

In Bloomington, Indiana on Wednesday, February 17 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 via Zoom.

COMMON COUNCIL
REGULAR SESSION
February 17, 2021

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

ROLL CALL [6:31pm]

Council President Jim Sims summarized the agenda.

AGENDA SUMMATION [6:32pm]

Flaherty moved and it was seconded to approve the minutes of July 19, September 6, September 13, September 20, September 27, and December 06, 2006. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:35pm]
July 19, 2006 (Regular Session)
September 6, 2006 (Regular Session)
September 13, 2006 (Special Session)
September 20, 2006 (Regular Session)
September 27, 2006 (Special Session)
December 06, 2006 (Regular Session)

Sgambelluri thanked Erin Hatch, Bloomington’s Urban Forester, for her work with constituents and with Cascades Park.

REPORTS

- COUNCIL MEMBERS [6:35pm]

Sandberg expressed thanks for the Public Works Department, and Adam Wason, Director of Public Works, for their work in clearing the snow.

Smith thanked Joe VanDeventer, Director of Street Operations, Public Works Department, and Wason for their work in snow removal.

Volan thanked Officer Fosnaugh and the third shift officers with their assistance with a theft.

Rollo thanked city employees for their work during difficult weather, and specifically Public Works Department and Utilities for their work on a water main break.

Flaherty mentioned that his upcoming constituent meeting was scheduled for Monday, February 22, 2021 at 5:30pm via Zoom.

Sims also thanked city staff for their work with snow removal, and the notifications to the public regarding city buildings and services.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES [6:40pm]

Smith presented the Sidewalk Committee report, and thanked Beth Rosenbarger, Mallory Rickbeil, Roy Aten, and Neil Kopper for their work on providing information for sidewalk funding allocation. Smith provided a brief history of the Sidewalk Committee, its funding, and the 50+ projects that were on the list. He also described the process and criteria for determining which projects were funded.

- COUNCIL COMMITTEES [6:41pm]

Piedmont-Smith requested more details on the projects that were funded.

Council questions:

Smith presented each project that was funded in the prioritized order chosen by the Sidewalk Committee.

Sims said it was a difficult year for the Sidewalk Committee, and there were questions on the equity of projects that had been funded over the years and the criteria that determined the priorities. Sims noted his appreciation for Mark Stosberg’s report on data based on the economic and racial equity issues of projects funded. Sims explained that the criteria in Stosberg’s report would be implemented into future project funding.

Council comment:

Smith moved and it was seconded to approve the 2021 Sidewalk Committee Report. The motion to approve the report received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to approve the 2021 Sidewalk Committee Report [6:53pm]

Sims announced that he would replace Volan on the Community Affairs Committee for the remainder of the year.

Tina Honeycutt spoke about those in the community that were unhoused. She commented on the need to provide more to the unhoused.

- PUBLIC [6:54pm]

Renee Miller commented on the need to care for the unhoused and offered solutions for the council to consider.

Alex Goodlad discussed the public safety meeting, the fire department, and the police department

Sgambelluri moved and it was seconded to make the following appointments:

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:14pm]

For the Commission on Hispanic and Latino Affairs: to reappoint Nico Sigler to seat C-3, Amy Oakley to seat C-2, and Pedro Ramirez to seat C-5.

For the Commission on the Status of Women: to reappoint Landry Culp to seat C-4.

For the Commission on Aging: to reappoint Kelsey Haislip to seat C-4, and Jack Kahn to seat C-3.

For the Arts Commission: to reappoint Quinton Stroud to seat C-1, and Babette Ballinger to seat C2.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Rollo moved and it was seconded to make the following appointments:

For the Commission on Sustainability: Kristina Anderson to seat C-1, Joseph Wynia to seat C-2, and Colin Murphy to seat C-4.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to make the following appointments:

For the Environmental Commission: Dedaimia Whitney to seat C-1, Scott Shackelford to seat C-2, Daniel Gonzalez to seat C-3, and to reappoint Don Eggert to seat C-5.

APPOINTMENTS TO BOARDS AND COMMISSIONS (*cont'd*)

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Rosenbarger moved and it was seconded to make the following appointments:

For the Housing Quality Appeals Board: to reappoint Susie Hamilton to seat C-1, and Diana Powell-Opata to seat C-3.

For the Redevelopment Commission: to reappoint Nick Kappas to seat C-1, and Deborah Myerson to seat C-2.

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

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:22pm]

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: 9, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis, giving the Land Use Committee do-pass recommendation for Amendment 01 of Ayes: 3, Nays: 0, Abstain: 0, and for Ordinance 21-02 as amended of Ayes: 3, Nays: 0, Abstain: 0.

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) [7:22pm]

Flaherty moved and it was seconded that Ordinance 21-02 be adopted.

Piedmont-Smith presented the Land Use Committee report and provided details on the Plan Commission recommendation with one condition regarding a tree easement, a conceptual site plan, whether the Environmental Commission had weighed in, and if there would be connectivity for the parcel to State Road 446 and East Third Street. She described a question regarding zoning impact on the radio station located on the property. Piedmont-Smith commented on an amendment brought by Volan which corrected the title of the ordinance.

Ryan Robling, Zoning Planner, Planning and Transportation Department, presented the legislation. Robling presented the location of the parcel, the property overview, uses of surrounding areas, the petitioners zoning map amendment request, the history of the site, and provided an overview of the petition.

Michael Carmin, Petitioner, explained that concerns about drainage, connectivity, tree preservation, and more would be addressed in the site plan that would go before the Plan Commission. He said that the concerns would be included in the actual site plan at a later date.

Rollo asked if the area was designated a gateway.

Council questions:

Robling stated that it was not.

Rollo stated that Ordinance 21-02 looked similar to a proposal from about one year ago, for a Planned Unit Development (PUD) student housing. Rollo asked if the Planning and Transportation Department was in favor of that type of use.

Jackie Scanlan, Development Services Manager, responded that staff had recommended approval of that project.

Flaherty commented on internal roads, and if asked if they would be private, what would trigger certain street standards from the Unified Development Ordinance (UDO). He asked staff if there was no subdividing of property, would there then be no UDO street requirements that would apply. Ordinance 21-02 (cont'd)

Scanlan explained that was correct since subdivision was the mechanism the UDO used to obtain new road right-of-way.

Flaherty asked if private roads had to meet certain standards.

Scanlan stated that private roads were built to meet city standards, too.

Flaherty commented on the conceptual design and its parking lots and private roads and asked what the distinction was for road or road type infrastructure.

Scanlan stated that her understanding was that the petitioner planned to do a subdivision, so there would have to be dedicated road right-of-way, built to city standards. Scanlan stated that she was not sure if any roads would be public roads but that staff would work with the Engineering Department and Public Works. Scanlan explained that if the petitioner did not subdivide, there could be a parking lot.

Carmin stated that the conceptual site plan was already considering connectivity and explained potential options. He stated that there were many considerations being analyzed including connections to Third Street by realigning Morningside Drive, and options for connecting to State Road 446. He stated that the site plan would address the west connection. He explained that whether it would be a public road or private road was still to be determined. Carmin further explained that there were plans to have a small subdivision in the parcel. Carmin commented on the prior project that was referenced by Rollo and said that it was a dedicated student housing developer, whereas the current developer was not and planned to have a building for multifamily use.

Smith asked about traffic considerations on Third Street and how the roads would be configured, and any mitigating factors for traffic.

Carmin responded that there were plans to realign the main entrance to Century Village properties and Morningside Drive to improve traffic. He explained that there would be two entrances on State Road 446, or possibly through the neighborhood to the south.

Smith commented that the extension of Morningside Drive would alleviate traffic issues.

Carmin stated that offset streets were less safe.

Scanlan clarified that the realignment was recommended in the prior project and it was carried over into Ordinance 21-02.

Volan moved Amendment 01 to Ordinance 21-02. Volan presented the amendment which changed the title of the ordinance to reflect the address of the parcels and would correct an address in Section 1.

Amendment 01 to Ordinance 21-02

There was no public comment on Amendment 01 to Ordinance 21-02.

Public comment:

Piedmont-Smith thanked staff for catching those errors.

Council comment:

The motion to adopt Amendment 01 to Ordinance 21-02 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 21-02 [7:54pm]

There was no public comment on Ordinance 21-02 as amended.

Public comment:

Sandberg thanked the petitioner for the detail in the project and for pursuing multifamily use versus only student housing.

Council comment:

Ordinance 21-02 (cont'd)

Volan commented that there was an opportunity for making Third Street into a Boulevard and less of a highway. Volan stated that the prior project was actually about three years ago and while it was student housing, it would have funded a transit line. Volan commented that he hoped students were listening to the meeting and to how they were talked about, as though they were the "others." He said that he was disappointed in the change from PUD to a regular zone. Volan made other comments about transportation and recommended approval.

Rollo said he did not regret his vote on the previous project regarding student housing. He also said that the parcel was fairly large and that he wasn't in support of the rezone because the council should be involved, like what's done in a PUD. Rollo stated he would vote against Ordinance 21-02.

Flaherty noted that the mapping of the UDO districts was currently ongoing, and that the parcel was slated to be rezoned as mixed-use corridor. He explained that he understood why some councilmembers preferred the PUD process because it allowed for some negotiation with developers, but that he believed staff who said that PUDs were difficult to administer over time. Flaherty explained that the idea was to make better zoning code and rules and allow the public to follow those rules. Flaherty commented on student housing and explained that if a building with 1000 bedrooms was built for students, then there would be 1000 students not living in other buildings, which would open up housing for non-students. He stated he would support Ordinance 21-02.

Smith asked if council would have the ability to help determine the design of the parcel in the future and would not just be voting on the rezone.

Robling responded that was not correct, that it would not go before council again, if approved, and it would just be a site plan approval. He explained that if it were a PUD, it would go before council.

Rosenbarger stated that she was concerned with putting a multifamily use building in that parcel because it was far away from services like grocery stores. She also expressed concerns for there not being much green space, which should exist for multifamily uses and cited that there was not a playground nearby, for example. She asked if there was a place for people to play or sit outside.

Carmin stated that the site plan was only conceptual and that it showed a lot of greenspace. He also explained that the landscaping plan was not included, but that he did not anticipate a playground. Carmin also stated that it was not possible to build all housing near grocery stores.

Robling added that mixed use corridor districts had a 40% requirement for landscaped area.

Sims thanked staff and the petitioner for explaining the details. Sims said that it was not appropriate to claim that councilmembers considered students as "others" or as nonpersons. He explained the purpose in zoning and student housing.

Volan stated that the council would no longer have the ability to have a say in land use because PUDs were ceasing. He also made comments about students and student housing in Bloomington. Volan stated that many in core neighborhoods vociferously opposed

having plexes in their neighborhoods because of the risk of students moving in. He stated that those concerns de facto corralled students into certain areas of Bloomington. Volan stated that it wasn't always close to the IU campus despite that being ideal.

Ordinance 21-02 (cont'd)

Rollo said that he did not disagree with Volan, and stated that students had certain needs which one was to be close to campus, which the current petition was not. Rollo stated that the time and effort involved in the PUD negotiation was cumbersome for staff and for councilmembers. He also said that what was worse was a poor quality development in perpetuity.

Sandberg stated that Bloomington was a college town and students had always lived all over the city. She explained that council, staff, and others had a duty to provide a balance of housing, and said that when the balance tipped one way, council would hear from those community members. She commented on the recently approved housing close to campus. Sandberg said that anyone could live in the proposed housing, not just students. Sandberg also commented that it was up to the landowner and developers to determine what to build since the landowner had purchased the land and done market research.

Flaherty clarified that in his earlier comment regarding PUDs being difficult to manage was in regards to the changes over the years to zoning, and not the negotiation within the PUD approval process.

The motion to adopt Ordinance 21-02 as amended received a roll call vote of Ayes: 7, Nays: 2 (Rollo, Rosenbarger), Abstain: 0.

Vote to adopt Ordinance 21-02 as amended [8:24pm]

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: 9, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation for the following:

- For Amendment 01 to Ordinance 21-03: Do Pass 3-1-0
- For Amendment 02 to Ordinance 21-03: Do Pass 1-2-0
- Recommendation on Ordinance 21-03 as Amended: Do Pass 2-1-0

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)

Flaherty moved and it was seconded that Ordinance 21-03 be adopted.

Volan presented the legislation and provided details and clarification on the proposed changes to Title 2.

There were no council questions on Ordinance 21-03.

Council questions:

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Ordinance 21-03.

Amendment 01 to Ordinance 21-03

Amendment 01 Synopsis: This amendment is sponsored by Cm. Piedmont-Smith and Cm. Sgambelluri. It recognizes the importance of understanding the fiscal impact of legislation and provides flexibility in how that information is presented. The amendment is intended to ensure that council members are informed of the fiscal impact of each proposed ordinance or resolution without requiring the use of a single, inflexible form. Rather than doing away with fiscal impact statements, this amendment would simplify the process, requiring sponsors of legislation to provide a narrative that describes the expected fiscal impact.

Piedmont-Smith presented Amendment 01 which proposed a revision to Section 7 regarding fiscal impact statements and its format.

Ordinance 21-03 (cont'd)

Sgambelluri stated that Amendment 01 allowed for fiscal impact statements for the council, and provided flexibility for the format of the form, too.

Volan responded that he did not have a strong objection to Amendment 01. He commented on the purpose of fiscal impact statements.

There were no council questions on Amendment 01 to Ordinance 21-03.

Council questions:

There was no public comment on Amendment 01 to Ordinance 21-03.

Public comment:

The motion to adopt Amendment 01 to Ordinance 21-03 received a roll call vote of Ayes: 8, Nays: 1 (Volan), Abstain: 0.

Vote to adopt Amendment 01 to Ordinance 21-03 [8:46pm]

Sgambelluri moved and it was seconded to adopt Amendment 02 to Ordinance 21-03.

Amendment 02 to Ordinance 21-03

Amendment 02 Synopsis: This amendment is sponsored by Cm. Sgambelluri, Cm. Sandberg, and Cm. Rollo. It would eliminate a provision requiring a motion for referral of legislation to a standing committee to be considered before a motion for referral of legislation to the Committee of the Whole.

Sgambelluri presented Amendment 02 to Ordinance 21-03 which removed language regarding the referral of legislation to a standing committee before the Committee of the Whole (COW).

Sandberg also presented and stated that the purpose of Amendment 02 was to allow the council president the flexibility to refer legislation to COW or to standing committees.

Rollo echoed the presentations and stated that he trusted the council president with scheduling and referring legislation.

Volan stated his opposition to Amendment 02.

There were no council questions on Amendment 02 to Ordinance 21-03.

Council questions:

There was no public comment on Amendment 02 to Ordinance 21-03.

Public comment:

Sims stated that he did not see Amendment 02 as a means to deconstruct standing committees. He commented on the suspension of rules that had been done in the past, and stated that the situation was different in the current year. Sims also discussed Robert's Rules of Order and the COW, and the intention of scheduling and use of committees.

Council comment:

Volan stated that Ordinance 21-03 gave more flexibility to the Council President in terms of scheduling. Volan commented that he had hoped that the proposal was to be uncontroversial and that he had intended to fix the expiration of the suspension of rules. He said that Robert's Rules of Order were accepted worldwide for managing parliamentary procedure and to be used when city code was silent on council schedule.

The motion to adopt Amendment 02 to Ordinance 21-03 received a roll call vote of Ayes: 5, Nays: 4 (Volan, Rosenbarger, Flaherty, Piedmont-Smith).

There were no council questions on Ordinance 21-03 as amended.

There was no public comment on Ordinance 21-03 as amended.

Piedmont-Smith commented that the fiscal impact statement was not ideal and that having a separate financial office that drafted fiscal impact statements without bias was ideal. Piedmont-Smith thanked Volan for bringing Ordinance 21-03 forward.

Flaherty also thanked Volan and staff for their work on Ordinance 21-03.

Sims echoed his appreciation of Volan bringing forward Ordinance 21-03.

Volan thanked council staff for their work on Ordinance 21-03.

The motion to adopt Ordinance 21-03 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Flaherty moved and it was seconded that Ordinance 21-06 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.

Volan moved and it was seconded that Ordinance 21-06 be referred to the Public Safety Committee on Wednesday, February 24, 2021 at 6:30pm.

There was brief council discussion.

The motion received a roll call vote of Ayes: 4, Nays: 5 (Smith, Sandberg, Rollo, Sgambelluri, Sims), Abstain: 0. FAILED.

Sgambelluri moved and it was seconded to refer Ordinance 21-06 to the Committee of the Whole on Wednesday, February 24, 2021 at 6:30pm.

The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Nathan Mutchler commented on Ordinance 21-06.

Lisa Funkhouser spoke about council process on Ordinance 21-06.

Nicole Johnson discussed Ordinance 21-06 and thanked the sponsors. She also spoke about the unhoused and their needs.

Lucas reviewed the upcoming items to be addressed in the Council Work Session. There was brief council discussion.

Vote to adopt Amendment 02 to Ordinance 21-03 [9:18pm]

Council questions:

Public comment:

Council comment:

Vote to adopt Ordinance 21-03 as amended [9:23pm]

LEGISLATION FOR FIRST
READING [9:24pm]

Ordinance -21-06 To Amend Title 2 (“Administration and Personnel”) of the Bloomington Municipal Code Re: Adding Chapter 2.87 (Protections for People Experiencing Homelessness)

Motion to refer Ordinance 21-06 to the Public Safety Committee

Council discussion:

Vote to refer Ordinance 21-06 to the Public Safety Committee [9:36pm]

Motion to refer Ordinance 21-06 to Committee of the Whole

Vote to refer Ordinance 21-06 to Committee of the Whole [9:39pm]

ADDITIONAL PUBLIC COMMENT
[9:41pm]

COUNCIL SCHEDULE [9:43pm]

Sgambelluri moved and it was seconded to reschedule the Council Work Session on February 19, 2021 to February 26, 2021 at the same time. The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to reschedule Council Work Session [9:54pm]

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

ADJOURNMENT [9:57pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 19 day of January, 2022.

APPROVE:

ATTEST:



Susan Sandberg, PRESIDENT
Bloomington Common Council



Nicole Bolden, CLERK
City of Bloomington