City of Bloomington
Common Council

Legislative Packet

Wednesday, 03 October 2012

Please consult the Legislative Packet issued in interest of the 19 September 2012 Common Council meeting for legislation and background material.

All other material for this week's Council Meeting is contained herein

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409

council@bloomington.in.gov
http://www.bloomington.in.gov/council

City of Bloomington Indiana

City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402

Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
email: council@bloomington.in.gov

To: **Council Members**
From: **Council Office**
Re: **Weekly Packet Memo**
Date: **September 28, 2012**

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:
None

Legislation for Second Reading:

- **Ord 12-22** To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Stop and Yield intersections, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking, and Traffic Violation Schedule
  - Am 01(Sponsored by Cm. Rollo) - Proposing the removal of parking on the 900 block of South Mitchell Street [between E. Maxwell Lane and Southdowns Drive] in order to install a pedestrian lane.
    - Aerial map
    - Letter and rendering of pedestrian lane sent to owners and residents of property on 900 block of South Mitchell Street
    - Communications received from neighbors, property owners, and residents.

  Contact:
  Susie Johnson at 349-3411 or johnsons@bloomington.in.gov
  For amendment – please contact:
  Dave Rollo at 349-3409 or rollod@bloomington.in.gov or
  Dan Sherman at 349-3409 or shermand@bloomington.in.gov

- **Ord 12-23** To Amend Title 6 (Health And Sanitation), Title 15 (Vehicles and Traffic), and Title 17 (Construction Regulations) of the Bloomington Municipal Code - Re: Adjusting Fees and Fines Found in Chapter 6.06 (Refuse and Weeds), Chapter 15.48 (Removal and Impoundment of Vehicles), Section 15.60.080 (Services and Fees), and Section 17.08.050 (Fees) and Making Other Related Changes to those Provisions
  Contact:
  Patty Mulvihill – 349-3426; mulvihip@bloomington.in.gov

Please see the Council Legislative Packet issued for the 19 September 2012 *Regular Session for the legislation, summary and associated material. Please see this packet for the amendment related to Ord 12-22.*

Legislation and Background Material for First Reading:

- **Ord 12-24** To Amend the Bloomington Zoning Maps for Six Parcels in the Old Northeast Neighborhood from Institutional (IN) to Residential Multifamily (RM) (Four Parcels), Commercial General (CG) (One Parcel) and Commercial Downtown (CD) (One Parcel) - Re: 718 E. 8th Street, 702 E. 10th Street, 525 N. Park Avenue, 514 N. Fess Avenue, 403 E. 6th Street, and 613 E. 12th Street (The City of Bloomington, Petitioner)
  - Certification (7- 0)
  - Memo to Council from Lynne Darland, Zoning and Enforcement Manager;
  - Petitioner's Statement;
  - Staff Report to Plan Commission;
  - Zoning and Growth Policies Plan maps with affected parcels identified
    Contact:
    Lynne Darland at 349-3529 or darlandl@bloomington.in.gov

Minutes from Regular Session:

- July 18, 2012
- August 1, 2012

Memo

Reminder: Staff-Council Internal Work Session Scheduled for Monday, October 1st at Noon in the McCloskey Room

Two Ordinances (and One Amendment) Ready for Second Reading and One Ordinance Ready for Introduction at the Regular Session Scheduled for Wednesday, October 3rd

There are two ordinances and one amendment ready for second readings and one ordinance ready for introduction at the Regular Session next Wednesday. The two ordinances ready for second reading can be found online as indicated above. The amendment as well as the ordinance ready for introduction next week can be found in this packet and are summarized herein.

Second Readings

Am 01 to Ord 12-22 (Amending Title 15) – Removal of Parking on 900 Block of South Mitchell Street to Make Way for a Pedestrian Lane

As mentioned in the 19 September 2012 Council Legislative Packet, Councilmember Rollo intends to introduce an amendment to Ord 12-22 on October 3rd. This amendment would remove parking from the 900 block of South Mitchell Street (between Maxwell Lane and Southdowns Drive) to make way for a pedestrian lane. The 2012 Council Sidewalk Report recommended installation of this lane, which would connect with sidewalks on the north and south, but only if parking were removed from this narrow street.

Staff recommended this change to the Traffic Commission at its March 2012 meeting. However, after hearing from residents along this block as well as members of the neighborhood association, whose opinions and concerns varied, the Commission denied the request. Those opinions and concerns addressed safety at the intersection Maxwell Lane and Mitchell, adequate parking for the rental units along the block, the presence of commuter parking, effect of the pedestrian improvements on drainage, and the value of installing this pedestrian connection.

Bringing this change forward as an amendment follows a long-standing practice when staff and Commission disagree.

Please note that a letter and rendering of the pedestrian lane was sent to owners and residents of property on this block and that Councilmember Rollo contacted the SoMax Neighborhood Association about the proposal. This packet includes communications received by the Council Office as a result of these earlier contacts. Although the comments were diverse and not entirely consistent with each other, in general, they:

- Support the installation of a pedestrian lane over the current practice of walking in the middle of the street;
- Express concern for the cars parked on the northeast end of the block (and include a phone call from the owner of that property who was willing to explore off-street parking options);
- Express concern about possible parking by non-resident commuters; and
- Express concern for the intersection of Maxwell Lane and Mitchell for both pedestrians and motorists.

First Readings

Item 1 - Ord 12-24 (To Rezone Six Parcels in the Old Northeast Neighborhood Currently Zoned Institutional [IN] Following Review Requested by the Plan Commission)

Ord 12-24 comes forward as a petition from the Plan Department and rezones six properties in the Old Northeast Neighborhood following the denial of a request from one property owner earlier this year. [1] All of these properties were rezoned to Institutional (IN) as part of the repeal and re-enactment of the zoning maps for the entire City in 2007. While acknowledging that this area "has always been a fine grained mix of public versus private ownership, private rental property and IU rentals, and a mix of institutional style buildings and older homes," the staff report to the Plan Commission explained that the decision to rezone these parcels in 2007 was due to the area's inclusion in IU campus master plan and the bulk of the parcels in this area being owned by IU. At the time of the rezone denial late last year, the Commission "directed staff to assess the private versus public ownership in the

[1] Cheryl Underwood petitioned the Plan Commission and Council to rezone her property at 718 E. 8th Street from Institutional (IN) to Residential Multifamily (RM) in order to restore the property to its pre-2007 zoning designation. The Plan Commission recommended denial of this petition in favor of a more comprehensive review of zoning in the area and the Council eventually tabled the rezoning ordinance (Ord 12-04) ; an action which let the recommendation of the Commission stand.

neighborhood, review the Growth Policies Plan (GPP) designations in the area, and make a more comprehensive zoning proposal."

After contacting affected property owners, meeting with the Old Northeast Neighborhood Association, and consulting with representatives from IU (who "were pleased to be included in the conversation and had no concerns"), Plan staff proposed rezoning six properties. In that regard, this ordinance:

- Restores four residential properties, including the Underwood parcel that triggered this review last year, to their 2007 Residential Multifamily (RM) zoning designation. These properties are designated as Residential Core (RC) in the GPP and include:
  - 718 E. 8th Street, 702 E. 10th Street and 525 N. Park Avenue (which are registered rentals); and
  - 514 N. Fess (which is owner occupied).

- Rezones the registered rental property at 613 E. 12th Street to General Commercial (CG). While designated as a Residential Core (RC) in the GPP, the ordinance would restore the 2007 CG zoning designation to be consistent with the property's previous use as an art studio. Given the small size of the parcel, the staff report indicates that "there is no potential for negative impacts associated with future larger scale commercial development."

- Rezones the law office at 403 E. 6th Street to Commercial Downtown (CD) which closely matches its 2007 Commercial General (CG) designation and conforms with adjacent parcels to the south.

Plan Commission Recommendation. After one hearing at its September 10th meeting, the Plan Commission voted 7 – 0 to approve these rezones.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION
7:30 P.M., WEDNESDAY, OCTOBER 3, 2012
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

REGULAR SESSION

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: July 18, 2012, Regular Session
August 1, 2012, Regular Session

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

1. **Councilmembers**
2. **The Mayor and City Offices**
3. **Council Committees**
4. **Public ***

V. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 12-22 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"- Re: Stop and Yield intersections, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking, and the Traffic Violation Schedule

Committee recommendation: Do Pass 8 – 0 – 1

2. Ordinance 12-23 To Amend Title 6 (Health and Sanitation), Title 15 (Vehicles and Traffic), and Title 17 (Construction Regulations) of the Bloomington Municipal Code - Re: Adjusting Fees and Fines Found in Chapter 6.06 (Refuse and Weeds), Chapter 15.48 (Removal and Impoundment of Vehicles), Section 15.60.080 (Services and Fees), and Section 17.08.050 (Fees) and Making Other Related Changes to those Provisions

Committee recommendation: Do Pass 9 – 0 – 0

VI. LEGISLATION FOR FIRST READING

1. Ordinance 12-24 To Amend the Bloomington Zoning Maps for Six Parcels in the Old Northeast Neighborhood from Institutional (IN) to Residential Multifamily (RM) (Four Parcels), Commercial General (CG) (One Parcel) and Commercial Downtown (CD) (One Parcel) - Re: 718 E. 8th Street, 702 E. 10th Street, 525 N. Park Avenue, 514 N. Fess Avenue, 403 E. 6th Street, and 613 E. 12th Street (The City of Bloomington, Petitioner)

VII. ADDITIONAL PUBLIC COMMENT * (A maximum of twenty-five minutes is set aside for this section.)

VIII. COUNCIL SCHEDULE

IX. ADJOURNMENT (and immediately followed by)

* Members of the public may speak on matters of community concern not listed on the Agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Posted & Distributed: Friday, September 28, 2012

City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 1– 6 October 2012

Monday, 1 October

12:00 pm Staff - Council Internal Work Session, McCloskey
5:00 pm Redevelopment Commission, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission Work Session, Hooker Room

Tuesday, 2 October

1:30 pm Development Review Committee, McCloskey
5:00 pm Title 16 Open House, Council Chambers
7:30 pm Telecommunications Council, Council Chambers

Wednesday, 3 October

12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey
7:30 pm Common Council—Regular Session, Council Chambers

Thursday, 4 October

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

Friday, 5 October

12:00 pm Economic Development Commission, Hooker Room

Saturday, 6 October

9:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton

Posted and Distributed: Friday, 28 September 2012

401 N. Morton Street • Bloomington, IN 47404 **City Hall** **Phone: (812) 349-3409 • Fax: (812) 349-3570**
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council@bloomington.in.gov

Ord 12-22

To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Stop and Yield intersections, Angle Parking, No Parking, Limited Parking, Residential Neighborhood Permit Parking, Accessible Parking, and Traffic Violation Schedule

Material Pertaining To Amendment 01

- **Am 01 (Rollo, Sponsor) - removing parking from the 900 block of South Mitchell Street (between E. Maxwell Lane and Southdowns Drive) to make way for a pedestrian lane**
- **Map of block**
- **Letter to owners and residents in that block**
    - **Map of Block with sketch of pedestrian lane**
- **Communications from the Public**

*** Amendment Form ***

Ordinance #: 12-22

Amendment #: 01

Submitted By: Councilmember Rollo

Date: September 28, 2012

Proposed Amendment:

1. Section 4 of the ordinance shall be amended by adding the following line to BMC 15.32.080 (Schedule M – No Parking Zones):

NO PARKING ZONES

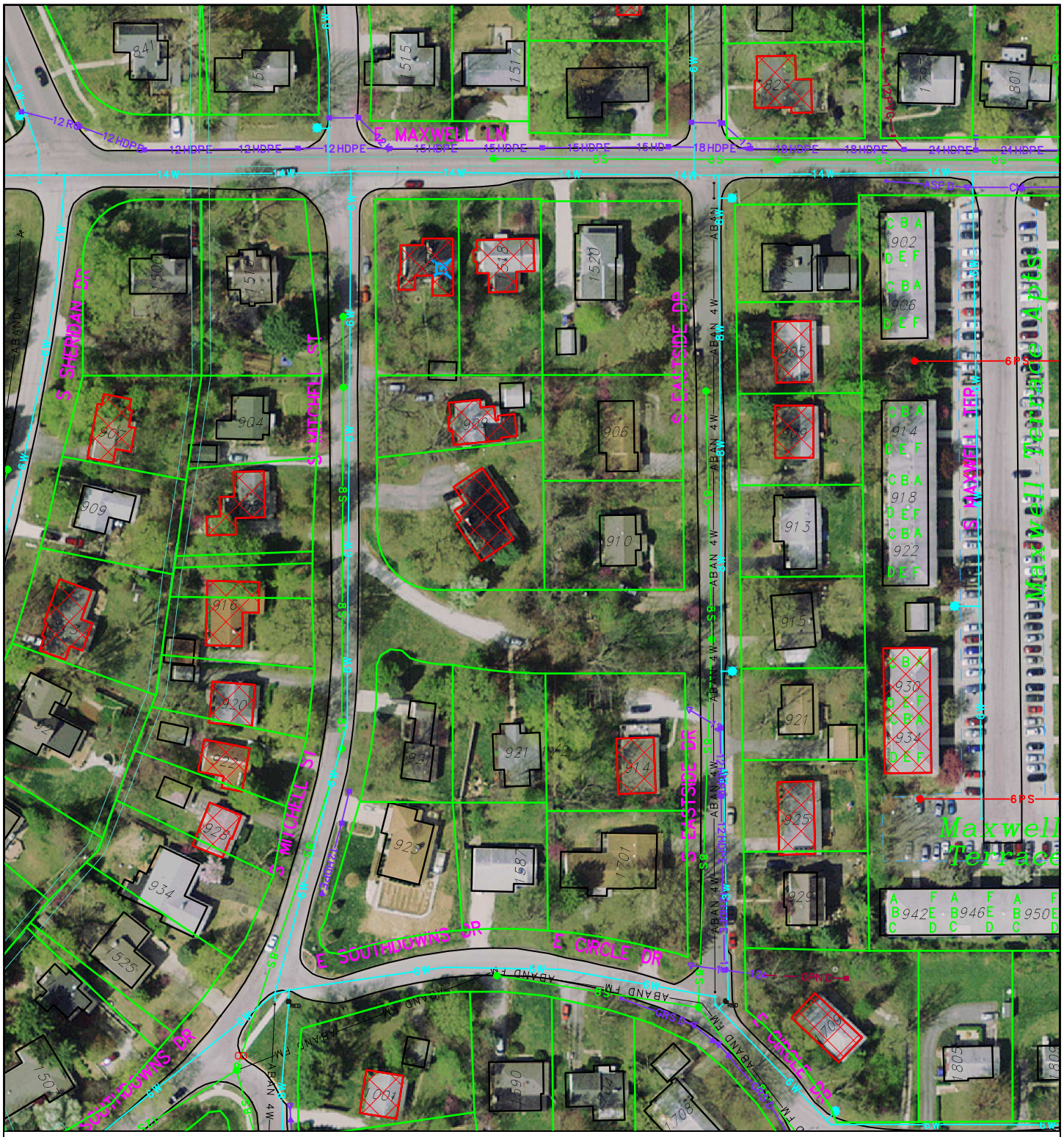
Street	**From**	**To**	**Side of Street**	**Time of Restrict.**
Mitchell Street	East Maxwell Lane	Southdowns Drive	East/West	Any Time

Synopsis

This amendment is sponsored by Councilmember Rollo. It follows up on a recommendation in the Council Sidewalk Committee Report for 2012, which called for a portion of the 900 block of Mitchell Street (from Maxwell Lane to Southdowns Drive) be set aside for a walkway (via lane markings). Because the road is narrow, the recommendation was conditioned on the removal of parking from this block. Although staff recommended this change to the Traffic Commission at its March, 2012 meeting, the Commission did not approve it. In accordance with long-standing practice, matters like this one where staff and the Commission disagree, are generally brought forward as an amendment to the next traffic ordinance. Please note that residents and owners of property on this block as well as the affected Neighborhood Association were notified of this proposal and the opportunity to comment before and at the meeting on October 3rd.

9/19/12 Committee Action: None
10/03/12 Regular Session Action: Pending

September 27, 2012



Ord 12– 22 – Am 01 – Removal of Parking

South Mitchell Street from Maxwell Lane to Southdowns Drive

By: shermand

13 Sep 12

120 0 120 240 360

N

City of Bloomington

Clerk & Council

Scale: 1" = 120'

For reference only; map information NOT warranted.

City of Bloomington
Office of the Common Council

25 September 2012

To: Owners and residents of property on Mitchell Street between Maxwell Lane and Southdowns Drive

Councilmember Dave Rollo wanted me to contact you about a proposal for the installation of a pedestrian lane along the east side of South Mitchell Street between Maxwell Lane and Southdowns (Circle) Drive. Please see the attached aerial map for a rendering of the pedestrian lane in the context the right-of-way and relevant structures.

Due to the narrow width of the road surface (23 feet at its narrowest point before the installation of a five foot pedestrian lane), this proposal requires the *removal* of parking from both sides of the street within the right-of-way. This would mean that cars would have to park in driveways and not on the roadway. Being familiar with the street, Councilmember Rollo has observed cars parked along the street (particularly at the northeast side of the block) and wanted to let residents and owners of all of the affected properties know about this proposal and give you a chance to raise your concerns before the Council votes on the removal of parking.

At this point, Councilmember Rollo intends to submit an amendment to Ord 12-22 that would make this change. The amendment would be considered by the City Council at its Regular Session on Wednesday, October 3rd. This meeting starts at 7:30 p.m. and will be held in the Council Chambers of City Hall (401 North Morton Street, Room 115). You are welcome to attend the meeting and speak on the proposal during public comment on the amendment.

Please also feel free to contact Councilmember Rollo at rollod@bloomington.in.gov or 812-272-2207 (cell) or contact me at shermand@bloomington.in.gov or 349-3562 about your concerns. If provided by noon on Wednesday, October 3rd, I will compile and distribute your comments to the rest of the Council. If shifting parking from the street to driveways presents problems, it's possible that the City's Engineering Department may be able to assist property owners address issues associated with widening their driveways as long as the widening is consistent with the Unified Development Ordinance.

Respectfully,

Dan Sherman
Attorney/Administrator
Bloomington City Council
812-349-3562

cc: O&R 2012 file

22.4
5.0
18.9
18
5.0

Ord 12-22 – Am 01 (Rollo, Sponsor)
Removal of Parking on 900 Block of South Mitchell to Allow for Installation of a Pedestrian Lane

Comments Sent to the Council Office from the Public

Email - Fwd: postscript on Mitchell walk-path

Carrol Krause lorrac58@gmail.com
Sep 22

Hello Dan, I'm forwarding you this note I just wrote regarding parking to you, at the suggestion of Dave Rollo, who has been spearheading a move for a new walking path along Mitchell between SouthDowns and Maxwell. We have been plagued for the past year with student cars parked on both sides of Mitchell just south of Maxwell, reducing traffic at times to one lane and creating a real problem for cars, bicyclists and pedestrians. I support the creation of the new walking path and have a suggestion in this mail for where the students should be parking instead.
thanks,
Carrol Krause
secretary, SoMax neighborhood group

---------- Forwarded message ----------
From: **Carrol Krause** <lorrac58@gmail.com>
Date: Sat, Sep 22, 2012 at 8:46 AM
Subject: postscript on Mitchell walk-path
To: Dave Rollo <rollod@bloomington.in.gov>
Cc: 80 or so email addresses

Dave, and neighbors of SoMax, I support the new walkway on Mitchell between SouthDowns and Maxwell. I have been concerned for over a year now with the dangerous bottleneck that occurs near the intersection of Mitchell and Maxwell when students park cars on both sides of the road. I feel that a walkway would help pedestrians (and bicyclists) negotiate this corner and would be a permanent improvement to our neighborhood infrastructure.

That said, I believe that the reason that students have been parking on Mitchell for the past year or so instead of in front of the house on the southeast corner, as they used to do, is because there is now a "No Parking" sign in front of that house which did not used to be there. I have no idea how long it's been in existence, but it didn't use to be there. I assume that its function is to keep the frontage clear of vehicles for the purposes of the bus that also makes a stop there. That house on that southeast corner has a splendid long pull-off that is perfect for parked cars, and which used to be used for that purpose. I see no reason why this "No Parking" sign should stay in place. Have it removed, and then the student renters can have a better place to park than they currently do, and this really should not pose an issue for Bloomington Transit. I haven't looked, but if there is another "No Parking" sign west of Mitchell on Maxwell, then remove that one too. Maxwell is

the widest street in the area and there is plenty of room there for both parking AND traffic.

I am CCing this separately to Dan Sherman at the city so he does not get accidentally included on the SoMax main mailing list.

thanks,

Email - Mitchell walk-path proposal

Mike Litwin litwin@kiva.net
Sept. 22
Dave

I received your email through the SoMax neighborhood grapevine, and I have a couple of comments.

On the east side of Mitchell opposite our house on the Maxwell Lane corner is a long-time student rental. They always have several vehicles, and this year for the first time in recent memory they're parking all their vehicles on their side of the street instead of ours. Of course we would support the elimination of parking on our side of the street, but if the City eliminates parking on both sides all those cars will have to be parked somewhere. Currently there's a bus stop on Maxwell in front of their house so they can't park there either. I don't know if that's a big problem, just something to be aware of.

You're certainly right about the accident potential - there are a lot of vehicle accidents at that corner.

Finally, for a long-term solution I'm not in favor of storm drains except where necessary to prevent flooding. Storm drains increase downstream water velocity and erosion and shoot all pollutants directly to streams without any filtering. The ditch on our side of the street works fine for drainage and filtering(except when the students park in it).

Email - Re: Mitchell walk-path proposal and dead trees by "secret sidewalk"

Jennifer Robinson jjamesrobinson@mac.com
Sept 22

To: Carrol, and about 15 email addresses

I strongly support the proposed walking path on the east side of Mitchell. We used to rent a house on Mitchell and I pushed a stroller up and down that street; it did not feel safe, as walking around the parked cars would bring us practically half way into the street and I was never sure if we could be seen clearly from oncoming bikes or cars. Mitchell is heavily used by pedestrians--many on their way to IU and back.

Is there any prospect of getting a stop sign or crosswalk across Maxwell at Mitchell? That is where pedestrians cross the street to the sidewalk on the other side. Especially from the west, traffic comes flying over the Maxwell hill. Unless there was special signage and some additional cue, I do not think a crosswalk alone would help. Except when the school crossing guard is present, I rarely see cars even slow down for the crosswalk across High at First Street, which I cross with children most days of the week. I called the police department and was told that cars in Indiana are not required to stop for a crosswalk unless it is at an intersection with a stop sign or light.

One more thing…is the city maintaining the walkway from Southdowns to Greenwood? There is a mainly dead black cherry tree next to the path in the yard to the west. We have had the tops of two black cherries come down--one in a storm and one on a clear day--and I worry that it could fall on someone. Next to the wider concrete path, just north of Maxwell, there is another large dead tree. It is close to a power line, I think…might the power company take the responsibility of taking it down?
Best,
Jenny

Email - Fw: Re: Fwd: Mitchell walk-path proposal

Diane Leirer dcleirer@yahoo.com
Sept 23

I support the walking path.I don't live on Mitchell, but I've walked my dogs many times over the years on this street. I've experienced almost having to jump out of the way with cars traveling a wee bit too fast. Cars westbound on Maxwell and turning south on Mitchell don't lose much momentum in speed, so that side of the road is frequently harrowing to be on. As others have already said, it is a heavily traveled road.

The hill on Maxwell (just west of the Maxwell/Mitchell intersection) is a blind hill. I've come close many times almost being rear ended when turning onto Maxwell because cars fly over that hill. It's a separate issue than the Mitchell walking path, but I feel like there does need to be a stop sign.

As for parking/rentals, our block on Eastside Drive gets the overflow of students who cannot park the next block north due to parking restrictions. Seeing more than 3 cars consistently parked outside a rental means that more than 3 people are living there and would be in not in compliance with the rules governing rentals.

safe walking to all,
Diane

Email - Mitchell walk-path proposal

Ayelet Lindenstrauss
Sept. 23

Dear Dave and Dan,

I live on Longwood, and as one of the people who walks to campus via Mitchell, I really appreciate your efforts to protect the pedestrians along that stretch. It is particularly scary to walk around a car parked along the side, and it definitely feels like the least safe part of my walk. A sidewalk would obviously be best, but a walk-path would be a big improvement.

And I agree that the Mitchell-Maxwell intersection is a bad one. Even for cars, if you are coming north from Mitchell and there are cars parked along the south side of Maxwell, they can block the visibility in a dangerous way (it would be great if parking were not allowed on the south side of the Maxwell for say 50 ft on either side of Mitchell). For pedestrians, it is not a nice intersection at all, but I don't have practical suggestions of how it could be improved.

Many thanks for working on this!

Supplementing Above Email

Scott Yonker scott.yonker@gmail.com
Sept 23

To Carrol and about 20 other email addresses

We support the walk path on Mitchell. It is a bit dangerous, especially when you get close to the stop sign at Maxwell.

Sincerely,

Scott & Leah Yonker

Email - Mitchell walk path proposal

Karen Atkins kawatkin@gmail.com
Sept 24

To: rollod and shermand

Good morning.

I live 4 houses south of the Mitchell-Maxwell intersection and I walk to work on campus every day. I whole-heartedly support the proposal for a walking path on the east side of Mitchell. I support it even more if it means cars will no longer be parking on the street. I tend to walk on the west side of the street due to the parked cars on the east, but I am

always wary of traffic coming east on Maxwell and turning south...they can't see and often find an obstable course of cars, cyclists, walkers, etc.

I live at the lowest point on Mitchell, so I would like to mention that drainage could be an issue. The path would need to be elevated, perhaps a small berm, to avoid being flooded by storm water coming from Maxwell.

Thank you!
Karen

Phone call
Sept 26th

Dave (Rollo) called to say that Kenneth Bruce, who resides on this block, approves of a walkpath on Southdowns and is in favor of removing parking on Mitchell.

Phone call
Sept 27th and 28th
Prof. Steven Dunphy called and left messages. He owns 1514 E. Maxwell Lane and 909 S. Mitchell and was interested in the reference in letter about possible assistance from City Engineering regarding parking issues as long as consistent with the Unified Development Ordinance.

ORDINANCE 12-24

TO AMEND THE BLOOMINGTON ZONING MAPS FOR SIX PARCELS IN THE OLD NORTHEAST NEIGHBORHOOD FROM INSTITUTIONAL (IN) TO RESIDENTIAL MULTIFAMILY (RM) (FOUR PARCELS), COMMERCIAL GENERAL (CG) (ONE PARCEL) AND COMMERCIAL DOWNTOWN (CD) (ONE PARCEL) - Re: 718 E. 8th Street, 702 E. 10th Street, 525 N. Park Avenue, 514 N. Fess Avenue, 403 E. 6th Street, and 613 E. 12th Street (The City of Bloomington, Petitioner)

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, ZO-38-12, and recommended that the petitioner, the City of Bloomington, be granted approval of this rezone. The Plan Commission thereby 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 20.09 of the Bloomington Municipal Code, six properties shall be rezoned from Institutional (IN) to Residential Multifamily (RM) (four parcels), Commercial General (CG) (one parcel) and Commercial Downtown (CD) (one parcel). In particular:

718 E. 8th Street shall be rezoned from Institutional (IN) to Residential Multifamily (RM). This parcel is further described as follows:

Lot Number Six (6) in Second Court of University Courts Addition to the City of Bloomington, Indiana, as shown by the plat thereof, recorded in Plat cabinet B, Envelope 32 (Plat Book 2, pages 109-109A), in the Office of the Recorder of Monroe County, Indiana.

702 E. 10th Street shall be rezoned from Institutional (IN) to Residential Multifamily (RM). This parcel is further described as follows:

Lot Number Twenty-six (26) in the Second Court of University Courts Addition to the City of Bloomington, Indiana; excepting therefrom a 50 foot strip of equal width off the entire east end of lot #26 in the Second Court of University Courts Addition to the City of Bloomington, Monroe County, Indiana. Also an easement to be used as a walkway over a strip of ground six feet in width off of the west side of said 50 foot strip herein excepted.

525 N. Park Avenue shall be rezoned from Institutional (IN) to Residential Multifamily (RM). This parcel is also known as:

Lot Number Twenty-seven (27) in the Second Court of the University Courts' Addition to the City of Bloomington, Monroe County, Indiana.

514 N. Fess Avenue shall be rezoned from Institutional (IN) to Residential Multifamily (RM). This parcel is further described as follows:

Lot Number Twenty-three (23) in the Second Court of University Courts Addition to the City of Bloomington, Indiana, as shown by the plat thereof, recorded in Plat Book 2, page 109, in the Office of the Recorder of Monroe County, Indiana.

403 E. 6th Street shall be rezoned from Institutional (IN) to Commercial Downtown (CD). The parcel is further described as follows:

The North half of In Lot Number Two Hundred Forty-One (241) in the City of Bloomington, Indiana, as shown by the recorded plat thereof. The South half of In Lot Number Two Hundred Forty-One (241) in the City of Bloomington, Indiana, as shown by the recorded plat thereof.

613 E. 12th Street shall be rezoned from Institutional (IN) to Commercial General (CG). The parcel is further described as follows:

Lot Number Ninety-three (93) in University Park Addition to the City of Bloomington, Monroe County, Indiana.

SECTION 2. 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 3. 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 _____, 2012.

_____
TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

_____
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2012.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2012.

_____
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance would rezone six individual properties from Institutional (IN) zoning to the following: 718 E. 8th Street to Residential Multifamily (RM), 702 E. 10th Street to Residential Multifamily (RM), 525 N. Park Avenue to Residential Multifamily (RM), 514 N. Fess Avenue to Residential Multifamily (RM), 403 E. 6th Street to Commercial Downtown (CD), and 613 E. 12th Street to Commercial General (CG) zoning.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 12-24 is a true and complete copy of Plan Commission Case Number ZO-38-12 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on September 10, 2012.

Date: September 11, 2012

Thomas B. Micuda, Secretary
Plan Commission

Received by the Common Council Office this 11th day of September, 2012.

Regina Moore, City Clerk

Appropriation Ordinance # _____ Fiscal Impact Statement Ordinance # _____ Resolution # _____

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 _____
Unforseen 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.)

FUKEBANEI ORD=CERT.MRG

To: **Members of the Common Council**
From: **Lynne Darland, Zoning & Enforcement Manager**
Subject: **Case # ZO-38-12**
Date: **October 3, 2012**

Attached is the Ordinance pertaining to Plan Commission Case # PUD-38-12. The Ordinance packet is made up of the staff report, petitioner's statement and exhibits reviewed by the Plan Commission at its September 10, 2012 meeting. The Plan Commission voted 7-0 to send this petition to the Common Council with a favorable recommendation.

REQUEST: The petitioner, the City of Bloomington, is requesting the rezone of six individual properties located within the Old Northeast Neighborhood. The locations of these six properties are 718 E. 8th Street, 702 E. 10th Street, 525 N. Park Avenue, 514 N. Fess Avenue, 403 E. 6th Street, and 613 E. 12th Street.

SITE INFORMATION:

Address:	718 E. 8th Street
Current Zoning:	IN
Proposed Zoning:	RM
Area:	0.18 acres
GPP Designation:	Core Residential

Address:	702 E. 10th Street
Current Zoning:	IN
Proposed Zoning:	RM
Area:	0.092 acres
GPP Designation:	Core Residential

Address:	525 N. Park Avenue
Current Zoning:	IN
Proposed Zoning:	RM
Area:	0.150 acres
GPP Designation:	Core Residential

Address:	514 N. Fess Avenue
Current Zoning:	IN
Proposed Zoning:	RM
Area:	0.150 acres
GPP Designation:	Core Residential

Address:	403 E. 6th Street
Current Zoning:	IN
Proposed Zoning:	CD
Area:	0.200 acres
GPP Designation:	Downtown

Address:	613 E. 12th Street
Current Zoning:	IN
Proposed Zoning:	CG
Area:	0.200 acres
GPP Designation:	Core Residential

Background: This request stems from a previous rezoning case (ZO-27-11) in which the Plan Commission denied the case, but requested the planning staff reevaluate the Old Northeast neighborhood for possible rezonings. In that case, the property owner of 718 E. 8th Street, Cheryl Underwood, requested that the zoning of the property be taken back to the previous Residential Multifamily (RM) zoning that existed on the property prior to 2007. This zoning was changed to Institutional (IN) as part of the City's last comprehensive zoning ordinance and map update process. The Plan Commission denied the individual rezoning request but directed staff to assess private versus public ownership in the neighborhood, review the GPP designations in the area, and make a more comprehensive rezoning proposal. At the conclusion of this analysis, staff identified 6 properties that it believes should be rezoned.

The Planning Staff has been in contact with the property owners to listen, answer questions, and confirm their desired zoning requests. Planning staff attended the May 2012 Old Northeast Neighborhood Association meeting to discuss the issue. At this meeting attendees were shown zoning maps of the neighborhood both prior to 2007 and the current map. Planning Staff explained the rezoning petition and answered questions from the attending neighbors. As part of this process, Planning Staff also met with representatives from Indiana University and informed them of the rezoning request. The representatives from Indiana University were pleased to be included in the conversation and had no concerns.

Report: The first four properties listed, 718 E. 8th Street, 702 E. 10th Street, 525 N. Park Avenue, and 514 N. Fess Avenue, are residential structures with residential uses. All are registered rentals with the exception of 514 N. Fess Avenue which is owner occupied. Staff recommends that their zoning be taken back to the previous 2007 zoning of Residential Multifamily (RM).

The fifth property listed, 403 E. 6th Street, is a professional law office use. The zoning previous to the 2007 rezone was General Commercial (CG). Staff recommends that the property be rezoned to Commercial Downtown (CD) to bring the current use into conforming standards and to allow the property to be zoned the same as the adjacent properties to the south.

The sixth property listed, 613 E. 12th Street, is a registered rental residence that was previously used as an art studio. Previous to the 2007 rezone, the property was zoned General Commercial (CG) to reflect the art studio use as well as the proximity to the neighborhood's Village Pantry convenience store. Although the GPP designates the property as Core Residential, staff recommends rezoning to commercial to be consistent with the pre-2007 zoning and previous use of the property. Because the property is a small platted lot, there is no potential for negative impacts associated with future larger scale commercial development.

GROWTH POLICIES PLAN COMPLIANCE: The GPP designates five of these properties as Core Residential. The property located at 403 E. 6th Street is designated at Downtown. The area within the western edge of the IU Campus Master Plan and the eastern edge of the Old Northeast Neighborhood has

always been a fine grained mix of public versus private ownership, private rental property and IU rentals, and a mix of institutional style buildings and older historic homes. Ultimately, the proposed zoning back to commercial and multifamily is more consistent with the GPP's land use recommendations for this core neighborhood.

PLAN COMMISSION CONCLUSIONS: The Plan Commission found this rezone to be in accordance with their request. Staff provided documentation that the property owners in the Old Northeast Neighborhood impacted by the 2007 zoning map update were contacted and given an opportunity to express their desires for the rezoning of their properties.

RECOMMENDATION: The Plan Commission voted 7-0 to forward this petition to the Common Council with a favorable recommendation with no conditions.

August 17, 2012

Letter of Intent / Petitioner's Statement

This is a request by the City of Bloomington to petition for the rezone of six individual properties located in the Old Northeast neighborhood. The specific properties are located at 718 E. 8th Street, 702 E. 10th Street, 525 N. Park Avenue, 514 N. Fess Avenue, 403 E. 6th Street, and 613 E. 12th Street.

The request stems from a previous rezoning case (ZO-27-11) in which the Plan Commission denied the case, but requested the planning staff reevaluate the Old Northeast neighborhood for possible rezonings. The reason for the Plan Commission's request was to assess private versus public ownership of property in order to conform to zoning which occurred prior to 2007, the last update of the City's zoning map.

The planning staff has been in contact with each of the subject property owners to answer questions and confirm their desired zoning requests. Planning staff attended the May 2012 Old Northeast Neighborhood Association meeting. At this meeting attendees were shown zoning maps of the neighborhood both prior to 2007 and the current map. Planning Staff explained the rezoning petition and answered questions from the attending neighbors. As part of this process, planning staff also met with representatives from Indiana University and informed them of the rezoning request.

As a result of many meetings and research conducted by the Planning Department the above stated properties are being petitioned for rezone. Please contact either Tom Micuda or Lynne Darland in the Planning Department with any questions or concerns you may have concerning this petition at 349-3423.

BLOOMINGTON PLAN COMMISSION **CASE #: ZO-38-12**
STAFF REPORT **DATE: Sept. 10, 2012**
Location: 718 E. 8th Street, 702 E. 10th Street, 525 N. Park Avenue, 514 N. Fess Avenue, 403 E. 6th Street, 613 E. 12th Street

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PETITIONER: City of Bloomington
401 N. Morton Street

REQUEST: The petitioner, the City of Bloomington, is requesting the rezone of six individual properties located within the Old Northeast Neighborhood.

Specific Property Characteristics:

Address: 718 E. 8th Street
Current Zoning: IN
Proposed Zoning: RM
Area: 0.18 acres
GPP Designation: Core Residential

Address: 702 E. 10th Street
Current Zoning: IN
Proposed Zoning: RM
Area: 0.092 acres
GPP Designation: Core Residential

Address: 525 N. Park Avenue
Current Zoning: IN
Proposed Zoning: RM
Area: 0.150 acres
GPP Designation: Core Residential

Address: 514 N. Fess Avenue
Current Zoning: IN
Proposed Zoning: RM
Area: 0.150 acres
GPP Designation: Core Residential

Address: 403 E. 6th Street
Current Zoning: IN
Proposed Zoning: CD
Area: 0.200 acres
GPP Designation: Downtown

Address: 613 E. 12th Street
Current Zoning: IN
Proposed Zoning: CG
Area: 0.200 acres

GPP Designation: Core Residential

Background: This request stems from a previous rezoning case (ZO-27-11) in which the Plan Commission denied the case, but requested the planning staff reevaluate the Old Northeast neighborhood for possible rezonings. In that case, the property owner of 718 E. 8th Street requested that the zoning of the property be taken back to the previous Residential Multifamily (RM) zoning. Specifically, the Plan Commission directed staff to assess private versus public ownership in the neighborhood, review the GPP designations in the area, and make a more comprehensive rezoning proposal. At the conclusion of this analysis, staff identified 6 properties that it believes should be rezoned.

The Planning Staff has been in contact with each of the subject property owners to listen, answer questions, and confirm their desired zoning requests. Planning staff attended the May 2012 Old Northeast Neighborhood Association meeting. At this meeting attendees were shown zoning maps of the neighborhood both prior to 2007 and the current map. Planning Staff explained the rezoning petition and answered questions from the attending neighbors. As part of this process, Planning Staff also met with representatives from Indiana University and informed them of the rezoning request. The representatives from Indiana University were pleased to be included in the conversation and had no concerns.

Report: The first four properties listed, 718 E. 8th Street, 702 E. 10th Street, 525 N. Park Avenue, and 514 N. Fess Avenue are residential structures with residential uses. All are registered rentals with the exception of 514 N. Fess Avenue which is owner occupied. Staff recommends that their zoning be taken back to the previous 2007 zoning of Residential Multifamily (RM).

The fifth property listed, 403 E. 6th Street, is a professional law office use. The zoning previous to the 2007 rezone was Commercial General (CG). Staff recommends that the property be rezoned to Commercial Downtown (CD) to bring the current use into conforming standards and to allow the property to be zoned the same as the adjacent properties to the south.

The sixth property listed, 613 E. 12th Street, is a registered rental residence that was previously used as an art studio. Previous to the 2007 rezone, the property was zoned General Commercial (CG) to reflect the art studio use as well as the proximity to the neighborhood's Village Pantry convenience store. Although the GPP designates the property as Core Residential, staff recommends rezoning to commercial to be consistent with the 2007 zoning map and previous use of the property. Because the property is a small platted lot, there is no potential for negative impacts associated with future commercial development.

Rationale for Previous Zoning: In 2007, as part of the City's creation of the Unified Development Ordinance as well as the update of the City-wide zoning map, all six of these properties were rezoned to Institutional (IN). This zoning change was made for two principal reasons:

1) The properties are located in an area designated by Indiana University as part of

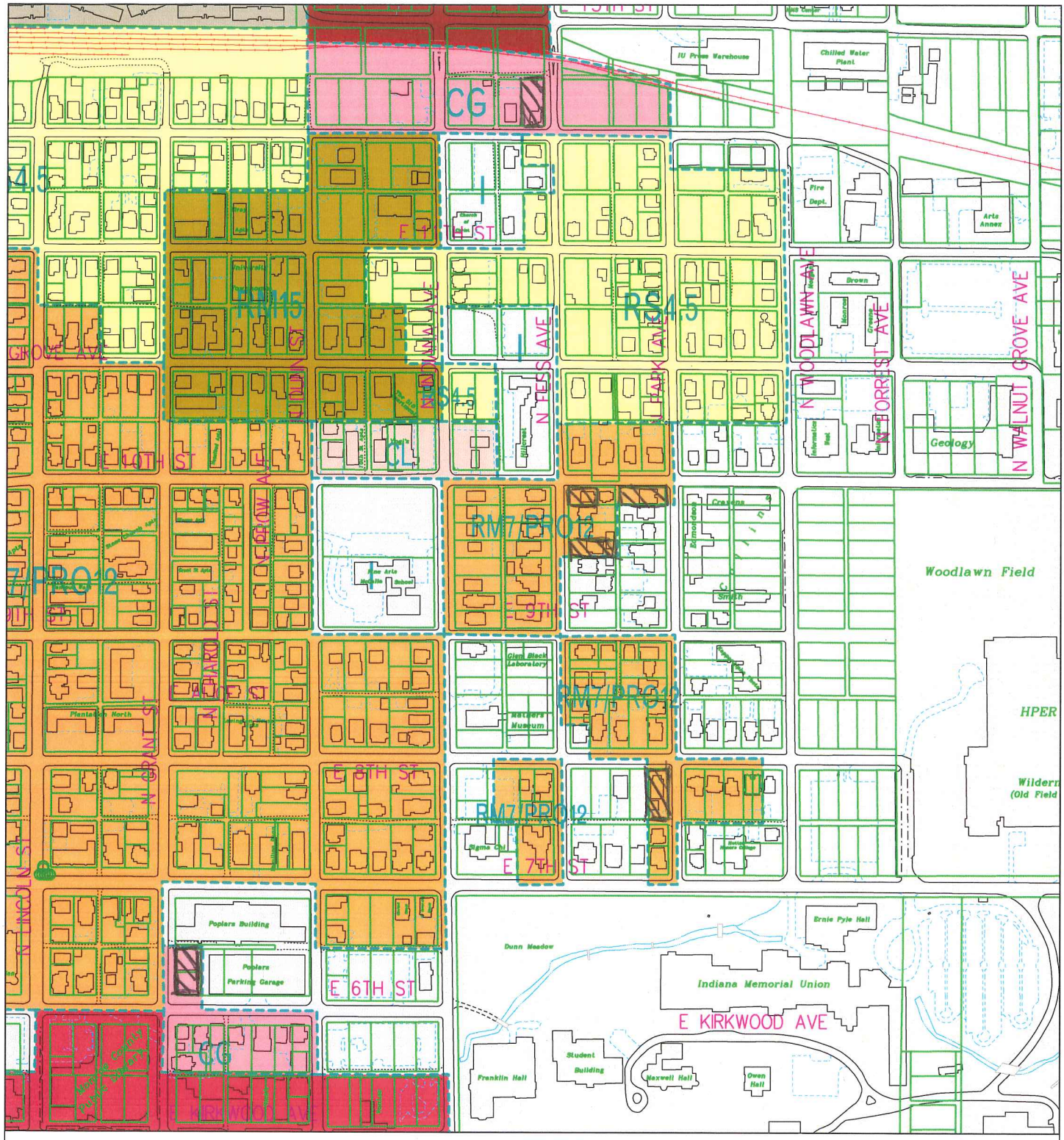
its campus master plan.

2) Between 6th Street, Indiana Avenue, 12th Street, and Woodlawn Avenue, Indiana University currently owns the bulk of the properties.

In 2007, given that all six properties are located within the University's Master Plan area, the University is the dominant lot owner in this section of the Old Northeast Neighborhood, and the University is the prevailing owner on many individual block faces, Planning Staff opted to zone these properties Institutional rather than Multifamily, Downtown, and General Commercial. Given the concern expressed by several individual owners, the neighborhood association, and Plan Commissioners, staff is essentially recommending that zoning be modified to reflect the pre-2007 map.

GROWTH POLICIES PLAN: The GPP designates five of these properties as Core Residential. The property located at 403 E. 6th Street is designated at Downtown. The area within the western edge of the IU Campus Master Plan and the eastern edge of the Old Northeast Neighborhood has always been a fine grained mix of public versus private ownership, private rental property and IU rentals, and a mix of institutional style buildings and older historic homes. With the University's ownership in the area gradually increasing over the years, determining Institutional versus Multifamily zoning has been a difficult zoning decision to make for the Planning staff. Ultimately, the proposed zoning back to commercial and multifamily is more consistent with the GPP's land use recommendations for this core neighborhood.

RECOMMENDATION: Staff recommends approval of the proposed rezone of the six properties.



2006 Zoning

▨ - properties to be rezoned

By: haleyl

29 Aug 12

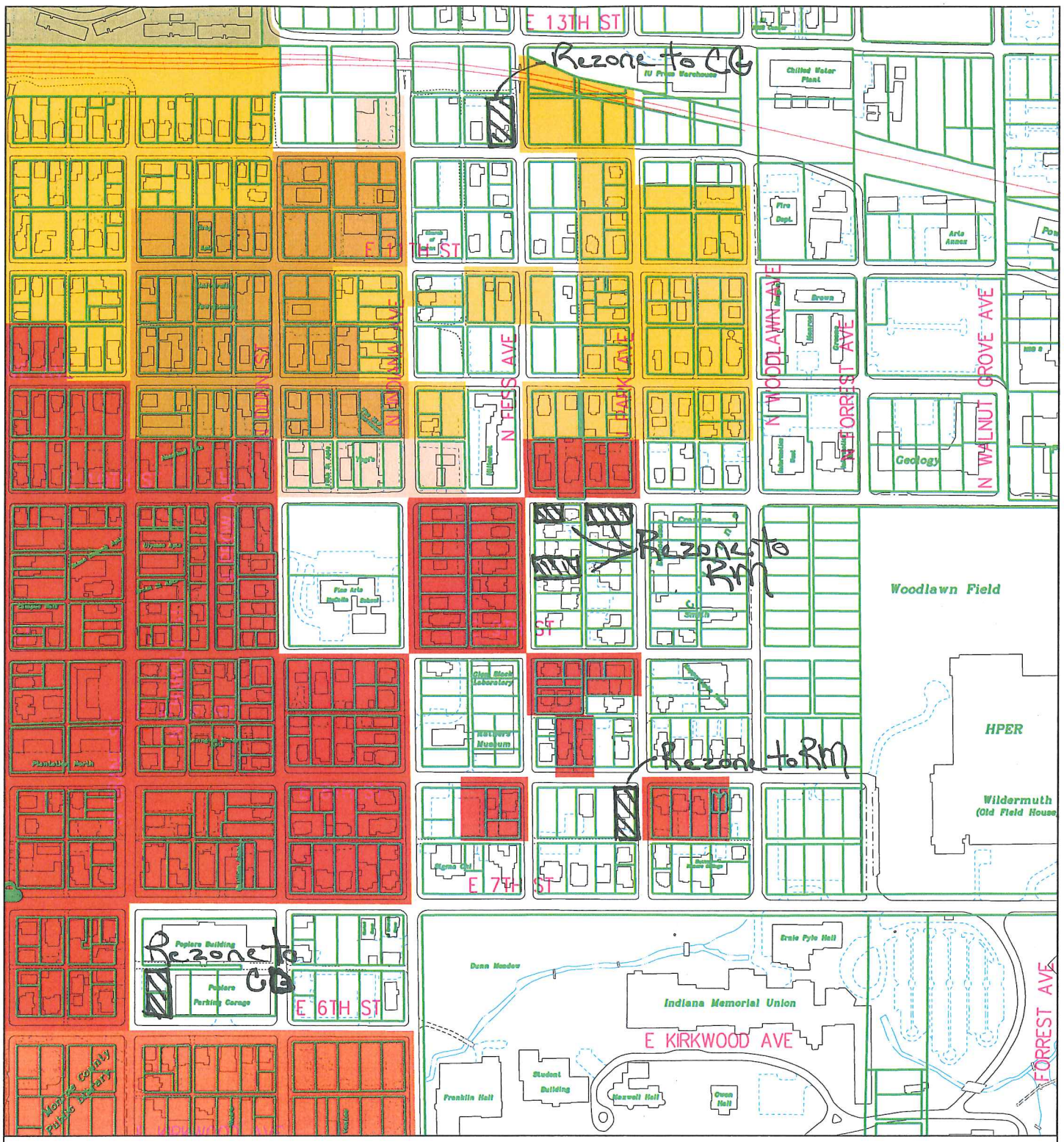
400 0 400 800 1200

N

City of Bloomington

Scale: 1" = 400'

For reference only; map information NOT warranted.



Current Zoning

☒ - properties to be rezoned

By: darlandl

16 Jul 12

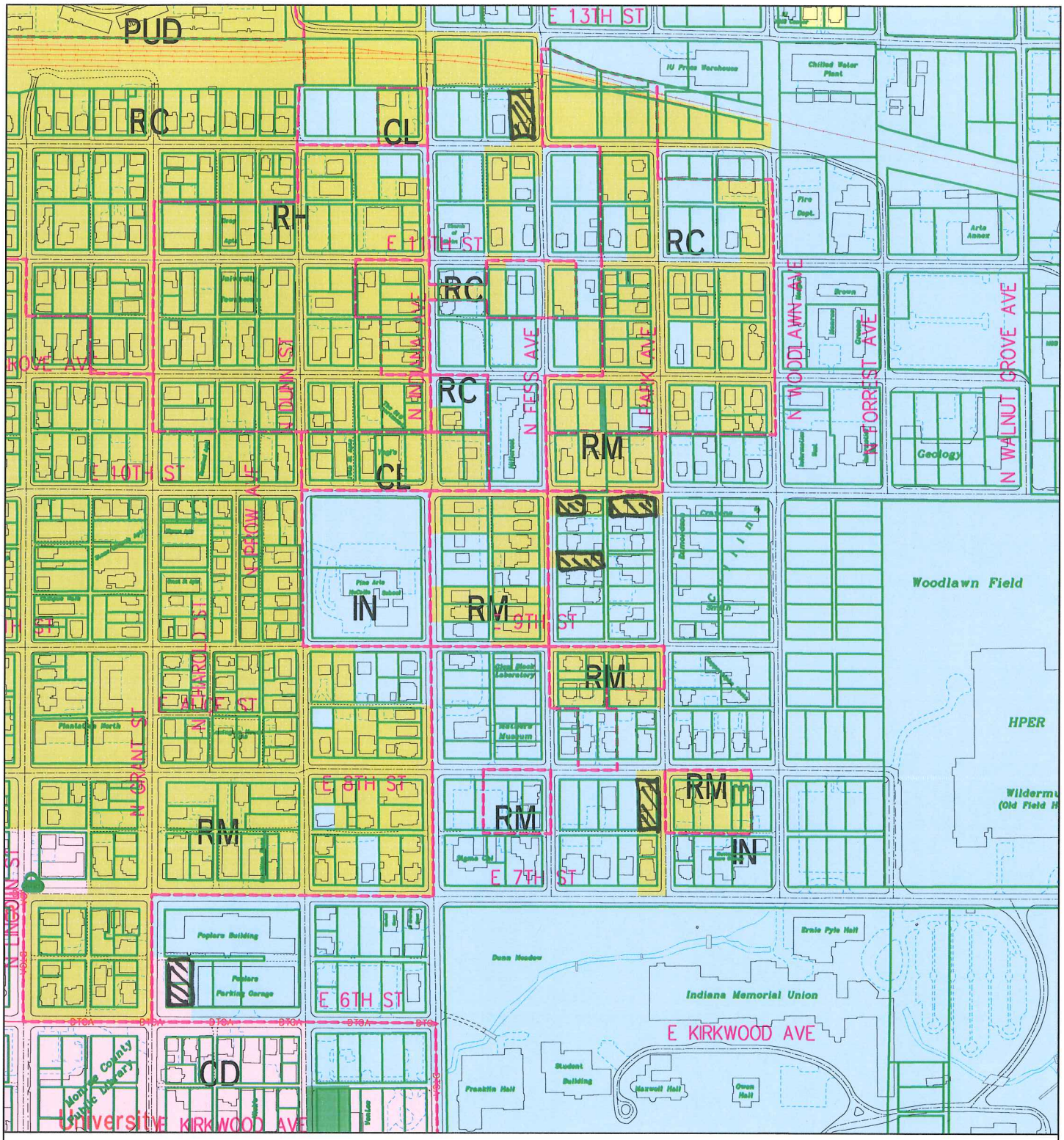
400 0 400 800 1200

N

City of Bloomington Planning

Scale: 1" = 400'

For reference only; map information NOT warranted.



Zoning + GPP Map
Institutional - blue
Core Residential - yellow
Downtown - pink

By: darlandl
29 Aug 12

400 0 400 800 1200

N

City of Bloomington
Planning

Scale: 1" = 400'

For reference only; map information NOT warranted.

COMMON COUNCIL
REGULAR SESSION
July 18, 2012

In the Council Chambers of the Showers City Hall on Wednesday, July 18, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

ROLL CALL

Roll Call: Mayer, Neher, Rollo, Ruff (8:02 pm), Sandberg, Sturbaum, Volan, Granger
Absent: Spechler

AGENDA SUMMATION

Council President Mayer gave the Agenda Summation

APPROVAL OF MINUTES

Minutes for July 3, 2012 were approved by a voice vote

REPORTS: COUNCILMEMBERS

Dorothy Granger noted for citizens that her Resident's Breakfast co-hosted by Julie Thomas would not be held in July. She said the breakfast, held on the third Friday of the month at Rachael's Café would be held in August. She said the topic of that breakfast would be budgets.

Chris Sturbaum, referring to the high temperatures recently, said he would like the world to cool off a little bit.

Timothy Mayer reminded people to use water sparingly.

MAYOR and CITY OFFICES

Laurie Ringquist, Director of Animal Care and Control, updated the council on the ASPCA $100,000 challenge among animal shelters. She said Bloomington fared second in the country with online votes and was included in the fifty shelters to compete in the challenge. She said the August to October phase of the challenge would be to save 300 lives over the same three months of the previous year. She described the plan for increasing adoptions and sponsored adoption fees during the challenge.

COUNCIL COMMITTEES

There were no reports from council committees at this meeting.

PUBLIC INPUT

Mayer called for public comment.
Daniel McMullen spoke about democracy, its history and the rhetoric surrounding democracy and its tenets.
Gabe Rivera spoke about ending the drug war.

BOARD AND COMMISSION APPOINTMENTS

There were no appointments for boards or commissions at this meeting.

LEGISLATION FOR SECOND READING

Ordinance 12-16
TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION" TO ESTABLISH A HISTORIC DISTRICT - Re: Elm Heights Historic District (Bloomington Historic Preservation Commission, Petitioner)

It was moved and seconded that Ordinance 12-16 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 9-0.
It was moved and seconded that Ordinance 12-16 be adopted.

Nancy Hiestand, Special Projects Manager for the Housing and Neighborhood Development Office, explained relevant portions of the mission statement of the Historic Preservation Commission (HPC):

> *'to maintain established residential neighborhoods in danger of having their distinctiveness destroyed, to enhance property values and attract new residents, and to insure construction of compatible new buildings where appropriate and the maintenance and assurance of compatibility in regards to style, form, proportion, texture and materials between historic buildings and those of contemporary design.'*

Hiestand showed the final map of the proposed Historic District, indicating that 263 properties were covered with 190 "contributing," 10 "outstanding," and 35 "notable." She gave the definition of a non-contributing property as "one that was too recently built, or so severely altered that the original intent of the builder was no longer discernable."

for approval

Hiestand noted that this proposed district met eight out of ten of the historic and architectural criteria for local designation. She reviewed the historic development of the area, highlighting the carved limestone objects, the traditional urban grid design, the distinctive landscape canopy, the development by limestone industry and home to both the immigrant workers and quarry owners, and its mix of modest homes with those of wealthy. She said it was illustrative of the culture of limestone in Bloomington.

Hiestand noted architectural features, outlined the chronology of the Historic Preservation Commission's interest in the area including the involvement of the residents of the area, development of design guidelines, establishment of a template for new construction, and a chronology of public meetings on the proposal.

Hiestand said that the Historic Preservation Commission voted unanimously to recommend the district for local status.

Volan asked about the concept of history and sustainability -- the addition of innovative and sustainable features to the buildings. He asked Hiestand about the addition of solar panels. Hiestand said that the basic purpose of a district was to preserve existing, significant architecture, and that would be the basis for decisions. She said a request for changes would be reviewed with an eye to materials and the project with the overarching goal being the best compromise possible. She said an obstacle was to preserve natural materials that were used in the early 20th century, certainly a sustainability goal. She also noted the removal of mature trees as an issue in adding solar panels. She said conflicts would be resolved with individual project reviews. They agreed that there was room for flexibility in these decisions without violating the intent or spirit of the Historic District.

Rollo asked if an asphalt shingle roof was considered historic. Hiestand said that more than half of the homes were built with that material, but was not durable. She said the historic look was of high concern and that another more durable material could replace asphalt shingles if it had the appearance of the district. Rollo asked if the aesthetic look was the hard and fast rule. She said the original material, the style of the change and the proposed material would all be taken into consideration.

Mayer asked Hiestand to discuss whether the 'hole' in the district map would become absorbed into the District with the passage of time. She said that the 17 structures might become contributing in time, but some had been modified so that they no longer looked like the builder intended. She said these structures might fit the criteria of a Secondary Area of a Historic District, or a Conservation District instead. Mayer said he had questions from citizens regarding that area.

Rollo noted a home in the district that had replaced a slate roof with an asphalt roof. He asked about a restriction on that. Hiestand said that there was another home that had an asphalt roof removed to return to the slate style that was original to the home. She reiterated that this was a case by case issue.

Ruff noted a home on Maxwell that had a metal roof. He asked Hiestand if there was metal roofing readily available and what the cost difference was. She said technology was developing quickly and that metal roofs were available, but didn't know the cost.

Jenny Southern, president of the neighborhood association said she lived within the boundaries of the proposed District. She said that she would like to include the fraternity and sorority houses in this district as well as other areas, but thought it was logistically difficult to do so. She noted the unique flavor and details of the residences in the District and said

for approval

that there was nothing else like this in Bloomington. She said it WAS, in fact, Bloomington. She said there was a danger of losing the special historic features of this neighborhood and that she supported the district designation. Referring to the neighbors in attendance, she asked people to raise their hands if they were in support of the district.

Charlie Matson, 900 block of E. University Street, said he was only the second owner of his house. He said he supported the plan, although he realized that he was probably the most restricted under this plan. He said his clay tile roof would be challenging to replace and, noted his oak tree would need nurturing. He said a neighbor had put on a photovoltaic array, thought it was well done and didn't detract from the overall flavor of the area. He said that metal roofs would actually enhance some of the houses in the area.

Mark Webb represented David Jacobs who had purchased a series of lots centered at the corner of 2nd Street and Ballantine, which was included in this proposal. He said they did not oppose the concept of a Historic District, and that he lived in a Historic District in Indianapolis. He said that Historic Districts enhanced the quality of life for all who lived there. He said the important thing to him and Jacobs was that all the property within the neighborhood be treated similarly. He said for that reason he was concerned about the district, and referred to having a similar opinion as the Herald Times Opinion of that day. He said they were committed to working through their project, and believed that it would reach a point of accord with the neighborhood and would be allowed to proceed. He said that he hoped that the discussion of this Historic District would continue and would include the entire Elm Heights Neighborhood under the protection.

Julie Lawson, board member of the Elm Heights Neighborhood Association, said she lived outside the boundaries of the proposed district but was in favor of it, and would also be in favor of an expansion of it. She said the neighborhood should be preserved and that this was a starting point. She said she appreciated the way Mr. Jacobs had responded to neighbors' concerns, and said the latest designs for his house seemed more compatible with houses surrounding his property.

Carolyn Geduld said she lived near Hawthorne and 1st Street and helped write guidelines for reviewing issues related to the ordinance, and assured the council that that provision was in place.

Debbie Herbenick said she lived on 2nd Street in the district. She expressed her support for the district and said she believed the process would work for the benefit of all who desired to preserve the specialness of the neighborhood.

Tim Mueller said he lived on 2nd Street and noted that this effort was a long time coming. He said the committee grappled with many difficult issues, and they worked hard at this proposal. He urged the passage of this proposal and added that smaller issues could be resolved at a later time. He said if the council had reservations they should urge the HPC and neighborhood to solve issues that are problematic.

Betty Rose Nagle said she lived on South Park outside of the District. She talked about the canopy of trees protecting her back yard and the fact that the shade had prevented it from becoming brown in the hot, dry weather.

Rollo asked if the HPC would be open to design guideline modifications, specifically for sustainable technologies. Hiestand said that the guidelines were specific to the neighborhood, and so the

for approval

appropriate way to do that would be to approach the subcommittee and get the board to forward it to the commission. He asked if the non-contributing structures would be easier to get approval for modification. Hiestand said that the issue with non-contributing structure modification was with the scale of additions. She said that minor changes would not be reviewed.

Neher noted that the stabilization of the neighborhood was a key outcome in this type of proposal, and that included more owner occupied homes. He said studies had shown that property values increase by 5-20% in Historic Districts. He said that it would be hard to look at these outcomes unfavorably, and the guidelines were laudable. He noted aging in place issues were equally important to sustainability issues. He said the language of hiding ramps or putting them in the back of homes made him uncomfortable. He added that the council had been assured that the applications of the guidelines would be flexible, and he hoped that those who needed to or wanted to make their homes accessible would be able to under these conditions.

Granger said she appreciated the work that went into formulating the guidelines and believed that the designation would preserve the culture and history of the area and would support the proposal.

Rollo said he was 90% on board with this proposal, but that accessibility and evolving technologies for sustainability needed to be considered. He stated that he was happy to hear that the Historic Preservation Commission (HPC) would be open to consider some guideline modification on the basis of sustainable technology. He said the council was relinquishing any decision regarding this to the HPC and therefore hoped that the HPC would be open to those considerations.

Volan said that two-thirds of all residential housing in the city was rental property and that this proposal was a bulwark against housing units in core neighborhoods going mostly or completely to rentals. He also said the proposal was about preserving the century of housing styles and an older style of urban form. He cautioned against seeing landlords as the enemy, noting that some landlords want to retain the historicity of their property rather than razing established neighborhood blocks for high rises. He noted, too, that the co-existing of the university and the city should spring from the message that this district was sending with the proposal at hand. He added that the institution's decisions in accepting gifts of property, construction of buildings and regulating the size of the student population affect the entire community fabric.

Sturbaum commended the parties involved in the proposal for their civility in the process, and called it a good sign and a good step in making the neighborhood survive for generations. He added that there were excellent landlords who maintained historic property, and that they were good stewards of history. He noted that the guidelines were very good, and would guide the Historic Preservation Commission in their decisions.

Ruff said he supported the proposal and the concept of preservation involved. He said he lived in the area and had seen the hard work of the people who had brought this proposal forward, and added that their work would be a model for the community. He noted his concerns about non-historic reasons for a district, citing stability of population and other arguments made in a recent case before the Council. He said he also had concerns about sustainability and didn't like the idea that might make this effort more difficult. He said he hoped that the flexibility to allow a modification in guidelines in the future might be possible with this issue in mind.

for approval

Ordinance 12-16 *(cont'd)*

Sandberg said she supported this proposal, and added that she trusted that the neighborhood's discussions with regard to the Jacobs' property would continue to be respectful and be resolved to the benefit of all. She said she supported neighborhood stability, and noted that her own neighborhood was facing some issues that might encroach on their peaceful living. She thanked all for their work on the issue.

Rollo, referring to Volan's earlier comments, noted that sustainability sought to have a synthesis with a stable climate, a healthy planet for the next generation and social concerns, not just environmental concerns.

Mayer thanked Hiestand and HAND Director Lisa Abbot and the neighborhood for their work on the issue. He said he felt that the guidelines were comprehensive and forward thinking, and included historic preservation sustainability, environmental health, social well being, economic prosperity, alternative energy and other sustainability practices, care and maintenance, and procedures to amend the guidelines. He lauded the creation of these guidelines and the work on the proposal.

Ordinance 12-16 received a roll call vote of Ayes: 8, Nays: 0.

LEGISLATION FOR FIRST READING

There was no legislation for first reading at this meeting.

COUNCIL SCHEDULE

There was no discussion of the council schedule.

PUBLIC INPUT

There was no public comment at this part of the meeting,

ADJOURNMENT

The meeting was adjourned at 8:55 pm.

APPROVE: ATTEST:

Timothy Mayer, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

for approval

COMMON COUNCIL
REGULAR SESSION
August 1, 2012

In the Council Chambers of the Showers City Hall on Wednesday, August 1, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

ROLL CALL

Roll Call: Mayer, Rollo, Ruff, Spechler, Volan, Granger
Absent: Neher, Sandberg, Sturbaum,

AGENDA SUMMATION

Council President Mayer gave the Agenda Summation

APPROVAL OF MINUTES

Minutes for February 15, 2012, June 27, 2012 and May 16, 2012 (Special Session) were approved by a voice vote after a minor correction to Councilmember Rollo's statement of 5-16-2012.

REPORTS: COUNCILMEMBERS

Steve Volan noted that the IU semester began a week earlier than usual and noted that the hustle and bustle of school year traffic would begin soon.

Timothy Mayer asked citizens to conserve water at this time and in preparation for more people coming to Bloomington for the fall semester thus adding pressure to the Utilities system.

MAYOR and CITY OFFICES

There were no reports from the Mayor's Office

COUNCIL COMMITTEES

There were no reports from council committees.

PUBLIC INPUT

Mayer asked for public comment but there was none at this meeting.

BOARD AND COMMISSION APPOINTMENTS

There were no appointments at this meeting.

LEGISLATION FOR SECOND READING
Resolution 12-10 To Adopt a Nepotism in Contracting Policy in Conformance with State Law

It was moved and seconded that Resolution 12-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1.
It was moved and seconded that Resolution 12-10 be adopted.

Margie Rice, Corporation Counsel, noted that both resolutions discussed at this meeting were the result of state legislation passed earlier in 2012. She said that the city could still contract with a relative of an elected official but would have to follow certain procedures. She noted that the city added the following to the list of relatives that the state legislation defined: brother-in-law, sister-in-law, cousin, registered domestic partner, mate and grandparent. She listed the procedures as

- a filing of full disclosure by the elected official with the city under penalty of perjury,
- council acceptance of the disclosure at a public meeting before the final action,
- filing of the public disclosure with the State Board of Accounts and the Clerk of the Circuit Court no later than 15 days after final action, and
- certification of statement affirming that the purchase price or contract was the lowest amount or explain why the vendor was selected by the appropriate city agency.

She added that each year the elected official was in office, these filings had to be submitted to the Mayor and City Clerk by December 31. She asked that the resolution be supported so that the city would be in compliance with state law.

for approval

Resolution 12-10 *(cont'd)*

Volan asked Rice to read the definition of 'mate.' Rice said that 'mate' and 'domestic registered partner' were close in definition but that the latter had the added stipulation that there actually be a registration of the partnership with the Human Resources Department. She read:

> *Mate is an individual who is in a committed relationship of indefinite duration with a city employee with an exclusive mutual commitment similar to that of marriage. The partners share in the necessities of life, and agree to be financially responsible for each other's well-being including basic living expenses. Individuals are not married to anyone else. They reside within the same residence, do not have another mate or domestic partner, and are not related by blood.*

Volan asked and Rice confirmed that this was a city personnel policy, and that the city included the definition in both of the resolutions discussed at this meeting. Volan asked if the only difference between mate and registered domestic partner was the registration portion of the city. He contemplated aloud ways to avoid the law related to this term. Daniel Grundmann, Director of Human Resources, noted that the reason for registering as domestic partners would be for health benefits, and he said that wasn't common. He said the reason for definition of 'mate' within city policy would be for reasons of supervision within the workplace.

Mayer noted that maybe the term 'house' or 'room' be used in conjunction with the term mate for clarification.

Mayer asked why the City Clerk was specifically exempted from this ordinance by law. Rice noted, while not knowing the specific arguments in the deliberation of the law, it may have been perceived that Clerks have less opportunity for conflict than the legislative or executive branches of government.

Spechler asked if the city could not hire anyone related to a council member. Rice said it could be done, as long as all the procedures were followed as the idea was transparency. She said that the next resolution dealt with employment, and that the state insisted that two separate resolutions be adopted.

Volan asked if another definition of 'mate' could be 'significant other' or 'person of opposite sex sharing living quarters.' Grundmann said his personal definition was 'primary emergency contact.' Volan said it was not the same thing as housemate or roommate and the distinction needed to be made.

There was no public comment on the issue.

Granger said that she was in support of the legislation.

Volan said that he was pleased that the city was adopting a more stringent policy on nepotism. He noted his concern about not mentioning grandchildren in the law as well as grandparents.

Volan asked city staff if they opposed the addition of the term 'grandchild.' Grundmann said that the language of the city's written policy in the Personnel Manual said "including but not limited to." He said that in terms of employment policy, grandchildren would be covered, that the policy included, but does not mention specifically grandchildren. Volan said he was content with that interpretation.

Resolution 12-10 received a roll call vote of Ayes: 6, Nays: 0.

for approval

Resolution 12-11 To Adopt a Nepotism in Employment Policy in Conformance with State Law

It was moved and seconded that Resolution 12-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1. It was moved and seconded that Resolution 12-11 be adopted.

Margie Rice, Corporation Counsel, said that the resolution used the same definitions as the first one considered, but was related to employment rather than contracting. She noted that one relative should not be in the direct line of supervision of another relative. She said that 'direct line of supervision' was defined as:

> *An elected officer or employee who is in a position to effect the terms and conditions of another individual's employment including making decisions about work assignments, compensation, grievances, advancement or performance evaluation. It does not include the responsibilities that the executive or the legislative branch fiscal body has regarding budgets and salary ordinances or the executive in terms of personnel policy.*

Rice said that the state law allowed the city to be stricter, and that the city mandated that regular part time and full time employees may not have relatives hired to work within the same division of a city department or within the same department for smaller departments. She noted that the police and fire departments were exempt from this in the city policy because of their long legacy of having family members working in the professions. Hiring the relative of a city employee to work outside of the incumbent employee's division or department requires approval of Human Resources. She noted that this was a very consistent policy and that the city had operated under this policy for over 16 years.

Rice noted that a state law provision copied by this resolution stated that if one was already employed on the date that a relative became an elected official, that person would not be fired. She also noted this would not apply if a person left the city and came back. She noted that under the state law and the new resolution, the practice would require certification in writing under penalty of perjury.

She said that if there was no policy, the State Board of Accounts would report this to the Department of Local Government Finance who in turn, would not approve the city's budget.

Volan noted that his brother was a department head when Volan was elected, and asked if he would, under this policy, not be eligible for promotion. Rice said that she did not believe that the promotion was in effect with hiring policy at that time. Rice noted, too, that the council action in reviewing the budget did not put department heads in the direct line of supervision – that the council was setting compensation packages for the whole city, not one specific employee.

There was no comment from the public on this resolution.

Volan said that he supported this resolution.

Spechler asked if this applied in the case of a 'high public official,' who accepted an appointment in the direct line of his supervision such as a large public university. 'Probably not," he mused, answering his own question.

Resolution 12-11 received a roll call vote of Ayes: 6, Nays: 0.

for approval

There was no legislation for introduction at this meeting.

LEGISLATION FOR FIRST READING

President Mayer noted that at the conclusion of this meeting, the Common Council would be in recess until the regular session of September 5, 2012.

COUNCIL SCHEDULE

Glen Carter, noted that his comment might not be appropriate since it was included in the legislative agenda for the evening, nevertheless said that there would be a question if a contractor hired by the city was allowed to employ a close relative of someone employed by the city. He said that the situation would worry him.

PUBLIC INPUT

The meeting was adjourned at 8:15 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Timothy Mayer, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

for approval