

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, July 20, 2022 at 6:30pm, Council President Susan Sandberg presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
July 20, 2022

Councilmembers present: Isabel Piedmont-Smith, Susan Sandberg, Sue Sgambelluri, Jim Sims, Ron Smith, Stephen Volan
Councilmembers present via Zoom: Matt Flaherty, Dave Rollo
Councilmembers absent: Kate Rosenbarger

ROLL CALL [6:30pm]

Council President Susan Sandberg summarized the agenda.

AGENDA SUMMATION [6:31pm]

There were no minutes for approval.

APPROVAL OF MINUTES [6:34pm]

Sandberg read the statement titled Local Public Official Statement on the Reversal of Roe v. Wade which was signed by thirty four elected officials in Monroe County on July 01, 2022.

REPORTS

- COUNCIL MEMBERS [6:34pm]

Sgambelluri read the names of the elected officials that signed the statement. **Clerk's note: the signed statement is attached to the minutes.**

Piedmont-Smith met with member of Crisis Assistance Helping Out on the Streets (CAHOOTS) team in Oregon which was a mobile emergency mental health unit. She summarized her meeting and described the unit's funding, creation, and collaboration with other emergency departments. Piedmont-Smith explained how CAHOOTS worked and its impact on the community.

Sims shared that he was able to reflect during council recess. He commented that a child's educational outcome should not be based on their parent's income. IU Health, a nonprofit, had donated \$100 million to Indiana University despite community members not being able to obtain healthcare.

Sgambelluri mentioned her upcoming constituent meeting.

Sandberg noted the passing and funeral service for Bob Loviscek.

There were no reports from the Mayor or city offices.

- The MAYOR AND CITY OFFICES [6:50pm]

Jason Michalek presented the 2022 Annual Report from the Community Advisory on Public Safety (CAPS) Commission. He reviewed key foci, including welcoming speakers and policy experts to inform commissioners on important issues, listening and amplifying marginalized people's voices and recommendations, and facilitating participation in civic processes in an equitable and accessible manner.

- COUNCIL COMMITTEES [6:50pm]

Nejla Routsong reviewed work completed by CAPS including drafting foundational and governance policies, hosting speakers, and creating resolutions condemning Islamophobia and Anti-Muslim violence, and Antisemitism and Anti-Jewish violence. She noted CAPS committees' work, including conflict resolution, alternatives to policing and crisis response, reparations and atonement, housing, and additional research. She summarized the committees' efforts.

Michalek summarized the CAPS Housing Committee and its work such as collaborating with other local organizations to advance safety and more. He also described the CAPS commission's efforts to advance its goals and missions. Michalek provided details regarding demographics of the community, based on the Research Committee's outreach efforts. He reviewed safety concerns, financial security issues, housing insecurity, police interactions, structural limitations, accessibility, mental health resources, and substance use and harm reduction.

Routsong described some recommendations and ongoing research to be conducted.

Greg Alexander commented on parking lot occupancy in the Fourth Street parking garage as well as other garages.

Jim Shelton discussed the Court Appointed Special Advocate (CASA) and the need for additional volunteers. He noted upcoming training.

Mike Carmin spoke about fiscal impact statements.

Chuck Livingston commented on scooters in the community.

David Wolfe Bender expressed concern with anti-Semitic incidents and recent events.

Kamala Brown-Sparks asked Piedmont-Smith to send her information regarding CAHOOTS.

Chris Emge thanked council for their work and spoke about transit access outside of city limits.

Daryl Ruble commented on traffic concerns, quality of the Bloomington Police Department's (BPD) officers.

Smith moved and it was seconded to appoint Linda Hall to seat C-4 and Wendy Rubin to seat C-1 on the Commission on Aging, and James Simon to seat C-2 on the Commission on the Status of Black Males. The motion received a roll call vote of Ayes: 8 (Rosenbarger, absent), Nays: 0, Abstain: 0.

Sims moved and it was seconded to reappoint Kent McDaniel to seat C-3 on the Public Transportation Corporation Board of Directors, and to appoint Monte Rose to seat C-2 on the Housing Quality Appeals Board. The motion received a roll call vote of Ayes: 8 (Rosenbarger, absent), Nays: 0, Abstain: 0.

Rollo moved and it was seconded that Resolution 22-14 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Chief Deputy Clerk Sofia McDowell read the legislation by title and synopsis. The committee do-pass recommendation of Ayes: 9, Nays: 0, Abstain: 0.

Rollo moved and it was seconded that Resolution 22-14 be adopted.

- Council Committees (cont'd)

- PUBLIC [7:15pm]

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:37pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:40pm]

Resolution 22-14 – To Approve an Amendment to the 2019 Revised Cooperation Agreement Between the City of Bloomington ("City") and the Bloomington Housing Authority ("BHA") for Provision and Operation of Low Income Housing Units and Associated Payment in Lieu of Taxes by BHA

Larry Allen, Assistant City Attorney, summarized Resolution 22-14 which was an update to the cooperation agreement primarily concerning financing of the Bloomington Housing Authority (BHA).

in Exchange for City Services [7:40pm]

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no council comments.

Council comment:

The motion to adopt Resolution 22-14 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 22-14 [7:47pm]

Rollo moved and it was seconded that Ordinance 22-15 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 0, Nays: 2, Abstain: 3.

Ordinance 22-15 – To Vacate a Public Parcel – Re: A 12-Foot Wide Alley Segment Running East/West between the B-Line Trail and the First Alley to the West, North of 7th Street and the South of 8th Street (Peerless Development, Petitioner) [7:48pm]

Beth Cate, Corporation Counsel, provided an update to the process and negotiation with Peerless Development (Peerless). She stated that the city had not reached an agreement with Peerless pertaining to an installation of artwork.

Michael Cordaro, Peerless representative, stated that Peerless was considering relocating the alley in question instead of a financial donation for artwork.

Volan asked how complicated it was to relocate the alley.

Council questions:

Eric Greulich, Senior Zoning Planner, said that the overall subdivision proposal would not be difficult to move forward. There were not major complications or hindrances with the proposal. He said that staff was neutral and the vacation was up to council.

Volan asked if there was any conflict with the Johnson Creamery historic designation issue with moving the alley.

Greulich stated there was none that staff could identify.

Piedmont-Smith asked about the any infringement of the proposed new alley on the historic district.

John Zody, Director of the Housing and Neighborhood Development (HAND) department, believed that the existing alley was within the district.

Piedmont-Smith asked if it was acceptable to have a right of way in a historic district.

Zody stated that he would look at the official map and clarify. He noted that the Historic Preservation Commission (HPC) meeting had not discussed the new proposal. He stated that a certificate of appropriateness might be necessary, but would have to check. He clarified that changing the appearance of the building would trigger a different process. He said it would not disrupt the historic district in its current form if it was just a new right of way.

Cordaro believed that the historic district stopped at the edge of the parking spaces on the lot. He said there was room for Peerless to move the alley if needed.

Sims asked if Peerless had had an opportunity to work with the HPC.

Zody stated that the HPC had not known about the new proposal which had only been shared with council earlier that week.

Sims asked for an update on Peerless's claim against the title company regarding the right of way.

Cordaro responded that the title company denied the claim.

Smith asked how the new proposal impacted the donation for public art.

Cate stated that it did not affect the administration's opinion on the appropriate value in exchange for the right of way vacation. The city's request was within the scope of other art projects and was reasonable. The new proposal requested the alley vacation without a commitment for public good from Peerless. Cate believed that the historic district was just below the current alley which provided a buffer. She explained that if the alley was within the historic district, then it was an encumbered area.

Sandberg asked what Peerless would do if the council opted not to vacate the alley.

Cordaro responded that it would set Peerless and its investors back, so selling the property would be a higher priority rather than building. A redesign was most likely not feasible.

Sandberg asked why it was not feasible.

Cordaro explained that Peerless had already paid for, and taken the time for, designing the building, twice. A third time would not be possible.

Flaherty commented on the commitment from Peerless as a condition for the vacation, and inquired about the legality.

Stephen Lucas, Council Attorney, described options that council could take, including postponing action, tabling Ordinance 22-15 until a motion to take it off the table for consideration at a later date, or to tabling it to allow the petitioner to proceed with the Plan Commission. He recommended that council wait to take action on any vacation until a new plat was approved.

Cate concurred with Lucas.

Sgambelluri asked if the petitioner was requesting the vacation without a commitment for public art in the surrounding area.

Cate said that was her understanding. The request was to swap one piece of land for another. She reiterated that the building would be a market-rate rental property without any affordable housing.

Volan asked if there was a visual map illustrating the new proposal.

Cordaro displayed the map and explained the new proposal.

Volan asked if the area south of the new proposal was parking, and if there would have to be a driveway for those spaces to be used.

Zody confirmed that was correct.

Volan asked if the parking spaces were part of the historic use of the Johnson Creamery.

Zody said they were not.

Cordaro said they were existing parking spaces and would remain.

Volan asked if there had been anything other than parking there.

Zody believed it had only been parking, but that staff would have to confirm. The district line went through the alley so when council adjusted the map it included the parking area as a buffer.

Volan pointed out that the smokestack had been built on the alley so he did not see any harm in moving the alley.

Ordinance 22-15 (cont'd)

Sims reviewed the new proposal and asked where the request for public art fit in. He said it appeared that the petitioner was attempting to circumvent the city's request.

Cate understood that the new proposal was in lieu of any public art investment in exchange for the current right of way.

Cordaro confirmed that was correct. He said that the new request was that the city not give up a right of way, since the alley was not being used, and moving the alley allowed for more use of it.

There was no public comment.

Public comment:

Flaherty expressed concern about the process, and what code dictated regarding a public good and an alley vacation. There was not a nexus with the city's request for the art installation. He said that the ongoing negotiation was for the administration's support for the vacation, though the council was the body that authorized a vacation. He noted that council had not been included in the negotiation process and what would be an appropriate public benefit.

Council comment:

Cate mentioned that staff had first indicated in a council work session that the administration believed it was appropriate and within the guidelines to negotiate a commitment to public good in exchange for right of way vacation. The petitioner was building market-rate housing. She explained the guidelines from 1987, the Comprehensive Plan, and other documents, that guided the city's growth and development pertaining to right of way vacations. Council was not limited by statute and had guiding documents listing public art, for example, as appropriate. The city often negotiated with private property owners. Cate agreed that ultimately it was council's decision and that staff was and continued to be willing to hear council's opinions.

Piedmont-Smith said that Resolution 87-02 which guided right of way vacations had two considerations. One, current status and access to the property, and two, the necessity of the vacation for the growth of the city. There was a reference to master plans like thoroughfares. The smokestack was in the way of the alley so it was not necessary for access. She did not see if vacating the alley was necessary for the city's growth nor how an art installation was appropriate.

Cate said that the guidance for growth included values like a public space for cultural activities in all areas including downtown and village centers, as referenced in the Comprehensive Plan. Also listed was preserving and celebrating culturally significant spaces, and encouraging a partnership for the public, private, and nonprofit sectors to engage in creative place-making projects and art for neighborhood identities. She provided many additional examples and details supporting the administration's request to Peerless for the art installation. Cate reiterated that Flaherty was right in that the decision was council's and that the administration was simply making a recommendation.

Piedmont-Smith clarified her understanding of the guidelines for alley vacation requests. She understood that there was some subjectivity with the guidance and expressed concern with vacating the alley only if there was a commitment for the art installation. She failed to see the connection.

Flaherty appreciated the administration's point regarding the public good, but still had difficulty with a nexus between the alley vacation and the request for public art. He asked about a request for

\$200,000 for art on Kirkwood as opposed to within the historic district.

Cate said that the administration's request looked at the historic district and its area specifically since that was where the vacation request was. It was an effort to honor the Johnson Creamery historic district.

Flaherty asked about requiring a green roof in exchange for the alley vacation.

Cate responded that staff would need to look back at the guiding documents, and said that the city did value environmental sustainability with growth. She simplified the petitioner's request as building market-rate housing within the city's right of way.

Volan asked if Peerless would commit to \$75,000 and moving the alley since the petitioner had identified that figure as the value of the alley.

Cardaro stated they would not be willing to commit to that figure as well as moving the alley.

Smith found it difficult to connect the alley vacation with the administration's request for public art. He believed it was ideal to delay council's action.

Volan understood the administration's request and also that there was not a direct nexus. He believed that moving the alley would be sufficient and reasonable. He would be willing to postpone until a compromise was attained.

Rollo did not see a public benefit for a large building along the B-Line. He explained some complexities with alley vacations. He saw public art as ancillary and believed the city should keep the alley. He would be voting against the alley vacation.

Flaherty thanked everyone for the discussion. He commented on the benefits of alleys, access, connectivity, the building's design, and said that market-rate housing in the downtown, walkable area with a lower carbon footprint, was important for growth. He did not see the administration's recommendation as consistent with the guidance. He saw the alley vacation as facilitating the public good for additional housing. He advocated for tabling Ordinance 22-15 so the petitioner could go through the Plan Commission process.

There was brief council discussion regarding postponing versus tabling the legislation.

Sims said there was subjectivity with alley vacations. He commented on how the alley right of way had been discovered. He did not appreciate the negotiation and the different figures. He commented on affordable and market-rate housing and what the city needed. He believed the alley had value and did not support vacating the alley without something in return from the petitioner.

Sgambelluri commented on the awkwardness of the discussion and how the alley right of way was discovered. She believed that the city was giving up something and that the alley had value. The project provided housing but was not a true public benefit like affordable housing. She believed it was reasonable to request a public good from the petitioner.

Sandberg was not compelled with the art installation request, and would have preferred more affordability or sustainability features.

Moving the alley might improve connectivity and increase usage. Laying Ordinance 22-15 on the table was the ideal next step.

Ordinance 22-15 (cont'd)

Piedmont-Smith believed that any city right of way had value, and that it was unfortunate that there were inadequate records regarding the alley. That was a mistake from a long time ago. She was inclined to support the alley vacation if the dedication of a new right of way proceeded through the normal process of approvals. She also said that she did not appreciate monolithic buildings next to areas like the B-Line, but that she did not believe the petitioner's design was monolithic. She was in favor of tabling Ordinance 22-15.

Rollo agreed that the alley had value, and commented on the largeness of the proposed structure. He was not in favor of the alley vacation.

Volan stated that council had approved buildings of similar sizes near Switchyard in the recent past. Tabling the legislation allowed the petitioner more time to ensure that moving the alley was doable and was not just a promise.

Flaherty clarified that public right of ways always had value, and an equivalent value in exchange was proper. He also commented on the size of the proposed structure.

Piedmont-Smith moved and it was seconded to table Ordinance 22-15.

Vote to table Ordinance 22-15 [9:09pm]

The motion to table Ordinance 22-15 received a roll call vote of Ayes: 6, Nays: 2 (Rollo, Sims), Abstain: 0.

LEGISLATION FOR FIRST READING [9:11pm]

Rollo moved and it was seconded that Ordinance 22-20 be read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. McDowell read the legislation by title and synopsis.

Ordinance 22-20 – To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Amending Section 15.12.030 to remove three signalized intersections and add three signalized intersections; Section 15.20.010 by deleting the reference to restricted turn intersections; Section 15.24.020 by changing speed limits at four locations; Section 15.32.030 to change parking on Lincoln Street between Smith and Third to back-in angle parking and to add pull-in parking on S. Morton Street from W. Patterson Drive and Grimes Lane to 190' north of W. Patterson Drive and Grimes Lane; Section 15.32.050 to allow for prohibiting parking in municipal parking lots to respond to weather and maintenance issues; Section 15.32.080, to remove no parking spaces on S. Morton Street and S. Rogers Street and to add no parking spaces on Lincoln Street and N. Park Avenue; Section 15.32.100 to add two loading zones

Sandberg referred Ordinance 22-20 to the Committee of the Whole to meet on July 27, 2022 at 6:30pm.

on E. 4th Street; Section 15.37.020, to change the boundaries of the Garden Hill Residential Neighborhood Permit Parking Zone; Section 15.040.010, to add paid parking spaces and the Trades District Garage; and Section 15.48.020 to add an administrative towing fee when vehicles are towed for reserved parking or outstanding citation violations

Volan moved and it was seconded to discharge Ordinance 22-20 from Committee of the Whole.

Flaherty noted that the legislation could go to a third reading if needed and as concerns arose.

Piedmont-Smith said that she supported Ordinance 22-20 going directly to a second reading and possibly canceling the Committee of the Whole.

The motion to discharge Ordinance 22-20 from the Committee of the Whole received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to discharge Ordinance 22-20 [9:16pm]

Marc Haggerty spoke about the basketball courts and bathrooms at Switchyard park. He also discussed shootings in the city.

ADDITIONAL PUBLIC COMMENT [9:17pm]

Volan moved and it was seconded to cancel the Committee of the Whole on July 27, 2022 at 6:30pm. The motion received a roll call vote Ayes: 8 (Rosenbarger, absent), Nays: 0, Abstain: 0.

COUNCIL SCHEDULE [9:20pm]

Vote to cancel Committee of the Whole [9:21pm]

Lucas reviewed the upcoming council schedule.

McDowell noted a potential correction to the appointment of James Simon to the Commission on the Status of Black Males. Lucas explained the options.

Smith moved and it was seconded to retract the appointment of James Simon to seat C-2 on the Commission on the Status of Black Males. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to retract appointment [9:24pm]

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

ADJOURNMENT [9:27pm]

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

Resolutions 23-11 & 23-12

Additional materials related to Resolutions 23-11 and 23-12 may be forthcoming in a Packet Addendum.