

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, April 17, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 17, 2024

Councilmembers present: Isak Nti Asare, Courtney Daily, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Hopi Stosberg, Sydney Zulich
Councilmembers present via Zoom: Andy Ruff
Councilmembers absent: Matt Flaherty

ROLL CALL [6:31pm]

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION [6:32pm]

Stosberg moved and Zulich seconded to suspend the rules to consider the minutes for approval. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Ruff unable to connect to audio)

APPROVAL OF MINUTES [6:37pm]

Stosberg moved and Rollo seconded to approve the minutes of September 24, 2003, October 15, 2003, November 15, 2023, and December 06, 2023. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0. (Ruff unable to connect to audio)

September 24, 2003 (Regular Session)
October 15, 2003 (Regular Session)
November 15, 2023 (Regular Session)
December 06, 2023 (Regular Session)

Rosenbarger spoke about participatory politics, housing crisis, and public comment at council meetings, and noted an upcoming work session to discuss public comment. She read a brief excerpt from a book titled, "Neighborhood Defenders," and commented on inequities like who could be able to attend council and city meetings.

REPORTS

- COUNCIL MEMBERS [6:37pm]

Asare noted the upcoming town hall including himself, Mayor Kerry Thomson, County Councilor Jennifer Crossley, and State Senator Shelli Yoder at the public library.

Stosberg mentioned her upcoming constituent meeting, and spoke about Earth Day on Monday, April 20 and city events.

Zulich discussed the upcoming grieving session for those impacted by hateful comments from a previous meeting. The meeting would be cohosted by Zulich and Daily. She read a poem submitted by Antonia Matthew who reads a poem every year for National Poetry Month. She wished everyone a happy and safe Little 500.

Rollo mentioned his and Ruff's upcoming constituent meeting. He spoke about former president George W. Bush's administration's unconstitutional surveillance of citizens, going against the Foreign Intelligence Surveillance Act (FISA). Spying had been legalized in 2008 and was up for renewal. An amendment requiring a warrant had failed. He urged the public to contact their state senators.

Piedmont-Smith had attended the Hoosier Hills Food Bank (HHFB) annual meeting which honored hunger action heroes. HHFB covered a six county area and had distributed 5,252,683 pounds of food. She highlighted volunteers' work. She noted her participation in the Bill of Rights Defense Committee and concurred with Rollo's concerns regarding FISA. She spoke about the Indiana University graduate student workers' strike, and Resolution 22-10 in support of the Indiana Graduate Worker's Coalition/United Electrical Workers.

There were no reports from the mayor or city offices.

- The MAYOR AND CITY OFFICES [6:52pm]

There were no reports from council committees.

- COUNCIL COMMITTEES [6:52pm]

Cindy Kinnarny spoke about local businesses, the impact of the Covid-19 pandemic, and in favor of the Convention Center expansion.

- PUBLIC [6:53pm]

Galen Cassady commented on running a local business in downtown Bloomington and praised the Convention Center expansion. He reminded council that restaurants provided the revenue for the Food and Beverage (FAB) tax.

Jordan Davis, Chocolate Moose, noted the importance of expanding the Convention Center, specifically because that was the intended use of the FAB tax.

Michael Fox, owner of Lennie's restaurant, supported the expansion of the Convention Center and provided reasons.

Bob Costello, owner of multiple businesses, commented in support of the Convention Center expansion and gave reasons.

Ron Stanhouse, owner of Crazy Horse, Upstairs Pub, and Alley Bar, spoke in favor of the Convention Center expansion.

Stephen Lucas, Council Attorney, read a comment submitted via Zoom chat from Sam Dove regarding the upcoming second annual Bike to Earth Day event at Switchyard Park.

Matt Seddon spoke in favor of the Convention Center expansion and its associated hospitality.

Michael Klinge, Orbit Room owner, favored the Convention Center expansion and gave reasons in support.

Sue Aquila, Bloomington Bagel Company owner and member of the Trades District Advisory Board, commented on the lack of space for conventions, and in support of the Convention Center expansion.

Daily moved and Rollo seconded to appoint Patty Moon to seat C-3 on the Commission on the Status of Women, and to appoint Bryan Woerner to seat C-1 on the Traffic Commission.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:16pm]

Zulich moved and Rollo seconded to appoint Stephen Volan to seat C-1, and Jackson Murphy to seat C-5, on the Parking Commission.

The motions received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

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

Stosberg moved and Rollo seconded that Resolution 2024-04 be introduced and read by title and synopsis only. Piedmont-Smith mentioned that the legislation had been vetoed by Mayor Thomson. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Resolution 2024-04 - A Resolution Opposing the LEAP Pipeline Water Diversion Project [7:18pm]

Stosberg moved and Rollo seconded that Resolution 2024-04 be adopted.

Resolution 2024-04 (cont'd)

Piedmont-Smith limited the consideration for Resolution 2024-04 to thirty minutes. There would not be a period for public comment.

Asare moved to limit presentation and debate on Resolution 2024-04. There was no second for the motion.

Motion to limit presentation and debate

Ruff presented Resolution 2024-04 and highlighted concerns with the proposed project, prompting the legislation.

Rollo added additional concerns including cost, environmental reasons, and effects to residents across Indiana.

There were no council questions.

Council questions:

Ruff hoped that councilmembers that had abstained in the previous vote had time to reconsider the proposed project. He hoped that the issue rose to the threshold level to earn their yes vote that evening.

Council comments:

The motion to adopt Resolution 2024-04 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Rosenbarger). Piedmont-Smith noted that the vote overrode the veto from Mayor Thomson.

Vote to adopt Resolution 2024-04 [7:31pm]

Stosberg moved and Rollo seconded that the Common Council adopt the following procedure for consideration of the proposed Ordinance 2024-07:

Ordinance 2024-07 – To Amend the City of Bloomington Zoning Maps by Rezoning a 138.51 Acre Property from Planned Unit Development (PUD) and Residential Medium Lot (R2) to Planned Unit Development (PUD) and to Approve a District Ordinance and Preliminary Plan - Re: S. Weimer Road (Sudbury Partners LLC, Petitioner) [7:31pm]

1. The Council will consider Ordinance 2024-07 over multiple meetings. The Council introduced the ordinance and held a first reading on April 10, 2024. The Council will hold a second reading tonight, April 17, 2024, when it will discuss the item for the first time. The Council will hold a third reading on May 1, 2024, when it will begin consideration of any reasonable conditions, hold additional discussion, and decide whether subsequent readings are necessary. If prepared to do so, the Council may also take final action on May 1, 2024.

2. The order of business for April 17 will be as follows:

Order of Business Time Limit

- staff presentation and petitioner statement; 90 minutes total
- Common Council questions; 30 minutes total. The chair will ask each member in turn to ask questions, and each member will have 3.5 minutes for question(s) and answer(s). (Recognizing that one CM is absent)
- public comment; Up to 3 minutes per speaker

Piedmont-Smith asked if Stosberg also wished to limit council comments.

Council questions:

Stosberg stated that because there would be a third reading, there would be no council comment period.

The motion to structure deliberations received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to structure debate [7:32pm]

Stosberg moved and Rollo seconded that Ordinance 2024-07 be introduced and read by title and synopsis only. The motion was approved by a roll call vote of Ayes: 7, Nays: 0, Abstain: 0

(Rosenbarger out of the room). Bolden read the legislation by title and synopsis.

Ordinance 2024-07 (cont'd)

Stosberg moved and Rollo seconded to adopt Ordinance 2024-07.

Jackie Scanlan, Development Services Manager in the Planning and Transportation department, presented the legislation. She described the property, surrounding area, site information, zoning, Planned Unit Developments (PUD), and the rezoning process. The petitioner proposed five neighborhoods, new rights of way, four thousand two hundred and fifty units, a trailhead, land for a fire station, and commercial uses, all over ten years. There would be environmental protections as well. The petitioner was required to subdivide and build roads, as listed in the Transportation Plan. There would be a Sudbury Drive and Adams Street extension with a southern connection to Weimer Road. She gave more details on the roads. Scanlan gave brief details on the mobility map, trail and bicycle infrastructure map, and open spaces. She explained the proposed zoning designations and map of the PUD including allowed uses. She gave examples of height maximums with and without incentives. The proposal included Arbor Ridge transition areas. She described building floor plate size by designation. She provided details on the environmental protections including if additional environmentally sensitive areas or karsts were found during development, then the developers would have to adjust accordingly. An effort would be made to address flooding concerns and tree preservation. There was conditional approval based on phases of construction and the goal of having public benefit up front with built in requirements for the developer. There would be stop gaps for each expansion of development with checks to ensure that conditions were being met. Scanlan provided additional information pertaining to the Comprehensive Plan and summarized incentives used by the developer. Public benefits included additional housing near existing infrastructure, fire station land, roadway connectivity, off-site roadway improvements, train connectivity, trailhead land, workforce and affordable housing, and sustainable development practices. She explained the recommendations from the Plan Commission.

Angela Parker, Entitlements Counsel for petitioner, introduced the team working on the proposal. She thanked the Planning department, Scanlan, Eric Gruelich, and former director Scott Robinson. She gave a brief history of the project, neighborhood meetings, and letters of support. She said that more housing was needed in the city. She described the vision of the project.

Travis Vencel, Sullivan Development, thanked everyone for their work on the project. He referenced some concerns from the community including flooding, traffic, environmental, building heights, number of units, and affordable housing, and how those concerns would be addressed during construction.

Rollo thanked everyone. He said the proposed development was the largest one he had seen and it would be about the size of Ellettsville going into the area. The property was one of the last developable areas in the city. He asked about the percentages of homeowner-occupied versus apartment rentals.

Council questions:

Scanlan said it depended on the zone and its allowed uses and gave examples.

Rollo asked if it was correct that roughly one quarter of the housing could be homeowner-occupied.

Vencel stated that potentially all the units could be homeowner-occupied. It was illegal in Indiana to legislate ownership.

Ordinance 2024-07 (cont'd)

Council questions:

Rosenbarger concurred that home ownership could not be legislated but that council had the option to vote against the PUD if there were not adequate homeowner-occupied units proposed. She asked if the multifamily units would be isolated to certain areas.

Scanlan said they would be in two areas.

Rosenbarger asked if there would be gas units or only electric.

Scanlan believed all units would be electric.

Vencel said the dwellings would be electric, and the project was using a Duke approved program that would assist developers with electricity. Some commercial uses would still use gas perhaps.

Rosenbarger asked for clarification on the parking lots.

Vencel explained that there would be parking lots, and perhaps later a parking garage, and would be open to those who lived or worked in the area.

Rosenbarger asked if parking would be separate from rent.

Vencel stated that it would vary project to project.

Stosberg commented on building heights with taller structures primarily being student housing. She asked if larger student housing buildings would be built.

Vencel stated that it was not a specific allowed use. Building small and dense housing helped with having \$700/bedroom per month rental. The only way to achieve that was to build up, which was why the incentives allowed for additional stories.

Stosberg asked if Sullivan Development intended to build those types of buildings.

Vencel said yes, but not all of them.

Asare thanked staff and petitioners for their work. He asked about any innovations in the proposal.

Vencel said there was an opportunity to build dense housing, easing the needs of the community. Road connectivity was also unique to the proposal. Other benefits included having all electric housing, and addressing stormwater in inventive, new ways.

Asare asked if the area could potentially be a historically protected area in fifty or one hundred years, and if so how that was being done in conjunction with Bloomington's character.

Vencel hoped it would be. He noted there would be two miles of roads with sidewalk, tree plots, barriers, dedicated bike land, and multiuse paths.

Daily appreciated Scanlan's presentation. She asked when the traffic impact analysis could be finalized.

Vencel said the analysis was done, but Engineering asked for a sensitivity analysis which was supposed to be done that week.

Scanlan clarified that a review of all documents would hopefully be done that week.

Zulich asked about walkability and access to a grocery store.

Vencel said grocery stores were an allowed use.

Scanlan clarified allowed uses, and noted that grocery stores were included. However, putting one there could not be legislated.

Piedmont-Smith referenced the Environmental Commission memo that expressed concerns about the parks and open space areas.

Scanlan said the parks and open space areas were not open to the public, like a city park. They were environmentally constrained so had specific designations and would not be a developable area.

Piedmont-Smith asked for clarification on yard-scaping and buffer yards.

Scanlan believed there would be no buffer yards.

Vencel said buffer yards were typically used between residential and commercial. In a PUD, they were not necessary.

Ordinance 2024-07 (cont'd)

Council questions:

Jen Pearl, Bloomington Economic Development Corporation (BEDC), spoke in support of the proposal.

Public comment:

Jon Scott expressed concerns with the density, traffic, building heights, and spoke against the proposed development.

Jami Sholl discussed her concerns with the proposal including homeownership, deer, bus stops, and more.

Randy Craw was concerned about the density of the project and the loss of greenspace.

Ted Frick thanked Scanlan and the petitioner for addressing the concerns of the current neighbors. He noted the importance of finishing the traffic impact study.

Christopher Emge, Greater Bloomington Chamber of Commerce, spoke in support of the proposed development.

Wendy Bricht commented on housing types and affordability.

Rachel Noble spoke about flooding and the city's responsibility should the project move forward.

Greg Alexander spoke in favor of the project and noted its proximity to the downtown and Indiana University.

Melvin Williams commented against the pollution the density would bring. He urged council to view the land.

Steven Shott gave reasons against the proposal.

Randy Cassady discussed building height, density, road connectivity, and water containment.

There were no council comments.

Council comments:

There was no legislation for first reading.

LEGISLATION FOR FIRST READING [9:46pm]

Jen Pearl spoke about the BEDC's new resource pertaining to jobs and highlighted some key points.

ADDITIONAL PUBLIC COMMENT [9:46pm]

Christopher Emge mentioned the upcoming luncheon that would honor the community's five police departments and dispatch.

Lucas reviewed the upcoming council schedule.

COUNCIL SCHEDULE [9:50pm]

Piedmont-Smith moved and Zulich seconded to hold a Council Work Session on April 30, 2024. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to schedule work session [9:52pm]

There was brief discussion on the purpose of the upcoming budget advance meeting.

Piedmont-Smith adjourned the meeting.

ADJOURNMENT [9:55pm]

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