

In Bloomington, Indiana on Wednesday, February 3 at 6:30pm, Council President Jim Sims presided over a Regular Session of the Common Council. Per the Governor's Executive Orders, this meeting was conducted electronically.

COMMON COUNCIL  
REGULAR SESSION  
February 3, 2021

Councilmembers present via teleconference: Matt Flaherty, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger (left meeting at 9:42pm), Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan  
Councilmembers absent: none

ROLL CALL [6:31pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:32pm]

Flaherty moved and it was seconded to approve the minutes of March 23, September 21, November 2 of 2005, and June 7, June 21, and July 5 of 2006. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:36pm]  
March 23, 2005 (Regular Session)  
September 21, 2005 (Regular Session)  
November 2, 2005 (Regular Session)  
June 7, 2006 (Regular Session)  
June 21, 2006 (Regular Session)  
July 5, 2006 (Regular Session)

Sandberg spoke on the passing of Monroe County Community School Corporation (MCCSC) school board member Keith Klein.

REPORTS

- COUNCIL MEMBERS [6:38pm]

Volan commented on the passing of Keith Klein. Volan also commented on the minutes that were just passed which included the passage of the living wage within the city.

Sgambelluri acknowledged Keith Klein's passing. She also extended an invitation to her constituent meeting on February 6, 2021.

Piedmont-Smith stated she too would have a constituent meeting on February 13, 2021.

Sims spoke about the passing of Keith Klein and about his interactions with Mr. Klein.

There were no reports from the Mayor.

- The MAYOR AND CITY OFFICES [6:44pm]

There were no council committee reports.

- COUNCIL COMMITTEES [6:44pm]

Alex Goodlad spoke about unhoused individuals, his wellbeing, and about the Covid-19 positive cases amongst the unhoused.

- PUBLIC [6:46pm]

Stephen Lucas, Council Attorney/Administrator, read a comment by Dave Stewart, which commented on owner-occupied accessory dwelling units (ADU) and plexes.

Chaz Mottinger discussed the Unified Development Ordinance (UDO) and encouraged pausing the passing of the UDO and developing better compromises.

Russ Skebo commented on the UDO, upzoning, and the history of racism in policies.

Barbara Moss spoke about density, dangerous upzoning, and owner-occupied duplex conversions that strengthen the community, especially in the core neighborhoods.

- Public (cont'd)

Tyna Hunnicutt discussed the unhoused community that was at risk during the cold temperatures, and urged the city to do more.

Rollo moved and it was seconded to extend public comment to 11 additional participants with one minute each.

Piedmont-Smith moved a friendly amendment to allow each speaker two minutes.

Rollo moved and it was seconded to extend public comment to 11 additional participants at two minutes each for a total of 22 minutes.

Motion to extend public comment [7:06pm]

The motion received a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.

Vote to extend public comment [7:08pm]

Renee Miller expressed her concern for the Covid-19 positive cases in Wheeler Mission and in other shelters, and urged the city to facilitate isolation.

Ed Bernstein stated he did not understand the rush to approve the upzoning in the UDO.

Steven Sibley spoke about his family's decision about moving to Bloomington and being able to live in relatively large house that was within walking/biking distance to Indiana University. He urged council to not rush the UDO.

Anna Cain stated that the city had the resources to place unhoused individuals in hotels and asked the city to step up and help that community.

Ann Connors spoke against plexes and stated that the onus was on those individuals to prove that there were benefits.

John Bickley agreed that the UDO needed to be delayed until after Covid-19 was over, and that upzoning should be citywide. He said that the city should provide case studies that show that upzoning benefits communities like Bloomington.

Cynthia Bretheim commented on the sustainability issue within current code, and the proposed UDO, as well as single-family zones and covenants.

Bill Baus stated that the Near West Side Neighborhood was the most diverse neighborhood with a variety of types of housing. He said it was the most affordable neighborhood because there were restrictions for developers that did not allow for plex conversions.

Lucas read a comment from Wilbur Cooley which stated that there was a large shift in Bloomington. The comment spoke against density in the downtown areas.

Lucas read a comment from Constance Glen who opposed upzoning and was concerned about equity and accessibility in housing.

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:24pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:25pm]

Flaherty moved and it was seconded that Resolution 21-04 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 21-04 – Approval of Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana – Re: Building Code Authority [7:26pm]

Flaherty moved and it was seconded that Resolution 21-04 be adopted.

Michael Rouker, City Attorney, Legal Department, presented the legislation. Rouker described the history of the interlocal agreements and the details within Resolution 21-04.

Piedmont-Smith asked about converting the building code paperwork to an electronic format.

Council questions:

Rouker said that he was not aware of any plans to do so, but that the concern could be raised with the Planning Department.

Volan asked why Resolution 21-04 was only a 1-year agreement.

Rouker stated that he was not sure, but that it was a retroactive agreement, and made renegotiations difficult.

Volan asked if it was an annual renewal.

Rouker stated that it was an annual renewal since 2018 and that from 1996-2017 the renewal was for 5 years.

Volan asked why it changed to an annual renewal.

Rouker clarified that he did not know.

Smith wondered why the interlocal agreement was in the best interest of Bloomington and asked Rouker to clarify.

Rouker explained that it was for efficiency for individuals who wanted to obtain a building permit. He said it was better than having multiple departments performing similar actions.

There was no public comment.

Public comment:

Volan commented that he was concerned that paper was still being used, and said that the county did good work. He also expressed concern and surprise that the agreement was before council on a yearly basis. Volan said that perhaps a 2-year agreement might be more efficient.

Council comment:

The motion to adopt Resolution 21-04 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-04 [7:37pm]

Flaherty moved and it was seconded that Resolution 21-05 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Resolution 21-05 - Preliminary Approval to Issue Economic Development Revenue Bonds and Lend the Proceeds for the Renovation of Affordable Housing - Re: Crestmont Community, 1007 Summit Street (Bloomington Rad II, LP, Petitioner)[7:38pm]

Flaherty moved and it was seconded that Resolution 21-05 be adopted.

Tyler Kalachnik, Ice Miller Indianapolis, introduced Amber Skoby, Executive Director, Bloomington Housing Authority (BHA) who presented the legislation. Skoby described the Crestmont Community, the BHA, and the proposed renovations and its funding.

Resolution 21-05 (cont'd)

Chris Kashman, attorney, Ice Miller, discussed the bond characteristics and credit structure for the project.

Sgambelluri asked Skoby to comment on the acquisition component of Resolution 21-05.

Council questions:

Skoby clarified that the acquisition was of the structures, which were currently owned by the BHA. She said that the ownership would be transferred to the Bloomington RAD II, LLP.

Sgambelluri asked if the transfer was permanent.

Skoby explained that it would be for about 15-20 year range.

Kalachnik added that transfer was the only way to obtain the tax credit for the improvements.

Sandberg inquired about the relocation and if it was done for current residents, and who conducted the relocating.

Skoby stated that it was a team effort, including a consultant, with considerations for fair housing, civil rights, accessibility.

Sims asked about improvements for air conditioner condensers and if it was just that piece or the entire unit.

Skoby believed it was for the entire unit which would be replaced.

Sims also asked about the hiring practices, and if minority and women contractors were sought out.

Skoby clarified that outreach was conducted ahead of other projects to encourage contractors to apply for the work. She said that about 25% of the money paid out for other projects went to minority-owned, and women-owned, businesses and Section 3 workers, which were low income workers or businesses. Skoby explained that it was tracked monthly and the data was maintained for other projects.

There was no public comment.

Public comment:

Smith thanked the individuals who worked on this project and expressed support for it.

Council comment:

Sims also thanked Skoby, petitioners, and staff. He appreciated the work that was done to utilize the workforce.

The motion to adopt Resolution 21-05 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 21-05 [8:03pm]

Flaherty moved and it was seconded that Ordinance 21-04 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis and gave the do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 21-04 – To Amend Title 8 of the Bloomington Municipal Code Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: The Kohr Building Historic District [8:05pm]

Flaherty moved and it was seconded that Ordinance 21-04 be adopted.

Conor Herterich, Historic Preservation Program Manager, Housing and Neighborhood Development (HAND) Department, presented the legislation. Heterich described the history of the Kohr Building Historic District.

There were no council questions.

Council questions:

Mark Dollase spoke in favor of Ordinance 21-04 and asked council to support it. He appreciated the transparent way in which the city conducted the redevelopment consideration of the hospital site.

Public comment:

Alex Crowley, Director, Economic and Sustainable Development (ESD) Department, said that adaptive reuse would be precluded for medical use and spoke about low income housing tax credits and historic designation. Crowley explained that there were no restrictions on the Kohr Building, but that there was a restrictive covenant on Parcel A which could not be transferred in part, or in whole, to a competitor of IU Health. He also discussed the timeline for the applications for tax credits and when they were awarded. Crowley explained there were certain limitations for historic designations and tax credits. Crowley outlined other considerations.

Rollo asked about the number of affordable units in the existing structure and how many more could be added.

Council questions:

Crowley explained that staff had been presented with a wide range of options, which could be in excess of 100 units.

Rollo questioned if an unattached structure could be added to expand affordable housing.

Crowley clarified that the tax credit did not require the structures to be connected. He said that the structures could be paired with other historic building projects.

Rollo stated that there could be ways to keep the building intact and add more affordable units.

Crowley further clarified that there would need to be more affordable units within the building.

Chris Sturbaum commented on the history of the Kohr building and the uncertainty on the hospital site project. He spoke about other historic buildings in the community.

Public comment:

Sandberg stated her support for the historic designation of the Kohr building. She also expressed appreciation for the women who had been dedicated to having a hospital in Bloomington and fought to ensure there was adequate medical care.

Council comment:

Volan appreciated the Kohr building and expressed gratitude to staff for their work in designating it historic.

The motion to adopt Ordinance 21-04 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 21-04 [8:32pm]

Flaherty moved and it was seconded that Ordinance 21-05 be read by title and synopsis only. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis and gave the do-pass recommendation of Ayes: 0, Nays: 8, Abstain: 0.

Ordinance 21-05 - To Amend Title 8 of the Bloomington Municipal Code Entitled "Historic Preservation and Protection" To Establish a Historic District – Re: The Boxman-Mitchell Building Historic District [8:33pm]

Flaherty moved and it was seconded that Ordinance 21-05 be adopted.

Conor Herterich, Program Manager, Historic Preservation, presented Ordinance 21-05. He explained the history of the site and the evolution of the Boxman-Mitchell structural and architectural building.

Volan asked for clarification on when the building first had an address.

Herterich explained that by using local city directories, one can see when an address was first listed.

Volan referenced an Indiana Business Studies report on Land Uses in Bloomington, Indiana, 1818-1950. Volan displayed a map of Bloomington in 1841 and stated that a professor had found the information via property tax records.

Herterich clarified that he looked at the fire insurance maps, and specifically the 1913 map. He said that there were no buildings in the area where the Boxman-Mitchell building was until it appeared on a 1927 map.

Rollo commented on the notification to the building owner, and asked if the notification was done properly.

Herterich explained how the Housing and Neighborhood Development (HAND) Department worked with the Historic Preservation Commission (HPC) and about the communication to the property owners before and through the HPC designation process.

Rollo said there was a break in communication to the property owner regarding scheduling the legislation to go before council, and asked who notified the property owner.

Herterich stated that it wasn't clear who was responsible for notifying the property owner, but that it had not been HAND.

Lucas commented that it had not been consistent in the past, and in this case, staff believed other staff had notified the stakeholders.

Rollo explained that he did not intend to affix blame, but that the property owner needed to be prepared and in attendance.

Sgambelluri asked Herterich about the condition of the building and what would be needed to fix the building.

Herterich stated that he was not qualified to speak to the quality of the structure since he was not a structural engineer.

Sims stated that Josh Alley was in attendance and was the property owner/representative, and was welcome to speak to the quality of the structure.

Josh Alley highlighted the importance of notifying the property owner of the process and scheduling. He also spoke about other Mitchell buildings that he owned that were restored to current conditions. He stated that there was an economic component to consider and that a structural engineer had said that it would be \$300,000+ to make the Boxman-Mitchell building safe for people to enter. Alley summarized other structural and aesthetic problems of the building including sinking ground, six different types of bricks, different types of windows, and the façade being refaced multiple times in different ways. He explained that three different contractors told him that he should start fresh because the building was not salvageable.

Sgambelluri stated that the reason for the historic designation of the Boxman-Mitchell building was because Mr. Boxman operated a restaurant during segregation in southern Indiana. She asked Herterich if he knew more information about Mr. Boxman.

Herterich explained that Alley had shared information about Mr. Boxman's participation in segregation. He said it was a sort of indictment and that it was most likely that Mr. Boxman participated in de facto segregation, but that it was not 100% clear. He clarified that he couldn't find supporting evidence of Mr. Boxman's participation in segregation.

Ordinance 21-05 (cont'd)

Council questions:

Alley clarified that he did not intend to indict anyone, and spoke about the history of segregation in restaurants in Bloomington, and referenced Herman B. Wells' actions and Indiana University's (IU) statement on George Taliaferro, who played football at IU and was the first African American to be drafted by the National Football League (NFL).

Chris Sturbaum spoke about demolition delay and its role in the HPC, and the importance of historic buildings.

Public comment:

Rollo asked Alley what he envisioned for the site.

Council comments:

Alley stated that the original intent when he purchased the building was to restore it. He spoke about filing for demolition, the delays with that, and then more delays with the pandemic. He stated that the next steps were dependent on what the UDO required.

Rollo asked if Alley was considering multi-story buildings.

Alley stated that if he had to decide tomorrow what to do, he would demolish the building and plant grass seed and wait until after the pandemic.

Volan commented on residential use on the first floor of buildings, and asked if Alley would consider using a commercial hood in a new building.

Alley stated that he couldn't answer that question that day because it depended on the viability of a potential commercial tenant. Alley explained that he was having trouble with the unhoused community members breaking in to the building.

Volan asked Alley if he thought that would be a viable spot for commerce.

Alley responded that he thought it absolutely could be a viable spot for commerce.

Volan explained that the next best way to saving the building would be to ensure a restaurant would be in the new building.

Alley clarified that he could not answer the question at the time.

Rollo commented that he was interested in the prospects for the site, given that the Comprehensive Plan called for mix use, and likely a multi-story building. Rollo commented on the history and fond memories of the Player's Pub, that occupied the building, but that he believed the structure was fundamentally unsound. Rollo commented on the history of Mr. Boxman and the Boxman-Mitchell building, and said that he would be voting against Ordinance 21-05.

Volan spoke about the Player's Pub and stated that the building needed a lot of work. He explained that within ten years, the area would be commercially viable and shouldn't be all residential. Volan stated that he didn't think that the building itself needed to be preserved, but did think it needed to include commerce with residential above. Volan stated that he had difficulty with the demolition and thought that only residential was viable.

Sgambelluri commented on the historic properties that had been restored over time in Bloomington, including Fountain Square, which had been done by the Cook family. Sgambelluri explained that Ordinance 21-05 was also considering the safety concerns of the building. She also stated that she was interested in the history of the Boxman and Mitchell families and if Mr. Boxman had been involved in segregation, then it was important to tell that story. Sgambelluri commented that there wasn't a clear plan for a cost-effective restoration of the building, and that she would be voting against Ordinance 21-05.

Flaherty stated that he agreed with Volan and Sgambelluri but respectfully disagreed with Volan's point regarding commercial or residential use. He explained that that shouldn't be the factor in determining if the Boxman-Mitchell building should be designated as historic. He clarified that was more of a zoning code issue.

Ordinance 21-05

Council comment: (cont'd)

Sandberg stated she would be voting against Ordinance 21-05. She said that historic buildings should be preserved when possible and in a beneficial way. Sandberg explained that the condition of the buildings were poor and would be difficult for a developer to restore. She stated that the future use of the site was more of a Planning staff issue and wasn't relevant for Ordinance 21-05.

Smith stated that he would be voting against Ordinance 21-05 because the building was in such poor condition. He urged the developer to build something that was good for Bloomington.

Piedmont-Smith commented that she too could not support the historic designation because it had been altered many times, and couldn't reasonably be called historic in its current state. She also said that the condition of the building was poor and it would ask too much of the owner to try to resurrect something that had been altered and had declined over time.

Sims spoke about segregation and its history in the city, and referenced educational and community discussions. He also spoke about the historical importance of the building. Sims explained that he wasn't surprised that there was not clear history on the segregation component of the building because Black history was not taught or preserved. Sims spoke about some history including the National Association for the Advancement of Colored People (NAACP). Sims also stated that it was the council's business to consider the concerns about the potential for higher rent for a future tenant. Sims expressed appreciation for the discussion and stated that he would be voting against Ordinance 21-05.

Volan commented on the commercial use of the property and why it was important to consider the future use of a new building. He explained that, for example, a restaurant required a commercial hood be installed, which was expensive. He echoed Sims in that what happened at the site in the future was the council's business.

Volan further commented on the buildings that would have been by the original location for IU prior to moving to Dunn Woods in 1983.

Rollo explained that when imposing historic preservation on a structure, it could come at a cost, in terms of restoration. He explained that there was not an objective measure on what the cost would be. He explained that the city or the HPC could not measure it, and the property owner had a vested interest in that measurement. He stated that moving forward, it would be ideal to have an objective measure to determine if an existing structure was sound enough to restore.

Sgambelluri thanked Alley for his attendance and comments.

The motion to adopt Ordinance 21-05 received a roll call vote of  
Ayes: 0, Nays: 9, Abstain: 0. FAILED.

Vote to adopt Ordinance 21-05  
[9:41pm]



Flaherty moved and it was seconded that Ordinance 21-03 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8 (Rosenbarger left the meeting), Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Sims passed the gavel to Sgambelluri.

Flaherty moved and it was seconded to extend consideration of Ordinance 21-03 to the Administration Committee, to meet on February 17, 2021 at 6:30pm.

Flaherty explained that the reason for the motion was due to the Administration Committee running out of time to discuss concerns regarding Ordinance 21-03.

Volan stated that more deliberation was better than less, and that required a motion, for, effectively, a third reading.

Sgambelluri passed the gavel back to Sims.

There were no council comments.

The motion received a roll call vote of Ayes: 8 (Rosenbarger left the meeting), Nays: 0, Abstain: 0.

Sims referred Ordinance 21-03 to the Administration Committee.

Flaherty moved and it was seconded that Ordinance 21-02 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8 (Rosenbarger left the meeting), Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Piedmont-Smith moved and it was seconded to refer Ordinance 21-02 to the Land Use Committee, to meet on February 10, 2021 at 5:30pm. The motion received a roll call vote of Ayes: 8 (Rosenbarger left the meeting), Nays: 0, Abstain: 0.

Volan stated that when there were items to come before the Land Use Committee, the addresses were included.

Sgambelluri gave the addresses.

Lucas read a comment received via Zoom chat from Carl Swinson who asked how many of the councilmembers lived in neighborhoods that would be affected by the zoning change that would allow plexes.

Nathan Mutchler spoke about zoning and urged council to consider the difficulties concerning the unhoused community members.

Nicole Johnson discussed affordable housing. She also spoke about Covid-19 cases at Wheeler Mission, FEMA funding, and emergency public safety funding within the city.

Ordinance 21-03 - (formerly Ordinance 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)

Motion to extend consideration of Ordinance 21-03 to the Administration Committee [9:45pm]

Council discussion:

Council comments:

Vote to extend consideration of Ordinance 21-03 to the Administration Committee [9:48pm]

LEGISLATION FOR FIRST READING [9:50pm]

Ordinance 21-02 - To Rezone a 10.097 Acre Property from Planned Unit Development (PUD) to MixedUse Corridor (MC) - Re: (Bill C. Brown Revocable Trust, Petitioner)

Vote to refer Ordinance 21-02 to the Land Use Committee [9:54pm]

Council questions:

ADDITIONAL PUBLIC COMMENT [9:56pm]

Rollo moved and it was seconded cancel the Council Work Session scheduled for Friday, February 5, 2021. The motion received a roll call vote of Ayes: 8 (Rosenbarger left the meeting), Nays: 0, Abstain: 0.

COUNCIL SCHEDULE [10:08pm]

There was brief council discussion.

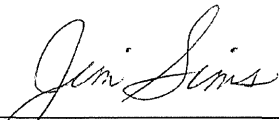
Flaherty moved and it was seconded to adjourn. Sims adjourned the meeting.


ADJOURNMENT [10:11pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 1st day of December, 2021.

APPROVE:

ATTEST:

  
\_\_\_\_\_  
Jim Sims, PRESIDENT  
Bloomington Common Council

  
\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington