

In Bloomington, Indiana on Tuesday, May 04, 2021 at 6:30pm, Council President Jim Sims presided over a Special Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically via Zoom.

COMMON COUNCIL
SPECIAL SESSION
May 04, 2021

Councilmembers present via Zoom: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers absent: none

ROLL CALL [6:33pm]

Clerk's Note: On May 4, 2021, the Common Council called to order a Special Session, which began the Council's consideration of Ordinance 21-23 and Ordinance 21-24 to be completed over a series of meetings including May 05, May 06, May 12, and May 13 of 2021.

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:33pm]

Sims summarized the conduct of deliberations for the Special Session.

CONDUCT OF DELIBERATIONS
[6:34PM]

Flaherty clarified that the time limits for councilmember comments during debate was for any given amendment, and the time limit per member of the public was for all amendments and ordinances as amended.

Flaherty moved and it was seconded to suspend the rules to structure the Special Session to recess no later than 11:00 pm on any night the Special Session takes place, to set public comment period per individual for three minutes, and to set a limit of three minutes per councilmember per comments during debate. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to suspend the rules
[6:40pm]

Flaherty moved and it was seconded that Ordinance 21-23 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Deputy Clerk Susan Stoll read the legislation by title and synopsis.

ORDINANCE 21-23 [6:42pm]

Ordinance 21-23 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Regulations Related to Dwelling, Duplex; Dwelling, Triplex, and Dwelling, Fourplex Set Forth in BMC 20.03 and 20.04

Flaherty moved and it was seconded that Ordinance 21-23 be adopted.

Jackie Scanlan, Development Services Manager of the Planning and Transportation Department, presented the legislation including the proposal from the Plan Commission, and use-specific standards for duplexes, triplexes, and fourplexes.

Sandberg moved and it was seconded that Amendment 01 to Ordinance 21-23 be adopted.

Amendment 01 to Ordinance 21-23

Amendment 01 Synopsis: This amendment is sponsored by Councilmembers Sandberg, Rollo, and Smith. It removes "Dwelling, duplex" as a permitted use from the R1, R2, and R3 zones by deleting the "P*" for each of those zones within the Allowed Use Table. It also makes changes to other passages to account for this change. Areas zoned R1, R2, and R3 in the proposed zoning map are located primarily in areas identified by the Comprehensive Plan Future Land Use Map as either Neighborhood Residential or Mixed Urban Residential districts. The "Dwelling, duplex" use is more appropriately allowed in the R4, RM, and RH residential zoning districts, as well as in several mixed-use districts.

Rollo presented Amendment 01 and explained that it was in reaction to the Plan Commission's revision which allowed plexes in R1, R2, and R3 districts. Cms. Sandberg and Sims were cosponsors.

Amendment 01 to Ordinance 21-23 (cont'd)

Sandberg explained that the sponsors were not in opposition to plexes, and that it was a matter of location. She said that Amendment 01 included a concept plan, from the Comprehensive Plan, describing where density could be added without harm to the core neighborhoods. It included R4 districts, major corridors, and transportation hubs.

Sims stated that public comment would commence with written comments that were intended to be read at the previous Committee of the Whole meeting, and would be read by council staff.

Heather Lacy, Deputy Attorney/Administrator for the Common Council, read the following written statements:

Public comment:

- Mark Fetterson commented on the housing crisis and urged council to vote to reject a social experiment that affected core neighborhoods.
- Carol Canfield wrote in favor of Amendment 01.
- Diane Jung supported Amendment 01.
- Carissa Carmen supported Amendment 01.
- Jerry [no last name] wrote against plexes.

There was brief council discussion regarding public speakers.

Patrick Murray spoke in support of Amendment 01.

Marc Cornett discussed zoning.

Jim Rosenbarger supported Amendment 01.

Andrew Ruff spoke in favor of Amendment 01.

Janet Sorby supported Amendment 01.

Barbara Moss was in favor of Amendment 01.

Abby Stemler spoke against Amendment 01.

Tom Shafer spoke in favor of Amendment 01.

Jon Lawrence urged council to support Amendment 01.

Karen Duffy supported Amendment 01.

Eric Ellis spoke in favor of Amendment 01.

Vita Stanfield spoke against plexes in core neighborhoods.

Diane Legomsky supported Amendment 01.

Barbara Letner spoke against plexes in core neighborhoods.

Mara-Lea Rosenbarger discussed her support of Amendment 01.

Sarah Mitchell supported Amendment 01.

Carol McGarry spoke against plexes in core neighborhoods.

Robert Schneider spoke in favor of Amendment 01.

Jill Crawford commented against plexes in core neighborhoods.

Amendment 01 to Ordinance 21-23 (cont'd)

Natalie Levin spoke in favor of plexes in core neighborhoods and against Amendment 01.

Public comment:

Cory Ray spoke in favor of density in core neighborhoods and urged council to reject Amendment 01.

Constance Glen spoke against upzoning.

Glenda Murray supported Amendment 01.

Iris Kiesling spoke in support of Amendment 01.

Ann Kreilkamp was against plexes in core neighborhoods.

Lois Sabo-Skelton supported Amendment 01.

Jeff Richardson favored Amendment 01.

Elizabeth Gallman spoke in support of Amendment 01.

Rick Well was in favor of Amendment 01.

Janet Stavropoulos supported Amendment 01.

Sandi Clothier discussed her support for Amendment 01.

Judy Fulford spoke against plexes in core neighborhoods.

Kathleen Myers supported Amendment 01.

Eric Sader spoke in favor of density in core neighborhoods.

Judy Berkshire was in support of Amendment 01.

Rachell Dinga commented in favor of Amendment 01.

Margaret Clements approved of Amendment 01.

Olivia Dorfman discussed her rejection of plexes in core neighborhoods.

Jenny Stephens spoke in support of Amendment 01.

Owen Rogers spoke in support of plexes in core neighborhoods.

Marcia Baron supported Amendment 01.

Jenny Bass discussed reasons in support of Amendment 01.

Michael Hamburger was in favor of addressing the housing crisis with density and urged council to support Amendment 01.

Kevin Romanak supported Amendment 01.

Sharon Yarber spoke in favor of Amendment 01.

Jami Scholl commented on homeownership.

Teal Bingham discussed harm done and in support of density and plexes.

Amendment 01 to Ordinance 21-23 (cont'd)

Frederick Luehring commented against Amendment 01.

Public comment:

Jack Horton supported Amendment 01.

Lesa Huber also supported Amendment 01.

Hank Ruff spoke about affordable housing, student living, and in support of Amendment 01.

Solomon Bogdanoff commented on housing and commuting in Bloomington.

David Bowden supported Amendment 01 and provided reasons.

Amy Berndtson spoke in support of Amendment 01.

Wendy Bricht discussed her support of Amendment 01.

John Kennedy stated his support for Amendment.

Steven Layman commented on his support for Amendment 01.

Peter Bogdanoff asked council to vote in favor of Amendment 01.

Russ Lyons supported Amendment 01.

Tom Payne was in favor of Amendment 01 and stated reasons.

William Pupil voiced his support for Amendment 01.

Rubia Higgins asked council to vote in favor of Amendment 01.

Shelly Fratiani supported Amendment 01.

Melissa Dinverno spoke in support of Amendment 01.

Gregory Stone questioned housing demand, and said it was best to delay the vote.

Susan Buzan supported Amendment 01 and not further density in core neighborhoods.

Lacy read a comment from Michael McCafferty, submitted via Zoom chat, that spoke about affordable housing and student living.

Rollo said that the changes proposed by the Plan Commission affected every neighborhood in Bloomington, and incentivized the conversion of single family homes into rentals. He spoke about Accessory Dwelling Units (ADUs) which were allowed by right but required owner-occupancy, while duplexes did not. The economic incentive affected the zoning landscape in Bloomington and was especially true for neighborhoods near downtown and the university campus. Rents and costs of homes would rise. He further commented on by-right, and conditional use. He referenced the Comprehensive Plan and its direction on where purposeful density should be located in order to facilitate village centers. Supporters of duplexes in all neighborhoods should have advocated a change in the Comprehensive Plan first, resulting in a robust community

Council comment:

discussion. He opined that the process had instead resulted in a top-down approach for expediency. He agreed with the administration in that allowing duplexes in all districts was experimental and provided reasons against that allowance citywide. He urged council to support Amendment 01.

Amendment 01 to Ordinance 21-23 (cont'd)

Council comment:

Sgambelluri stated that the process, which was imperfect, especially during a pandemic, was adequate. The information presented was available to all and the opportunity for public input was sufficient. She commented on the housing crisis and said that homeownership was essential. She explained constraints, like the inability to require that plexes be owner-occupied, and that incentives were the only option. She believed that in a university town, rental properties and owner-occupied properties had different impacts. She further commented on impacts on neighborhoods, impacts of proposed plexes, staff's recommendations, the Plan Commission, public input regarding plexes, and conditional zoning regarding plexes. She stated that she would be supporting Amendment 01 and not Amendment 02.

Smith spoke about the public's support for Amendment 01. He discussed his discomfort of the proposed Unified Development Ordinance (UDO) being put before council again, including plexes. He talked about potential harm, and the vagueness of the proposal. He would like to see more affordable housing for low-income populations, and provided examples of how the city could assist with that. Many were unclear what the administration wanted by allowing plexes in all districts.

Piedmont-Smith thanked the public for engaging in the process and providing feedback. She commented on some of her constituents' neighborhoods which included multi-family complexes in District 5, none of whom she had heard from. That there were many public speakers voicing their support for Amendment 01 did not mean that council was hearing from a vast majority. She said council was hearing from those who were engaged and had the time and energy to speak at a council meeting. She represented all residents in her district, regardless of the duration of time they resided in Bloomington. She was opposed to Amendment 01 because more housing was needed. One efficient and environmentally-sound way to have more housing in older neighborhoods where people did not have to drive everywhere. Greater density enabled transit to be more feasible, and it was more sustainable to have more units closer to where people worked and engaged in social activities. She said that duplexes were a historic housing form that had been included for decades. She commented that the UDO was a living document, and that it was natural to revisit policies, issues, et cetera. When Piedmont-Smith voted in favor of not having plexes in core neighborhoods, she had been considering apartment buildings like four or five story student living buildings.

Flaherty thanked everyone for the input and discussions on the UDO and its policies. He supported the approach in Amendment 01 to enhance and plan for multiple economic and cultural hubs around the city, including walkable nodes of activity around centers. He said the concept plan in Amendment 01 misapplied the form base idea of transect, regarding walkable village centers. It also missed the historic context of Bloomington's neighborhoods, which had always included small-scale attached housing like plexes. That had resulted in more affordable housing and also welcomed more individuals into neighborhoods. Ordinance 21-23 was to be complimentary to

the Comprehensive Plan and not contradictory. After having read the Comprehensive Plan numerous times, he agreed with staff in that Amendment 01 was not consistent with the city's adopted goals and plans. He would vote against Amendment 01.

Amendment 01 to Ordinance 21-23 (cont'd)

Council comment:

Rosenbarger thanked everyone for their participation and feedback. She commented on the process and said that plexes were good housing options that created community with shared spaces and helped mitigate climate change and equity issues. She discussed the compromise of allowing duplexes in R1, R2, and R3 and appreciated that adaptation. She was also appreciative of the willingness to compromise by those supporting plexes, and disappointed by the unwillingness to compromise by those opposing plexes. Out of around 80,000 community members in Bloomington, only about 1-2% had participated, so council had not heard from a vast majority. Rosenbarger referred to the Comprehensive Plan and made evidence- and research-based decisions. She commented that allowing plexes in neighborhoods had overwhelming support in the country, including by the Brookings Institute, Strong Towns, Smart Growth America, the Biden administration, Pete Buttigieg, Marcia Fudge, Elizabeth Warren, and more. She referenced numerous books that guided her decisions.

Volan said that to his knowledge, the proverbial upzoning had never been attempted in Bloomington, and that the city had been a constant state of downsizing for the past fifty years. The city's most recent significant change in zoning law was limiting a unit to three unrelated adults. The permissibility of duplexes was not a reversal of that policy. He referenced zoning during former councilmember Charlotte Zietlow's tenure where council would "spotzone" different areas. He further referenced the city's historical process on passing legislation which did not allow for debate or public discourse. Volan said he would be in favor of revisiting the Comprehensive Plan of 2018 because it missed some points, and he read some examples from the plan. He said that most opponents of plexes were focused on one sentence in one policy within the plan. He explained the Comprehensive Plan's history, pertaining to Amendment 49 to Ordinance 17-28. He said that was counter to rest of the policy which called for increased residential densities, and housing types as suggested by staff. He commented further on policy and code updates. Volan represented a district comprised mainly of students, who were not transient, and who were counted by the census.

Sims thanked the community for participating in the discussion. He hoped community members would be civil while agreeing to disagree. He commented on his question that was referenced by other councilmembers which asked where people would go if they had to move. He had been referring to the missing middle, the workforce housing element, and the low housing inventory. He pointed out that community members could buy a starter home, sell it, and then move up to another home. That was how the core neighborhoods became the affordable neighborhoods. He understood that some needed to remain in the more affordable home. He referenced redlining, gentrification, equity issues, and said there were many factors involved. By adding duplexes, it mitigated the housing crisis as one tool in the city's toolbox.

Sandberg thanked the cosponsors of Amendment 01. She was concerned that it might not be adopted. She reassured the public that she was listening and would continue to be vigilant of their

concerns throughout the remainder of the process. She had nothing to add to the public's appeals. The cogency of an argument was what mattered. Neighborhoods were important and she would always stand for their wellbeing, and for those who had invested in their homes there. She had been willing to compromise, via Amendment 01, to allow plexes in the R4 district. She encouraged the public to stay engaged and to hold council accountable.

Amendment 01 to Ordinance 21-23 (cont'd)

Council comment:

Flaherty noted that it was important to be mindful of language while disagreeing. He too supported the health of neighborhoods even though he opposed Amendment 01. He explained that historic housing types were important, and that some in the missing middle housing forms felt unwelcome based on language used in the meeting. He urged everyone to not coopt language and to acknowledge that most loved Bloomington, their neighborhoods, and valued sustainability, equity, and inclusion. He said there was disagreement in the nuances and details of policy.

Rollo responded to Volan's comment and said there were eleven references in the supporting materials for Amendment 01 from the Comprehensive Plan. He said that the Land Use map specifically directed where to place the housing types.

Volan commented that the sentence he referenced had been added by former Councilmember Chris Sturbaum, and lobbied for by the Council of Neighborhood Associations (CONA) activists. It was supported in 2017 for comity and unity when there were no stakes. He disagreed that was the only important concept in the Comprehensive Plan.

The motion to adopt Amendment 01 to Ordinance 21-23 received a roll call vote of Ayes: 4 (Sgambelluri, Smith, Sandberg, Rollo), Nays: 5, Abstain: 0. FAILED.

Vote to adopt Amendment 01 to Ordinance 21-23 [10:44pm]

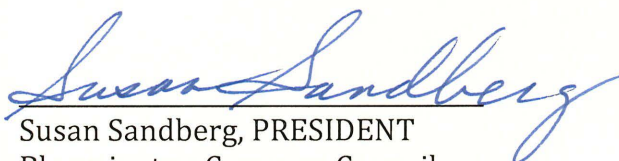
Flaherty moved and it was seconded to recess the Special Session to meet again on May 5, 2021. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.


RECESS [10:47pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 02 day of November, 2022.

APPROVE:

ATTEST:


Susan Sandberg, PRESIDENT
Bloomington Common Council


Nicole Bolden, CLERK
City of Bloomington