



# City of Bloomington Common Council

## **Legislative Packet – Addendum**

(Issued on Wednesday, 17 February 2021)

Wednesday, 17 February 2021

Regular Session at 6:30 pm

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



## Land Use Committee City of Bloomington Common Council

### Report of Referral of:

**Ordinance 21-02** - To Rezone a 10.097 Acre Property from Planned United Development (PUD) to Mixed-Use Corridor (MC) - Re: 300 S. State Road 446, 4500 E. 3<sup>rd</sup> St., 4518 E. Third St., and Properties Located at E. Third Street and Identified by the Monroe County Parcel ID No. 015-32 120-01 (53-08-01-200-007.000-009) and Parcel ID No. 015-13546-00 (53-08-01-205-023.000-009). (Bill C. Brown Revocable Trust, Petitioner)

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### Referral and Deliberations:

Date	Entity	Action
02/03/2021	Common Council Regular Session	Introduction and referral to Land Use Committee
02/10/2021	Land Use Committee	Staff Presentation, discussion, public comment, do-pass vote to return to Council.

### Summary and Recommendations

The Land Use Committee met on Wednesday, February 10, 2021 for approximately one hour to discuss Ordinance 21-02. Ryan Robling from Planning and Transportation gave the staff presentation on the proposed rezoning of 10.097 acres located at the southwest corner of E. 3<sup>rd</sup> St. and State Road 446 from PUD to MC. Petitioner's attorney, Mike Carmin, was present to answer committee member questions.

The subject properties in this rezone are largely undeveloped with the exception of two surface level parking areas. Roughly 5 acres of the current Century Village PUD have been excluded from the proposed rezone and will remain a PUD. The proposed rezone would allow for all uses permitted in the MC district to be used on the site. One condition was attached to the rezone before it received unanimous approval from the Plan Commission: a tree preservation easement is to be confirmed and recorded on the southeast portion of the site.

A conceptual site plan has been submitted and shows a potential development which features four multifamily buildings with a mixture of 1 and 2 bedroom units proposed, for a total of 164 units. Ground floor non-residential units are shown along E. 3<sup>rd</sup> St. The conceptual site plan also shows a planned 32,000 square foot self-storage building at the southern end of the site. All of the uses shown in the conceptual plan are allowed in the MC district.



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**Discussion focused on:**

1. The existing conditional uses, most specifically the use of land leased by Sound Management, LLC for its broadcast tower and how rezoning would impact that use.<sup>1</sup>
2. Whether the Environment Commission (EC) reviewed the proposed rezone and if there were any environmental concerns. Petitioner indicated that the EC had reviewed the project and there were no major environment issues at this stage. EC will review again once there is a site plan.
3. Whether connectivity can be required as part of the rezone. It was explained that the E 3<sup>rd</sup> Street entrance is proposed to be relocated to line up with Morningside Drive. The drive would come in from E. 3<sup>rd</sup> and elbow to the east with an exit to State Road 446. Petitioner will look into the possibility of sharing a drive with the existing drive belonging to Knightridge Apartments located south of the property.

The Committee considered one amendment for Ordinance 21-02. The amendment was sponsored by Councilmember Volan and would revise the title of the ordinance and a portion of Section 1 to more accurately identify the affected property, and correct the street address associated with Parcel 1. The amendment received a do pass recommendation from the Committee of 3-0 (Rosenbarger absent).

Ordinance 21-02, as amended, is returned to the Council with a do pass recommendation of 3-0 (Rosenbarger absent).

/s/ Isabel Piedmont-Smith  
Isabel Piedmont-Smith (Chair)

February 17, 2021  
Date

/s/ Matt Flaherty  
Matt Flaherty

February 17, 2021  
Date

\_\_\_\_\_  
Kate Rosenbarger

\_\_\_\_\_  
Date

/s/ Stephen Volan  
Stephen Volan

February 17, 2021  
Date

\_\_\_\_\_  
<sup>1</sup> The land leased by Sound Management, LLC is not the subject of the Ord 21-02 rezone.



## Administration Committee City of Bloomington Common Council

### Report on Referral of:

**Ordinance 21-03** (formerly 20-33) – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Chapter 2.02 (Boards and Commissions – revised) and Chapter 2.04 (Common Council – revised) Bloomington Municipal Code entitled Administration and Personnel.”

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### Referral and Deliberations:

Date	Entity/Meeting	Action
12/09/2020	Common Council Regular Session	Introduction and referral to Administration Committee
12/09/2020	Council Administration Committee Meeting	Presentation, discussion, and public comment
01/13/2021	Common Council Regular Session	Reintroduction of ordinance and extension of time for Admin Committee to report
01/27/2021	Council Administration Committee Meeting	Discussion, public comment, do-pass recommendation for Am 01, and request for Council to further extend time for Admin Committee to report
02/03/2021	Common Council Regular Session	Extension of time for Admin Committee to report
02/10/2021	Council Administration Committee Meeting	Discussion, public comment, and do-pass recommendations for Am 02 and ordinance as amended

### Summary and Recommendations

The Administration Committee met on Wednesday, December 9, 2020 for approximately forty minutes. In January 2021, the Committee membership was changed by the Council President so that Councilmember Flaherty replaced Councilmember Rollo on the Committee. The Committee then met on Wednesday, January 27, 2021 for approximately one hour, and on Wednesday, February 10, 2021 for approximately thirty minutes to continue discussion of Ordinance 21-03. The ordinance is sponsored by Councilmember Volan, who presented at each of the committee meetings.



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Ordinance 21-03 makes the following changes to Title 2 of the Bloomington Municipal Code entitled “Administration and Personnel:”

1. It requires that certain information about each city board or commission be maintained on the city’s website and revises the process to be followed upon a board or commission vacancy.
2. It revises BMC Section 2.04.050 (“Regular meetings”) to clarify that the Council may schedule its summer recess as needed.
3. It revises BMC Section 2.04.255 (“Committees – Scheduling”) to clarify council committee scheduling and the process of referring legislation to a council committee.
4. It revises BMC Section 2.04.270 (“Ordinances and resolutions – Filing, copies, and agendas”) to specify that the Council President is authorized to approve the agendas for committee meetings convened to consider legislation referred to them.
5. It deletes BMC Section 2.04.290 (“Ordinances and resolutions – Fiscal impact statement required”).

Discussion at the first two committee meetings focused on the deletion of the fiscal impact statement requirement. The Committee discussed whether the statement currently required by code was duplicative or otherwise unnecessary. The Committee also expressed concern about ensuring that councilmembers and the public have access to relevant fiscal information.

A few members of the public, through comments during committee meetings or through emails sent to the Council office, expressed support for fiscal impact statements.

Discussion at the third committee meeting focused on the process of referring legislation to the appropriate council committee.

The Committee considered two amendments for Ordinance 21-03. The first amendment was sponsored by Councilmembers Piedmont-Smith and Sgambelluri and would require inclusion of relevant fiscal impact information with each piece of legislation, but in a much less prescribed manner. The amendment received a do-pass recommendation from the Committee of 3-1 (Volan). The second amendment was sponsored by Councilmembers Sgambelluri, Sandberg, and Rollo and would eliminate a provision in Title 2 requiring a motion for referral of legislation to a standing committee to be considered before a motion for referral of legislation to the Committee of the Whole. The do-pass recommendation for this amendment was 1 (Sgambelluri)-2 (Sims absent).

Ordinance 21-03 as amended is returned to the Council with a do-pass recommendation of 2-1 (Sgambelluri) (Sims absent).



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/s/Stephen Volan  
Stephen Volan, Chair

2/17/2021  
Date

/s/Matt Flaherty  
Matt Flaherty

2/17/2021  
Date

/s/Sue Sgambelluri  
Sue Sgambelluri

2/16/2021  
Date

/s/Jim Sims  
Jim Sims

2/16/2021  
Date



**BLOOMINGTON COMMON COUNCIL  
FISCAL IMPACT STATEMENT**

Per BMC §2.04.290, any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement.

**LEGISLATION NUMBER AND TITLE**      Ord 21-03

**PROPOSED EFFECTIVE DATE**      Upon passage

**FISCAL IMPACT.** 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, briefly explain below.

This ordinance does not make any appropriations and is not expected to have an impact on city liabilities, revenues, or expenditures.

**FISCAL IMPACT FOUND.** If the legislation appropriates funds and/or will have a major fiscal impact, please complete the following:

	FY -- CURRENT	FY -- SUCCEEDING	ANNUAL CONTINUING COSTS THEREAFTER
REVENUES			
EXPENDITURES			
NET			

**IMPACT ON REVENUE (DESCRIBE)**

**IMPACT ON EXPENDITURES (DESCRIBE)**

**FUTURE IMPACT.** Describe factors which could lead to significant additional expenditures in the future.

**FUNDS AFFECTED: TO BE COMPLETED BY CITY CONTROLLER**  
If the proposal affects City funds, please describe the funds affected and the effects of the legislation on these funds.

Signature of Controller

/s/Stephen Volan  
Signature of City Official  
responsible for submitting legislation

## ORDINANCE 21-06

### TO AMEND TITLE 2 (“ADMINISTRATION AND PERSONNEL”) OF THE BLOOMINGTON MUNICIPAL CODE

#### Re: Adding Chapter 2.87 (Protections for People Experiencing Homelessness)

- WHEREAS, on January 22, 2020, outreach workers counted 334 persons in Monroe County who were homeless, as reported in the Region 10 Point-in-Time Homeless Count for 2020; and
- WHEREAS, in January 2021, local street outreach workers from Beacon, Inc. conducted surveys by name with unsheltered individuals, identifying 39 individuals sleeping in or near Seminary Park and estimating that another 20 to 25 individuals were sleeping in camps elsewhere in Bloomington; and
- WHEREAS, according to members of the South Central Housing Network, the above referenced number of unsheltered persons is substantially greater than during past winters, possibly due to the COVID-19 pandemic and related economic hardship; and
- WHEREAS, research<sup>1</sup> from national experts suggests that the number of persons who experience homelessness at some point during the year is around three times greater than the number counted during an annual point-in-time count, such as the January 22, 2020 count; and
- WHEREAS, the estimated number of persons in Monroe County who experience homelessness during the course of a year may be around 1,000 persons; and
- WHEREAS, according to members of the South Central Housing Network, Bloomington and Monroe County experience, at times, a shortage of shelters that can accommodate all people in the community experiencing homelessness; and
- WHEREAS, according to members of the South Central Housing Network, Bloomington and Monroe County experience, at times, a shortage of transitional housing and permanent housing for those experiencing homelessness; and
- WHEREAS, persons experiencing homelessness may, at times, be ineligible for or prohibited from certain shelters, or otherwise feel uncomfortable going to certain emergency shelters; and
- WHEREAS, the United Nations Universal Declaration of Human Rights (1948), Article 25(1), states, “*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services;*” and
- WHEREAS, all persons experiencing homelessness should be entitled to protection from arbitrary and capricious treatment by local government;

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

SECTION 1. A new Chapter, Chapter 2.87, shall be added to the Bloomington Municipal Code. The new Chapter shall be entitled “Protections for People Experiencing Homelessness” and shall be inserted into the Table of Contents for the Title 2 and shall read as follows:

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<sup>1</sup> Shinn, M., & Khadduri, J. (2020). *In the midst of plenty: Homelessness and what to do about it*.  
Chichester: Wiley Blackwell.



**Sections:**

<b>2.87.010</b>	<b>Purpose and intent</b>
<b>2.87.020</b>	<b>Definitions</b>
<b>2.87.030</b>	<b>Protections in the event of displacement</b>

**Sec. 010. Purpose and intent**

No person should suffer unnecessarily or be subject to unfair discrimination or arbitrary treatment based on their housing status. It is the intent of this Chapter to lessen the adverse effects and conditions caused by a lack of housing.

**Sec. 020. Definitions**

For purposes of this Chapter:

“Camp” means a place in an outdoor public park (excluding equipment, courts, sidewalks, paths, and performance venues during performance season) or other public space as designated in section 030(g) below, with temporary accommodations of tents or other structures in which homeless persons have been sleeping overnight.

“Emergency” means a situation when one or both of the following conditions exist:

- (1) A camp being used by homeless persons has accumulated food waste, human waste, or other litter to a degree that the Monroe County Public Health Department or other public health authority determines that the camp presents a public health hazard to the residents of the camp or the public that cannot adequately be redressed by less disruptive clean-up measures;
- (2) A failure to act could immediately lead to serious harm to public health or safety.

“Homeless” or “person experiencing homelessness” has the definition set forth at 24 CFR Sections 91.5 582.5, and 583.5.

“Permanent housing” has the definition set forth at 24 CFR Section 578.3.

“Transitional housing” has the definition set forth at 24 CFR Sections 91.5.

**Sec. 030. Protections in the event of displacement**

- (a) For purposes of subsections (a) through (g) of this section, the term “city” refers to all city departments, including but not limited to Parks and Recreation, Public Works, and the Bloomington Police Department. Before the city may displace a person experiencing homelessness from a camp, the city must give at least fifteen (15) days’ written notice to the person experiencing homelessness living in the camp, to the Region 10 Continuum of Care Board (known as the South Central Housing Network), and to the Bloomington Common Council. However, if the Mayor, the Mayor’s designee, or the Chief of Police makes a written determination that an emergency exists, the city may give as much notice as is reasonable under the circumstances. Such written determination shall be made available to the public online and communicated with the Bloomington Common Council and the Region 10 Continuum of Care Board. Posting of a conspicuous written notice near the camp will satisfy this notice requirement, but all reasonable efforts should be made to provide individualized verbal notice to the person(s) experiencing homelessness as well. The notice provided under this subsection shall include the date the city expects to displace the person(s) experiencing homelessness.
- (b) Upon issuing the notice described in subsection (a), the city will collaborate with the Region 10 Continuum of Care Board in order to work with relevant service providers, faith-based organizations, and/or volunteers to ensure that the persons to be displaced are offered available transitional housing or permanent housing, and any necessary wrap-around services for which they are eligible. Any transitional or permanent housing offered must be a Continuum of Care program approved by the Indiana Housing and Community Development Authority.

- (c) If there is sufficient available housing as described in subsection (b) for all persons to be displaced, the city may proceed with closing the camp after providing the notice required in subsection (a). The city may proceed in this manner even if any persons experiencing homelessness refuse the assistance offered.
- (d) If there is insufficient available housing as described in subsection (b) to meet the needs of all displaced persons experiencing homelessness in a camp scheduled to be closed by the city, the city must wait until there is sufficient available housing before it can close the camp. However, if the city makes a written determination under subsection (a) that an emergency exists, the city does not need to wait until there is sufficient available housing before it can close the camp.
- (e) If a fifteen-day notice period, pursuant to subsection (a), elapses and the city does not displace the persons experiencing homelessness from the camp, then the city must give a minimum of 48 hours' notice to the persons to be displaced, the Region 10 Continuum of Care Board and the Bloomington Common Council in the manner described in subsection (a) before proceeding with any displacement in subsequent days.
- (f) If a person experiencing homelessness is to be displaced from a camp, the city, through the department of public works or other city department, must, to the extent reasonable, maintain and catalogue their nonperishable personal items, including but not limited to, clothing, blankets, tents, medical supplies, identification documents, birth certificates, and other personal documents and effects, in a safe and secure place for a minimum of 60 days. After 60 days, if the city has made reasonable efforts to notify the displaced person, including by working in collaboration with the Region 10 Continuum of Care Board, the city may securely dispose of any unclaimed personal items. For purposes of this subsection, the obligations to maintain and catalogue personal items shall be limited to those items that may fit entirely within one 96-gallon container per displaced person.
- (g) The city may designate certain limited areas on public property where camps are allowed, and the requirements of BMC 2.87 shall apply only in those areas, provided that the designated areas are within one (1) mile of an organization that provides prepared meals at least five (5) days per week for people experiencing homelessness, allow adequate space for persons experiencing unsheltered homelessness, and include access to restrooms.

SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances 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 3. This ordinance shall be in effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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JIM SIMS, President  
Bloomington Common Council

ATTEST:

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NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Flaherty, Councilmember Rosenbarger, and Councilmember Piedmont-Smith, and amends the Bloomington Municipal Code to add a new Chapter 2.87 entitled “Protections for People Experiencing Homelessness.” The new chapter includes procedures to be followed by the city before displacing individuals experiencing homelessness from certain public spaces. The procedures applicable to the city would include a notice requirement, collaboration with relevant service providers, a prohibition on displacing individuals if there is insufficient available housing, storage of personal property, and the ability to designate certain limited areas where these procedures would apply.

*Note: This ordinance was revised after distribution in the Legislative Packet but before introduction at the Regular Session on February 17, 2021. The revision corrected a reference in the definition of “camp” to Sec. 030(g).*