

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, April 19, 2023 at 6:30pm, Council President Sue Sgambelluri presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 19, 2023

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

ROLL CALL [6:30pm]

Councilmembers present via Zoom: none

Councilmembers absent: none

Council President Sue Sgambelluri gave a land and labor acknowledgement and summarized the agenda.

AGENDA SUMMATION
[6:30pm]

Rollo moved and it was seconded to approve the minutes of April 27, 2022. The motion was approved by a voice vote.

APPROVAL OF
MINUTES [6:33pm]
• April 27, 2022
(Special Session)

Volan urged the public to vote.

REPORTS [6:33pm]
• COUNCIL MEMBERS

Sims asked why the Community Justice Response Committee (CJRC) was disbanded by county commissioners. He noted poll workers were needed. He thanked Piedmont-Smith for her support for the two Black representatives from Tennessee, Justin Jones and Justin Pearson, who were expelled and then reinstated. He spoke about the questionnaire sent by Black Lives Matter B-Town and said that four councilmembers had not responded. He spoke about support for the Black community and antiracist policies in the city.

Piedmont-Smith reported on the study regarding an anaerobic digester to create energy, and discussed the wastewater treatment plants. She noted the conclusions and findings. The proposal was possible and a benefit to the city.

Sandberg discussed the current grant cycle of the Jack Hopkins Social Services Fund (JHSSF) and its applicants.

Rosenbarger spoke about David Howard's recent passing, and the work he had done in the community. She noted his businesses, his efforts with dense housing, and his passions in the city.

Flaherty also noted David Howard's passing. He mentioned his upcoming constituent meeting, as well as Earth Day events. He appreciated Piedmont-Smith's report. He explained how anaerobic digestion of carbon gases worked.

Sgambelluri noted the good work done during the recent neighborhood cleanup in Fritz Terrace.

Alex Crowley, Director, Economic and Sustainable Development (ESD) department, discussed the upcoming events for Earth Day. He acknowledged efforts by Bloomington High School South (BHSS) students in creating white paint that reduced heat, with a project called "Samsung Solve for Tomorrow." He spoke of tax abatements and entities' adherence to agreements and goals. He summarized Hoosier Energy's submission, timeline, and concerns. He said that the required form was submitted early by Hoosier Energy, thus initiating the forty-five day timeline. He noted that Hoosier Energy had been exceeding beyond the requirements.

• The MAYOR AND
CITY OFFICES
[6:53pm]

Piedmont-Smith asked if Hoosier Energy produced energy. Crowley believed so and would follow up.

Council questions:

Smith asked about the jobs included in the tax abatement.

Crowley said the required jobs totaled one hundred and sixteen, but had grown to one hundred and forty five jobs. The capital investment was also exceeded by \$800,000.

- The MAYOR AND CITY OFFICES (cont'd)

Council questions:

Flaherty noted that Hoosier Energy was a generation and transmission cooperative and was composed of distribution cooperatives that supplied power.

Volan asked when the forty five day timeline began.

Crowley said it was when council received the CF-1.

Stephen Lucas, Council Attorney, explained the process and that the CF-1 from Hoosier Energy was filed early and sent directly to council.

There were no reports from council committees.

- COUNCIL COMMITTEES [7:03pm]

Sean Hall, Salt Creek Township board member, spoke about the city's housing affordability crisis and its effect on the township. He acknowledged Missoula, Montana's efforts to address housing crises in its city.

- PUBLIC [7:03pm]

Jim Shelton discussed the Court Appointed Special Advocates (CASA) and upcoming training. He explained what CASAs were responsible for.

Deborah Myerson asked council to refer to affordable housing goals in the Comprehensive Plan and urged council to take action.

Flaherty moved and it was seconded to appoint Carolyn Leinenbach to seat C-7, and Tyler Shaffer to seat C-9, on the Community Advisory on Public Safety Commission. The motion was approved by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:17pm]

LEGISLATION FOR SECOND READING AND RESOLUTIONS [7:18pm]

Rollo moved and it was seconded that Ordinance 23-04 be introduced and read by title and synopsis only. The motion was approved by a voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

Ordinance 23-04 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20 [7:18pm]

Rollo moved and it was seconded that Ordinance 23-04 be adopted.

Jackie Scanlan, Development Services Manager, Planning and Transportation (PT) staff summarized the legislation including correction of errors, terminology, and missing text in the Unified Development Ordinance (UDO).

Piedmont-Smith asked about a deleted item.

Council questions:

Scanlan stated that was in reference to another ordinance to be considered in legislation later that evening.

There was no public comment.

Public comment:

There were no council comments.

Council comments:

The motion to adopt Ordinance 23-04 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 23-04 [7:30pm]

Rollo moved and it was seconded that Ordinance 23-05 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 23-05 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.03; 20.05; And 20.07 [7:30pm]

Rollo moved and it was seconded that Ordinance 23-05 be adopted.

Scanlan explained the proposed changes relating to use regulations, subdivision standards, and definitions and provided examples.

Council questions:

Volan asked for clarification on the removal of language concerning fraternities and sororities.

Scanlan believed it was related to recent litigation and clarified the reason for striking the language pertaining to uses. She referenced proposed law that allowed fraternities and sororities to show affiliation to a national organization, when not affiliated to Indiana University (IU).

Piedmont-Smith asked about compliance with the requirement for gas stations to offer alternative fuel at 50% of their pumps.

Scanlan clarified that the requirement had only been in Mixed-Use Employment (ME) districts. The proposed change would include all gas stations in all districts.

Volan asked who determined that land had a 1% chance or more for flooding.

Eric Greulich, Senior Zoning Planner, PT, stated that the language was given to the city by the Department of Natural Resources (DNR).

Volan asked where it was listed in the Bloomington Municipal Code (BMC). If it was not there, he would like it to be added.

Greulich explained that it was just adopting state policy.

There was no public comment.

Public comment:

Volan asked about the process for amending the language for flood plains.

Council comments:

Lucas explained that it needed to be in writing and would then be returned to the Plan Commission, which triggered a forty-five day window to accept or reject the amendment.

Scanlan clarified that Ordinance 23-05 updated the flood plain language only. She said that it was new language from the state.

Scott Robinson, Director, PT, said staff would be happy to address his concerns in a future amendment. The current proposed change had a timeline to abide by.

The motion to adopt Ordinance 23-05 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Ordinance 23-05 [7:54pm]

Rollo moved and it was seconded that Ordinance 23-06 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 23-06 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.04 [7:54pm]

Rollo moved and it was seconded that Ordinance 23-06 be adopted.

Scanlan presented the proposed updates relating to design requirements for uses in the UDO.

Council questions:

Piedmont-Smith asked about revisions to architectural standards requiring that 30% of the façade be transparent glass.

Scanlan responded that the change was 50% for nonresidential and 30% for residential.

Piedmont-Smith asked if the city could require something interesting be placed in the glass façade, given that the purpose was to increase pedestrian interest.

Ordinance 23-06
(cont'd)

Scanlan said that there were restrictions, like not allowing parking in front, in an effort to encourage the spaces be of public interest.

Council questions:

Rollo asked about the requirement for native plants, and how long they were required to be maintained, and how staff monitored that.

Scanlan said it was in perpetuity, and that currently, there was not enough staff to monitor. It was typically an enforcement situation.

Rollo was aware of developments that were native, but would be changed at a later date. He asked what the penalty was.

Scanlan said yes, and a notice of violation would be issued prior to a fine.

Volan asked about the difference between canopy and crown. He asked what ground-mounted mechanical equipment was.

Scanlan believed the difference was that crown referred to one tree. An example of the mechanical equipment was a utility box.

Greulich gave examples of types of equipment and explained that there were additional examples in the table listed in code.

Volan noted businesses with drive throughs and asked whether they were allowed to serve pedestrians or could be required to do so.

Scanlan stated there was nothing in code addressing that and did not believe that was under the purview of Title 20. She believed the only way to address that was to require pedestrian walk-up windows.

Greg Alexander said that businesses that did not allow walk-up were a big problem.

Public comment:

Piedmont-Smith requested that the word "gauge" be corrected.

Lucas explained that it could be treated as a scrivener's error.

Council comments:

Volan reiterated that it should not be allowed that a business can close its doors to pedestrians but not to cars.

Flaherty thanked staff for their work, and appreciated the change with respect to alleys that made sidewalks safer for pedestrians.

Rollo supported the landscaping requirement changes but felt there needed to be more code enforcement to have meaningful impact.

The motion to adopt Ordinance 23-06 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt
Ordinance 23-06
[8:44pm]

Rollo moved and it was seconded that Ordinance 23-07 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 23-07 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.06 [8:44pm]

Rollo moved and it was seconded that Ordinance 23-07 be adopted.

Scanlan summarized the legislation including amendments relating to processes and procedures in the UDO.

Piedmont-Smith asked for clarification on pedestrian facilities.

Council questions:

Scanlan gave an example of small-scale updates to their site which they did not own and did not meet cross-slope. It was determined that the requirement was overly complicated for that site, which caused staff to reconsider it.

Sgambelluri asked what conditions were contemplated for requiring a new petition for minor changes.

Greulich explained the approval process, and gave examples, as well as minor and inconsequential changes that would require new approvals.

There was no public comment.

There were no council comments.

The motion to adopt Ordinance 23-07 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Rollo moved and it was seconded that Ordinance 23-08 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sgambelluri referred Ordinance 23-08 to the Regular Session to meet on May 03, 2023.

Rollo moved and it was seconded that Ordinance 23-09 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sgambelluri referred Ordinance 23-09 to the Regular Session to meet on May 03, 2023.

Greg Alexander noted a connectivity problem on the north side of the city.

Lucas reviewed the upcoming council and committee schedule.

Rollo moved and it was seconded to move the Budget Advance meeting on April 25, 2023 to the McCloskey conference room. The motion was approved by voice vote.

Sgambelluri adjourned the meeting with no objections.

Ordinance 23-07
(cont'd)

Public comment:

Council comments:

Vote to adopt
Ordinance 23-07
[9:04pm]

LEGISLATION FOR
FIRST READING
[9:05pm]

Ordinance 23-08 - To Amend the Traffic Calming and Greenways Program Incorporated By Reference Into Title 15 ("Vehicles and Traffic") of the Bloomington Municipal Code – Re: Amending the Traffic Calming and Greenways Program Incorporated by Reference into Bloomington Municipal Code Section 15.26.020 [9:05pm]

Ordinance 23-09 - To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" Re: the Creation of a Joint City-County Human Rights Commission [9:06pm]

ADDITIONAL PUBLIC COMMENT [9:06pm]

COUNCIL SCHEDULE [9:11pm]

Vote to move Budget Advance meeting [9:13pm]

ADJOURNMENT [9:14pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ___ day of _____, 2024.

APPROVE:

ATTEST:

Isabel Piedmont-Smith, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

FOR APPROVAL