

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, April 06, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 06, 2022

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

ROLL CALL [6:31pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:32pm]

Rollo moved and it was seconded to approve the minutes of January 05, 2022. The motion was approved by a voice vote.

APPROVAL OF MINUTES [6:34pm]

Piedmont-Smith mentioned her upcoming constituent meeting.

REPORTS

Smith reminded everyone of New Hope's upcoming ribbon-cutting.

- COUNCIL MEMBERS [6:35pm]

Flaherty noted his upcoming constituent meeting.

Rosenbarger also noted her upcoming constituent meeting.

Mayor John Hamilton spoke about the history of the local option income tax and basic city services. He discussed the need to assure future residents that the city addressed challenges like climate crisis and equity and inclusion. He briefed council on the city's progress on providing excellent services including updating dispatch, police, and fire departments with council's support. To date, Bloomington was the only city in Indiana with a nationally accredited police force and top-ranked fire department with an Insurance Services Office (ISO) ranking of 1. That year was the fifth year in a row with zero fire fatalities. He commented on affordable housing, jobs, the Parks and Recreation department's receipt of two gold medals, growth in storm water and water works capital investments, sewer improvements, replacement of Bloomington Transit (BT) buses, upgrades to Bloomington Housing Authority's (BHA) units, and the implementation of the Climate Action Plan (CAP). Hamilton provided additional fiscal details and discussed Recover Forward plans, the budget process, bonds, and the Local Income Tax (LIT). He presented four key areas for LIT. First, critical public safety investments that were not covered in the ten-year capital plan. Second, investments to sustain other essential city services. Third, investments to prepare for and mitigate climate change including improved BT services and CAP. Fourth, investments to assure that Bloomington was a place of diversity, equity, and inclusion and provided additional details. He discussed bonds for council review, focused on local infrastructure needs to build back better. He summarized feedback from council and the public and said that the administration had listened carefully. He stated that the basic LIT had not been raised for thirty years, and Bloomington had one of the lowest overall tax rate of Indiana's large cities. He also commented on modest spending levels when compared to other Indiana cities, the responsible debt per capita, and the capacity to support the investments. He further explained the proposed general obligation bonds. The administration was open to future adjustment of priorities and continued feedback. Hamilton described the proposed LIT expenditures and provided details including funding for the Town of Ellettsville, Town of Stinesville, and Monroe County.

- The MAYOR AND CITY OFFICES [6:37pm]

Volan asked about the proposed tax, spending, priorities, and tracking. He asked if the new source of revenue would be in a separate fund. He commented on the percentage going to BT and hoped it would be continued annually.

Council questions:

Hamilton confirmed there would be a separate fund, and would be appropriated through the budget process similar to the American Rescue Plan Act (ARPA). He described BT's plans and said that the plans would continue for multiple years. He stated that future councils or administration may decide on different priorities.

Rollo spoke about the new contract negotiated with the police union and asked why that essential city service was not anticipated sooner. He referenced the Novak report and said that the proposal needed to pass in order to fulfill the new contract obligation.

Hamilton stated that the administration had been working on improving public safety and had anticipated investments. The proposed LIT was an attempt to continue improving public safety. He commented on the Public Safety LIT (PSLIT) which was not to be used for personnel funding.

Rollo asked about additional new hires and projected numbers.

Hamilton stated that the tax would allow for regular growth of the police department but specific numbers were not available at the time. Also, the administration did not agree with all findings of the Novak Report.

Piedmont-Smith asked about the legal mechanism for making multiyear commitments.

Hamilton explained that the legal mechanism for the purchase or rehab of a facility was the debt financing, which was not typically true for other programs. He clarified that commitments set by the current council could be changed by a future council.

Piedmont-Smith understood that a one-time purchase was a capital expense, but that operation expenses had no future guarantee.

Hamilton spoke about public commitments and deferred to counsel.

Beth Cate, Corporation Counsel, said that there was a capital improvement plan that contained mechanisms requiring a duration period. Generally, LITs could be revisited by future councils.

Jeff Underwood, Controller, clarified that if bonds were issued for a specific plan then that part of the revenue stream could not be revoked by a future council. Any multiyear commitments that the city entered into would obligate future councils to fund them.

Sgambelluri thanked the administration for all the discussions. She asked about cutting costs as a way to meet obligations.

Hamilton responded that there had been cost cutting efforts like automating rental inspections, replacing a four-person, heavy fire engine crew with a two-person crew in a light SUV to respond to medical emergencies, sanitation improvement investments, and tripling the employee training as an investment in efficiency. He explained how most of the city budget was for employees.

Sims thanked Hamilton for the good communication. He spoke about a new revenue source, impacts on income within the community, and utility rate increases. He asked if future councils could rescind the tax, or portions of it and about absorbing recessionary pressures.

Hamilton acknowledged that future councils could adjust or rescind the LIT level. It was important to note Bloomington's tax rates, including the debt per capita, compared to other cities in

Indiana. He said the LIT was a prudent fiscal approach that also invested in the future. Also, the city had used rainy day funds during the previous two years, and even with that investment, the city was back up to about 33% balance in funds. New revenue would allow for a gradual buildup.

- The MAYOR AND CITY OFFICES (*cont'd*)

Smith commented on the negative effect from the tax increase, like on those with a fixed income and asked Hamilton's thoughts on that.

Hamilton reiterated what Bloomington's tax rate was compared to neighboring cities, and said that Indiana was also reducing state taxes. He said that state law prohibited progressive taxes and required a flat tax. Hamilton hoped council would support the economic equity piece of the proposal which assisted community members who would have a significant burden by the tax. He stated that there was \$1 million in the current proposal.

Sandberg mentioned the upcoming Jack Hopkins Social Services Funding (JHSSF) cycle.

- COUNCIL COMMITTEES [7:18pm]

Jen Pearl, President of the Bloomington Economic Development Corporation (BEDC), summarized eight key points in a memo regarding the greatest needs for investment in order to be transformative in the future. They included housing, workforce development, infrastructure, employment, access to opportunity, quality of life, public safety, public health, and promoting the community. She provided additional information.

- PUBLIC [7:19pm]

Greg Alexander spoke about the transportation implications of the historic designation of the Johnson Creamery. He commented on the closure of the B-Line trail and what routes pedestrians and cyclists were taking.

Peter Dorfman commented on the mayor's presentation regarding the LIT and urged council to listen to a wide variety of community members.

William Coulter discussed transparency at the city and referenced a public records requests. He stated that there was an inadequate level of transparency regarding the LIT.

Jeff Mease commented on his local businesses and shared their history. He spoke about the management fee which was 6.75%.

Alex Goodlad spoke about Indiana University graduate students' ongoing efforts to form a union. He referenced the difficulty in negotiating with the provost Eliza Pavalko. He urged the council and mayor to issue a statement in support of the graduate student coalition.

Jim Shelton spoke on behalf of Court Appointed Special Advocate (CASA) organization and stated that April was Child Abuse Prevention month. He referenced resources to help identify a child that may be in need of help. He urged the community to become CASAs and provided additional information.

Piedmont-Smith moved and it was seconded to appoint Emily Alford to seat C-1 and Tatiana Peters to seat C-4 as well as reappoint Katie Rodriguez to seat C-2 on the Commission on the Status of Children and Youth. The motion was approved by a voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:37pm]

Piedmont-Smith moved and it was seconded to appoint Shawn Miya to seat C-4, upon the resignation of the current commissioner Colin Murphy later in the month, to the Commission on Sustainability. The motion was approved by a voice vote.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:38pm]

Rollo moved and it was seconded that Ordinance 22-05 be read by title and synopsis only. The motion was approved by a voice vote. Clerk Nicole Bolden read the legislation by title and synopsis. The committee do-pass recommendation was Ayes: 5, Nays: 0, Abstain: 1.

Ordinance 22-05 - To Vacate Public Parcels - Re: Two 16.5-Foot Wide Alley Segments Located Between West 1st Street, West 2nd Street, South Rogers Street, and South Morton Street (City of Bloomington Redevelopment Commission, Petitioner) [7:38pm]

Rollo moved and it was seconded that Ordinance 22-05 be adopted.

Scott Robinson, Director of the Planning and Transportation department, presented the legislation. He provided an overview and summary of the proposal and details of the master plan. He also summarized the history of the proposal.

Volan asked about staff's involvement in the renderings and design of the new neighborhood.

Council questions:

Robinson responded that the design was made by the master plan of the former hospital site, along with the base zoning. A consultant was hired to work with staff on the platting, with frequent collaboration with staff from Planning and Transportation, Engineering, Public Works, Parks and Recreation, and the Controller's office.

Volan asked for more details regarding the parklike component and where that idea came from.

Robinson explained that it came from the master planning process, and a recommended connection throughout the site for a slow neighborhood street. Staff used the Transportation Plan as a guide.

Volan asked outdoor dining in the planning and design.

Robinson stated that the sidewalks were wide and the zoning allowed for mixed uses like outdoor dining and provided additional details.

Volan asked why the plan did not require council approval.

Robinson explained that the plan was a report based on extensive community engagement and that timing also played a role. Also, the guiding documents were not specific like standards were.

Volan asked if other designs were considered and if there was a rush to move forward.

Robinson described the process with the design including complications and the decisions that were made. He believed that there was and provided details.

Rollo asked about the importance of maintaining a grid pattern of the urbanized area including alleyways. He stated that Robinson implied there were conflicts due to the scale of the large buildings. He wondered if Planning and Transportation staff thought it was important to maintain the grid pattern including alleys that were useful for bicyclists and pedestrians.

Robinson said that broadly speaking, alleys were important, but there were many that were not improved across the community. The unimproved alleys contained encroachments, trees, et cetera. He said that staff liked to preserve the right of way and discussed the lack of connectivity of existing alleys and the mobility challenges

Ordinance 22-05 (cont'd)

of alleys. He displayed an image showing the lack of connectivity with alleys near the site.

Flaherty asked if the goal was for developers to build something similar to the rendering including the ways that buildings faced.

Robinson stated that the rendering was only for context and there was no design yet. He explained that the lots were not large and the zoning allowed for mixed uses.

Flaherty was concerned about the lack of alleys and discussed reducing drive cuts and having buildings front on the street with parking in the back. He asked if surface lots fronting on the street were permitted and for further clarification and referenced the aerial view.

Robinson explained that it was taken from the master plan with the effort to show density and scale and it did not reflect a zoning ordinance. He clarified that parking lots would not be allowed in front of buildings and added that there would be a parking structure that would remain on the former hospital site. Robinson explained that the goal was to create as much affordable housing as possible, and that adding alleys, et cetera, would reduce the amount.

Flaherty asked if the rest of the former hospital site had been platted and if there was any intent to include alleys.

Robinson responded that there was not that level of detail yet.

Piedmont-Smith said there were two areas of the site that would not be owned by the city including Centerstone and St. John Associates. Both had parking lots that could not be changed.

Robinson confirmed that was correct, as well as a parcel to the northwest. He said there were ongoing negotiations with Centerstone.

Flaherty asked what council's role was as the site was developed and if it could require alleys, for example.

Robinson said that future funding could impact development, as well as the council representative on the Plan Commission. He said it was important to be cognizant of the operation and maintenance costs of rights of way. Robinson provided additional details.

Rollo asked about accessibility and impacts of a monolithic, block-long building without access for bikes and pedestrians. He asked if the alley vacation request could have been brought to council sooner.

Robinson stated that usually a developer would bring forward alley vacation requests and not the city. His understanding was that through due diligence the timing resulted as it had.

Andrew Cibor, City Engineer, explained that the timing of the alley vacation request could not have happened sooner because the city had only recently acquired it.

Rollo stated that he considered alley vacations important and preferred to consider them without surrendering costs to other needs, like design.

Volan asked why there would be any parking requirements in a city controlled, new neighborhood.

Robinson said it was based on the zoning district and once the property was transferred to the city and development started, then the city could negotiate with developers.

Volan stated that the city was not stopping a developer from adding parking but was not requiring it either.

Robinson referenced the standards in the Unified Development Ordinance (UDO) and said he could not speculate what kind of project would be proposed.

Ordinance 22-05 (cont'd)

Volan asked if the UDO permitted there being no alleys in a new neighborhood.

Robinson explained that the UDO did not require alleys but did require street connections.

There were no public comments.

Public comment:

Volan stated that he would make a motion to send Ordinance 22-05 to a third reading because there were still open questions including who had authority over the site. He described the omission of council in the design and planning for the new neighborhood and the repercussions as he saw them. He said the urgency was created by the decisions of the administration and that he would be voting against the legislation if final action was to be taken that evening.

Council comments:

Rollo said that there were good aspects in the plan but additional details were necessary. He wondered if more pedestrian access like alleys could be included. He did not know enough about the plan and had only seen renderings. He would support a third reading.

Flaherty intended to vote no on Ordinance 22-05 and said there was no way for council to weigh in on the plan other than to vote against the current proposal. He explained that excluding platted alleys was contrary to the Comprehensive Plan goals and said that someone could buy multiple lots, combine them, and build a large building similar to Smallwood on College Avenue. He believed that without alley requirements there was the potential for a monolithic building. Alleys limited the lot size and there could be multifamily, dense housing that was engaging for pedestrians. He provided additional details including eliminating drive cuts, having parking in back of buildings, and more.

Volan moved to postpone Ordinance 22-05 to the next Regular Session.

There was brief council discussion.

Volan moved and it was seconded to postpone Ordinance 22-05 to the Regular Session on May 04, 2022.

Motion to postpone Ordinance 22-05

Rosenbarger asked if the purpose of postponing was to work with city staff or to allow council more time to consider the proposal.

Council questions:

Volan said that the goal was to include council in the planning of the development of the former hospital site and that a meeting between delegates of council and the administration was ideal.

Smith asked what council would be looking for in the delay and asked for further clarification.

Piedmont-Smith asked Robinson what the impact would be in postponing Ordinance 22-05.

Robinson said that he would not be able to attend the meeting if the legislation was postponed due to personal reasons. He asked for clarification on the expectation with postponing. He said that the city did not give up alley right of way easily and explained that it was a unique situation.

Volan explained that council had not had input regarding the vacation of alleys or the planning of the site aside from having a

councilmember on the Plan Commission. He questioned the design being tied directly to the alley vacation.

Ordinance 22-05 (cont'd)

Robinson clarified that drafting the Hopewell master plan had been a public process and included councilmembers, and was presented publicly. He urged council to limit their decision to the renderings since the city did not own the property yet. Staff was happy to have discussion with councilmembers about design plans moving forward.

Sims commented that he did not necessarily need additional time to consider Ordinance 22-05.

Rollo said that council was unsatisfied with the proposal due to the potential for monolithic streetscape. The discussion that evening was council's first action on the process. He thought it was a good idea to continue discussing the site plans.

The motion received a roll call vote of Ayes: 3 (Rollo, Rosenbarger, Volan), Nays: 6, Abstain: 0. FAILED

Vote to postpone Ordinance 22-05 [8:38pm]

Flaherty clarified that he was not concerned with the renderings but was with the public improvements. He agreed the alley vacations would be necessary but they should be part of a comprehensive set of actions. He realized there was a cost associated with the postponement but it was worth it because it was a one hundred year plus investment in the city, for example. Replicating the very successful scale of historic urban form was best in that part of the city but the current plan did not do that. He said that guidance was both relevant and irrelevant and that he did not approve of there being zero alleys in the former hospital site.

Council discussion:

The motion to adopt Ordinance 22-05 received a roll call vote of Ayes: 4 (Piedmont-Smith, Sgambelluri, Sims, Smith), Nays: 5, Abstain: 0. FAILED

Vote to adopt Ordinance 22-05 [8:39pm]

Rollo moved and it was seconded that Ordinance 22-06 be read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis. The committee do-pass recommendation was Ayes: 6, Nays: 0, Abstain: 0. The committee do-pass recommendation for Amendment 02 was Ayes: 2, Nays: 4, Abstain: 0.

Ordinance 22-06 - To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: The Johnson's Creamery Historic District [8:40pm]

Rollo moved and it was seconded that Ordinance 22-06 be adopted.

John Zody, Director of the Housing and Neighborhood Development (HAND) department presented Ordinance 22-06. He provided an update including the history of the process, details on the smokestack, the Certificate of Appropriateness, and a map passed by the Historic Preservation Commission (HPC).

Gloria Colom Braña, Historic Preservation Program Manager, in HAND presented the Johnson Creamery's nomination for historic designation. She provided background including the history of the structure, the nomination process, the boundary of the property as approved by the HPC, historic district criteria, and its historic significance.

Piedmont-Smith moved and it was seconded to adopt Amendment 03 to Ordinance 22-06. Piedmont-Smith presented Amendment 03.

Amendment 03 to Ordinance 22-06

Amendment 03 Synopsis: This amendment is sponsored by Cm. Piedmont-Smith and would amend the boundary of the proposed historic district to refine the demarcation between what is intended to be two separate parcels in the future.

Sgambelluri asked if the boundary gave enough of a buffer around the smokestack so that new development would not encroach on it.

Council questions:

Zody confirmed that there was enough of a buffer and stated that staff was not concerned about the west side.

Colom Braña clarified that there was some of the historic curb that would be outside of the boundary.

Sgambelluri asked about the height of the historic designation.

Zody confirmed that the entire smoke stack was included in the historic designation.

Colom Braña stated that was correct.

Volan asked for clarification on the curb that was excluded and what made it historic.

Colom Braña explained that it was an area just west of the smoke stack and that while it was not made of a noble material as defined by architects, it was part of the original landscaping and functional exterior area. She said the reason it was being excluded was due to the proposed development.

Rosenbarger asked about the shed that was next to the smoke stack that was in the middle of the property line. She asked what happened when the boundary line went through a structure.

Colom Braña responded that it was designed for the AT&T infrastructure and was part of the recent history of the smokestack. She was not sure what the current owners would do with the shed but that it was a non-contributing structure.

Michael Cordara, representative of Peerless Development, commented that the intention was to remove the shed since AT&T was vacating the building. It would be removed along with the partial demolition of the smokestack. He noted the boundary extended further to the east and north due to a box culvert and the city had an easement along the entire culvert.

William Coulter spoke about the history of the Von Lee theater, the Ritz theater, and the area surrounding the structures. He encouraged council to vote no on Amendment 03.

Public comment:

Duncan Campbell explained the details regarding the complications with the boundary line and spoke in favor of Amendment 03.

Karen Duffy supported the local designation of the Johnson Creamery and thanked council for their interest in the designation. She said supported Amendment 03.

Olivia Dorfman hoped council would support the historic designation of the Johnson Creamery.

Janet Sorby asked council to support the historic designation of the Johnson Creamery but not Amendment 03 and provided reasons.

Cynthia Bretheim discussed her concerns with building a large structure on the site. She asked council to accept the larger boundary in the original HAND map and reject Amendment 03.

Natalia Galvan urged council to approve the local historic designation, and thanked councilmembers for their time on the topic. She commented on Peerless Development’s rendering, guidance for protecting open space around historic structures.

Ordinance 22-06 (cont’d)

Michael Cordaro thanked everyone for their time and efforts. He explained that the proposed building had been approved by the Plan Commission and urged council to support Amendment 03.

The motion to adopt Amendment 03 to Ordinance 22-06 received a roll call vote of Ayes: 8, Nays: 1 (Rollo), Abstain: 0.

Vote to adopt Amendment 03 to Ordinance 22-06 [9:26pm]

There was no council questions.

Council questions:

There were no public comments.

Public comment:

Volan thanked council and the public for their input. He felt that a compromise had been attained.

Council comments:

The motion to adopt Ordinance 22-06 as amended received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 22-06 as amended [9:27pm]

LEGISLATION FOR FIRST READING [9:28pm]

Rollo moved and it was seconded that Ordinance 22-12 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 22-12 – To Amend Title 9 of the Bloomington Municipal Code Entitled “Water” (Rate Adjustment) [9:28pm]

Lucas noted that Ordinance 22-12 and supporting materials were omitted from the packet published the previous Friday. He apologized for the oversight.

Sandberg referred Ordinance 22-12 to the Committee of the Whole on April 13, 2022.

Rollo moved and it was seconded that Ordinance 22-13 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 22-13 – Authorizing the Issuance of the City of Bloomington, Indiana, General Obligation Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements, Including Costs Incurred in Connection With and On Account of the Issuance of the Bonds, and Appropriating the Proceeds Derived from the Sale of Such Bonds, All for the Purpose of Promoting Climate Change Preparedness and Implementing Equity and Quality of Life Improvements for all City Residents [9:30pm]

Sandberg referred Ordinance 22-13 to the Committee of the Whole on April 13, 2022.

Rollo moved and it was seconded that Ordinance 22-14 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Bolden read the legislation by title and synopsis.

Ordinance 22-14 – Approving the Issuance of the City of Bloomington, Indiana Park District Bonds, Series 2022, to Provide Funds to Finance the Costs of Certain Capital Improvements for Park Purposes, Including Costs Incurred in Connection With and On Account of the Issuance of the Bonds, All for the Purpose of Promoting Climate Change Preparedness and Implementing Equity and Quality Of Life Improvements for all City Residents [9:31pm]

Sandberg referred Ordinance 22-14 to the Committee of the Whole on April 13, 2022.

There were no additional public comments.

ADDITIONAL PUBLIC COMMENT [9:32pm]

Lucas reviewed the upcoming schedule and there was brief council discussion.

COUNCIL SCHEDULE [9:33pm]

Volan moved and it was seconded to cancel the work session for April 08, 2022. The motion was approved by a voice vote.

Vote to cancel Work Session [9:35pm]

Rollo moved and it was seconded to adjourn. Sandberg adjourned the meeting.

ADJOURNMENT [9:36pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2023.

APPROVE:

ATTEST:

Sue Sgambelluri, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington