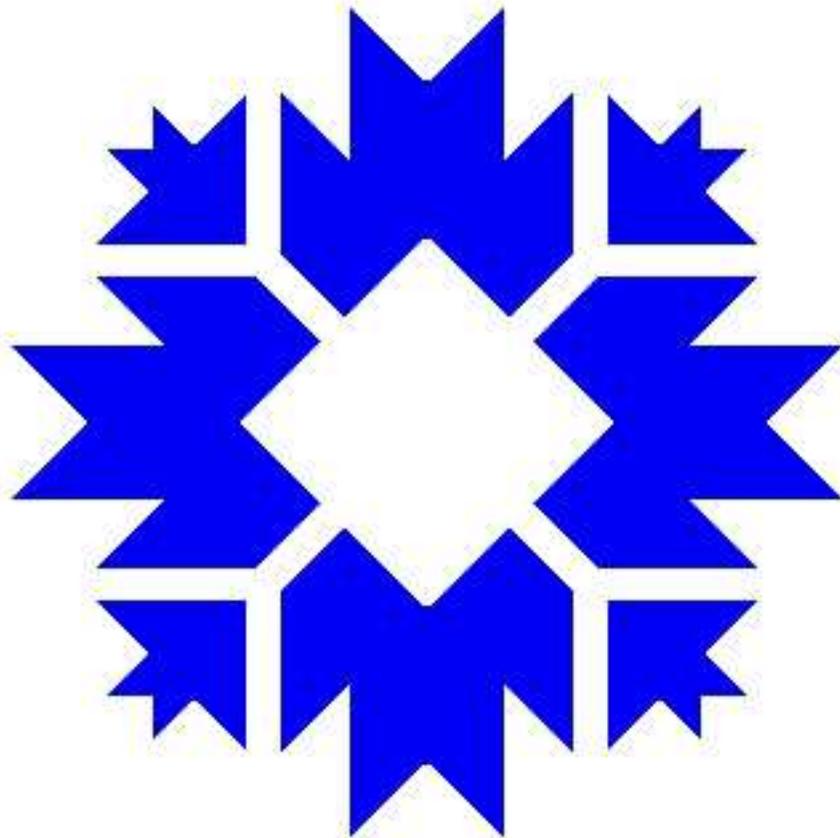


# **Board of Public Works Meeting**

**March 25, 2014**



**AGENDA**  
**BOARD OF PUBLIC WORKS**  
(This Meeting May be Televised)

**A Regular Meeting of the Board of Public Work to be Held Tuesday, March 25, 2014 at 5:30 p.m., in the City Council Chambers of City Hall at Showers, 401 N. Morton Street, Bloomington, Indiana.**

- I. MESSAGES FROM BOARD MEMBERS**
- II. APPROVAL OF MINUTES – March 11, 2014**
- III. PETITIONS & REMONSTRANCES**
- IV. TITLE VI ENFORCEMENT**
- V. HEARINGS FOR NOISE APPEAL**
  - 1. Appeal of Noise Ordinance Citation #32287 at 321 N. Washington Street**
  - 2. Appeal of Noise Ordinance Citation #31663-31667 at 1201 N. Woodburn Avenue**
- VI. OLD BUSINESS**
  - 1. Revised Resolution 2014-11: Correct Date to Close Municipal Lot #5 for Hot Rod and Classic Car Show (Sunday, 6/1)**
- VII. NEW BUSINESS**
  - 1. Request Permission to Obtain Bids to Seal and Repair Unsafe Structure at 1506 N. Kinser Pike**
  - 2. Request to Use Public Right of Way During Construction at 531 N. College Avenue**
  - 3. Resolution 2014-17: Request to Encroach into Public Right of Way with Public Improvements at 531 N. College Avenue**
  - 4. Resolution 2014-18: Request to Use Public Streets for IU Habitat for Humanity 5K Run (Saturday, 3/29)**
  - 5. Request for Additional Noise Permit for Parks and Recreation 2014 Performing Arts Series (Friday, 8/15)**
- VIII. STAFF REPORTS & OTHER BUSINESS**
- IX. APPROVAL OF CLAIMS**
- X. ADJOURNMENT**

The Board of Public Works meeting was held on Tuesday, March 11, 2014 at 5:30 p.m. in the Council Chambers of City Hall at Showers, 401 N. Morton Street, Bloomington, Indiana with Charlotte Zietlow presiding.

**REGULAR MEETING  
OF THE BOARD OF  
PUBLIC WORKS**

Present: Charlotte Zietlow  
James McNamara

**ROLL CALL**

City Staff: Susie Johnson - Public Works Director  
Rick Alexander – Engineering  
Miah Michaelson - ESD  
Jackie Moore – City Legal  
Chris Smith – Public Works  
Laurel Waters – Public Works

Zietlow wished people well, it is 72 degrees, and by tomorrow there may be ice.

**MESSAGES FROM  
BOARD MEMBERS**

McNamara moved to approve the minutes from February 25, 2014. Zietlow seconded the motion. The motion passed. Minutes from February 25, 2014 approved as submitted. Minutes passed as submitted.

**APPROVAL OF  
MINUTES**

None

**PETITIONS &  
REMONSTRANCES**

None

**TITLE VI  
ENFORCEMENT**

None

**HEARINGS FOR SNOW  
APPEALS**

None

**HEARINGS FOR NOISE  
APPEALS**

None

**OLD BUSINESS**

**NEW BUSINESS**

Alexander explained in February 2012 the Board approved the University's request for the use of right of way adjacent to the Kelly School of Business for a period of two years. This was necessary to facilitate the expansion of the School. The original approval will expire on May 7, 2014. Due to unforeseen delays in construction the University requested the Board grant an extension of time to expire no later than July 31, 2014. Due to the tight configuration of the site

**Request for Extension of  
Time from Indiana  
University to Close a  
Portion of N. Fee Lane  
for the Kelley School of  
Business Expansion  
Project**

with respect to the necessary staging requirements of the project, and that the plan takes into consideration the public safety, staff recommended approval.

Alexander continued and stated the University has been very cooperative and has assured staff that by the end of the use period the right of way will be restored and reopened to the public. At that time the construction staging will be shifted to the north side of the building. Alexander stated both Jason Banach and Bob Richardson are present.

Zietlow stated she would like to have an update on this project.

Jason Banach, Director of Real Estate, introduced himself. Jason clarified that this delay was due to construction project delays is not entirely accurate. He stated he had to ask his predecessor, Mr. Lynn Coyne, for some background about this project. Banach stated at the time of the original request in 2012 the University was not entirely sure of the construction timeline. At that time two years was asked for which would take the project through May 7, 2014. The request now asked for an extension through July 31, 2014. Jason Banach wanted it to be clear this request was not necessarily tied to delays in construction. The University is now confident this will be finished by July 31, 2014.

Charlotte asked Mr. Richardson if he had anything to add, and commented this is a very fancy cathedral type building.

Bob Richardson, Senior Architect with Indiana University, stated the addition will be done this summer and is progressing quite well. The building is in the manor of Collegiate Gothic. A new project will begin soon, which is the renovation of the existing Kelley School which dates from the 1960's. This will be a total remodel and will happen after this project is complete. That project will last another 2 1/2 years, but will not affect the street at all, but will be staged from the rear parking area. Richardson added the University will be paving the entire section of street, both lanes when they are finished with the current closure.

Zietlow stated this has also been the extension into the right of way on 10th Street. Richardson stated there is a jersey barrier along there with a sidewalk. That will be gone when finished with a low stone wall and new landscaping with trees and new lighting. The lighting will tie into what was started on the rest of 10th Street by Woodlawn Field.

McNamara made a motion that the request for extension of time from Indiana University to close a portion of N. Fee Lane for the Kelley

School of Business Expansion Project be approved until and through July 31, 2014. Zietlow stated she hoped the Board would be invited to the ribbon cutting. Zietlow seconded the motion. Motion passed. Right of Way will remain closed until July 31, 2014.

Alexander stated Strauser Construction is Petitioner. The owner of the property is John Halluska who was present as well as Ryan Strauser of Strauser Construction. Alexander stated Strauser was spelled incorrectly in the original MOU but that has been corrected in the Memorandum of Understanding (MOU).

**Request to Use Public  
Right of Way During  
Construction of 117 E.  
6th Street**

Alexander explained this property is on the north west corner of 6th & Washington, a block east of the square. Strauser Construction has been chosen to construct this new multi-use building at the northeast corner which currently is a very small parking lot. There is no parking in front on 6th Street. Due to the access on Washington, there is only one parking space that adjoins the lot. The petitioner requested to use the adjoining right of way during construction. They anticipate this building being completed in August. Sixth Street is one way east, and very wide at the intersection. Washington is one way south. There is room available and using the space will not displace anyone, other than the one parking space on Washington. Strauser Construction will need to block the sidewalk and parking lane. The owner has agreed to pay for the one parking space during construction. Once the project is complete there will be enough space along 6th Street to include some additional parking spaces.

Alexander stated City staff has prepared a Memorandum of Understanding and Hold Harmless Agreement to allow the use of the space through mid-August. Alexander added, as a condition of approval, any areas of right of way used for construction would have to be resurfaced and any pavement markings re-installed. The City crews will install the [Parking] meters at the appropriate locations after the construction. Staff recommended approval of the use of the right of way during construction.

Zietlow wanted to confirm whether it was the north east or north west corner. Alexander corrected himself and stated it was the north west corner of 6th & Washington. Zietlow asked if this included a building there.

Ryan Strauser, with Strauser Construction. Strauser stated the building directly to the north is also owned by John Halluska so the new building will be going up right next to it. One of the tenants in the building right now, Wells Fargo, will be coming over and occupying this new building as well.

Zietlow asked if this would be a multi-story building built in the parking lot. Strauser stated it is a two-story with the first level being retail/office, and the upper level being an apartment.

Zietlow asked if the request was for 6th Street. Alexander stated they would like to close and encompass the area on 6th Street and a section of Washington, as well as the sidewalk.

McNamara stated his question was more a post project question, but would the diagonals [parking] go down to Washington. Alexander stated that is correct. They have been asked to include a bump-out on the corner and then fill in up to that point with additional parking spaces. There was a little more discussion of the parking layout and change to the flow of traffic.

McNamara also wondered if there had been any discussion about stop signs at the location, as it is one of the last intersection in the area without one. Alexander stated the pavement markings have changed on 6th Street to incorporate both the straight and right turn to encourage people to funnel into one lane. During the review Alexander stated he noticed a lot of people do stop at that intersection. McNamara says he has not heard of anyone asking for a stop sign, but was curious. Zietlow wondered if there had been many accidents at the location. Alexander stated he didn't think there had been accidents, the visibility is good.

John Halluska introduced himself as the owner of the property. He stated there would be eight (8) new metered spots created by this project. He asked if it would be possible for him to receive some relief on the rent of the one spot that will be taken during the project. McNamara thought this would be more an executive branch decision than something this Board would get involved in.

Jackie Moore, City Legal, introduced herself. She stated City Ordinance which she believed was 20-13-3 changed this basically for contractor construction permits, they are required to pay the rental rate for the hours the meter is in use. That is the ordinance that was passed. it would be expected it would be upheld. The hours would be from 8:00 a.m. until 10:00 p.m., six (6) days a week.

Zietlow explained to Mr. Halluska the Board cannot change the Ordinance.

McNamara made a motion to approve the Request to use Public Right of Way during construction at 117 E. 6th Street. Zietlow seconded the motion. The motion passed.

Zietlow asked when they anticipated the project to be finished.

Strauser stated August 14, 2014.

Alexander stated the Petitioner is Starbucks, owner is George Breeden of Moravec Realty, LLC. Starbucks is the tenant at 110 S. Indiana which is on the westside of Indiana between Kirkwood and 4th Street. The Petitioner is requesting to install a wall mounted sign on the outside of the building. The sign is 2 ft x 4 inches. It will extend out over the right of way by approximately 3 feet. The sign will be at least 8 feet above the walkway grade. This is the typical green and white Starbucks logo. The building owner has given permission to Starbucks for the installation of the sign. An Encroachment and Hold Harmless Agreement has been prepared to allow the installation. The sign is typical of what other establishments in the area have on display. Staff recommended approval with the condition that the Agreement be fully executed prior to the installation, and the appropriate sign permit be authorized by the Planning Department.

**Resolution 2014-12:**  
**Request to Encroach into**  
**Public Right of Way with**  
**Sign at 110 S. Indiana**  
**Avenue**

Zietlow asked if there were any questions from the Planning Department approving the sign. Alexander stated they have applied for the permit and Planning has come to Engineering staff to complete the process so they can authorize the sign.

McNamara stated he really likes blade signs. He feels they are more pedestrian friendly. Zietlow added they are attractive.

McNamara made a motion for Resolution 2014-12, the Request to Encroach into Public Right of Way with Sign at 110 S. Indiana Avenue. Zietlow seconded the motion. Motion passed. Resolution 2014-12 approved.

Alexander stated the Petitioner is First Technology Institute. Sergei Ananyan is the owner of this property. In preparation for a new signal on West Bloomfield Road the City has been buying right of way. First Technology Institute at 1600 West Bloomfield Road has an existing landscape/sprinkler system in place. Part of that system in the property the City has purchased. The owner would prefer that the system remain in place, and as a condition of selling the property to the City, the owner has requested that the sprinkler system be allowed to remain. A Hold Harmless Agreement and Encroachment Agreement have been prepared to allow the sprinkler system to remain. City Legal has helped with that Agreement. The owner has signed the Agreement. Staff recommended approval.

**Resolution 2014-13:**  
**Request to Encroach into**  
**Public Right of Way with**  
**Sprinkler System at 1600**  
**W. Bloomfield Road**

Zietlow asked if the city purchased the property for a future project. Alexander stated the was correct and the hope is to extend the side path down to the Twin Lakes Recreation Center. Zietlow asked if the sprinkler system will be in the way. Alexander felt it should not be

in the way.

McNamara stated this was the signal at 2nd & Weimer. McNamara asked if the sprinkler is for the surrounding lands. Alexander stated it was for the surrounding landscape. McNamara asked if that would remain with the property owner. Alexander stated the land is being bought. Alexander stated the sprinkler is on land the City is buying but Mr. Ananyan, however, has agreed and will continue to take care of the adjoining right of way. Zietlow and McNamara were pleased with this agreement.

McNamara made a motion to approve Resolution 2014-13: Request to Encroach into the Right of Way with Sprinkler System at 1600 W. Bloomfield Road. Zietlow seconded the motion. The motion passed. Resolution 2014-13 approved.

Miah stated this is the Homebound Walk which is sponsored by the City's Community and Family Resources Department and raises awareness of the homeless in Bloomington. The walkers will start and end at Waldron Hill Buskirk Park. They are requesting to utilize four spaces on Lincoln next to the Park to park a refrigerated truck. The Resolution also includes a Noise Waiver. The Bloomington Police Department has issued a parade permit pending approval by the Board of Public Works. This event has gone on for many years and is a well attended and received event.

**Resolution 2014-14: Use of Public Streets for Homeward Bound 5K Walk (Sunday, 4/13)**

McNamara moved to approve Resolution 2014-14: Use of Public Streets for Homeward Bound 5K walk on April 13, 2014. Zietlow seconded the motion. The motion passed. Use of City Streets, and Noise Waiver approved. Resolution 2014-14 approved.

Miah stated this event has gone on for several years and is sponsored by Bloomingfoods. The event is in the footprint of the Tuesday Farmers' Market, and is an event to celebrate National Bike to Work Day on Friday, May 16. Event organizers are asking for closure of the area from 3:00 p.m. until 10:00 p.m. The event will run from 5:30 to 9:00. There will be live music, announcements, food vendors, and good times. Staff recommended approval.

**Resolution 2014-15: Use of Public Streets for National Bike to Work Day (Friday, 5/16)**

McNamara added Madison is a Festival Street. Zietlow asked why it is at this location. Miah stated because Bloomingfoods is the sponsor of the event and the site is right next door to Bloomingfoods.

Zietlow asked if the Bike Project is still there. Miah believed a small Bike Project annex is still there, but the larger location is over at the Switchyard area.

McNamara made a motion to approve Resolution 2014-15: Use of

Public Streets for National Bike to Work Day on Friday, May 16, 2014. Zietlow seconded the motion. The motion passed. Resolution 2014-15 approved.

Miah stated this event is sponsored by the Magnificent 7 Road Race Series. The race begins and ends in front of Smith Shoe on South Walnut. The streets included in the race will be E. Miller, Henderson, North Drive, E. South Drive, S. Winslow Court, Burberry, Graham, E. Hickory Stick, Moss Creek Circle, Moss Creek Drive, S. Highland, S. Olive, S. Maxwell and Walnut Street.

**Resolution 2014-16: Use of Public Streets for Magnificent 7 Road Race Series (Saturday, 4/5)**

The Mag 7 is a volunteer organization that supports other races by promoting and marketing them. These events encourage participation and physical activity. Bloomington Police have issued a Parade Permit pending Board of Public Works approval. Staff supported the request.

Zietlow asked if this is a foot race. Miah stated it was, and is a 7K.

McNamara made a motion to approve Resolution 2014-16: Use of Public Streets for Magnificent 7 Road Race Series on Saturday, April 5, 2014. Zietlow seconded the motion. Resolution 2014-16 approved. Resolution 2014-16 approved.

Miah stated Pets Alive, a non-profit spay and neuter clinic, is hosting Tails on the Trails 5K from 7:30 a.m. until 1:30 p.m. on the B-Line Trail. As part of this event they are requesting a Noise Permit for recorded music and announcements. The event is a fundraiser for Pets Alive. Pets Alive has received permission from the Parks Department to use the B-line Trail for this event. Staff recommended approval.

**Request for Noise Permit for the Tails on the Trail 5K (Saturday, 3/29)**

Zietlow asked if dogs are included. Miah stated yes they are allowed on the trail, but would need to be on a leash.

McNamara made a motion to approve request for Noise Permit for the Tails on the Trail 5K, Saturday, March 29, 2014. Zietlow seconded the motion. The motion passed. Noise Permit approved.

James Carter and Judith Wendt are hosting a wedding at the Waterfall Shelter in Cascades Park from 8:00 a.m. until 11:00 p.m. on Saturday, April 12th. As part of the event they are requesting a Noise Permit during those hours for amplified music. Staff recommended approval of the request.

**Request for Noise Permit for Carter-Wendt Wedding (Saturday, 4/12)**

McNamara stated there were no real neighbors close by.

McNamara made a motion to approve the request for Noise Permit

for Carter -Wendt Wedding on Saturday, April 12, 2014. Zietlow seconded the motion. The motion passed. Noise Permit approved.

Alexander stated the hotel that the Board gave permission to use the right of way across the street at 9<sup>th</sup> & Morton and 9<sup>th</sup> & College is due to open next week. The are substantially complete now and nearly out of the way. Things should wrap up in the next week.

**STAFF REPORTS &  
OTHER BUSINESS**

McNamara made motion to approve claims. Zietlow seconded the motion. The motion carried. Claims approved.

**APPROVAL OF  
CLAIMS**

McNamara made a motion to adjourn the meeting. Zietlow 2<sup>nd</sup>. Meeting adjourned at 6:04 p.m.

**ADJOURNMENT**

Accepted by:

\_\_\_\_\_  
Charlotte Zietlow, President

\_\_\_\_\_  
James McNamara, Vice President

\_\_\_\_\_  
Dr. Frank N. Hrisomalos, Secretary

Date:

Attest to:

## Appeal of Noise Ordinance Citation #32287

### Appellant Information:

Daniel Blitstein  
321 N. Washington St.  
Bloomington, IN 47408  
Date Appealed: 03/04/2014

### Citation Information:

Issued: 03/01/2014 at 5:52 p.m.  
By: Joshua Burnworth  
Place: 321 N. Washington Street  
For: Excessive Loud Noise from Residence

### Officer Burnworth's description:

At approximately 5:17 p.m. on March 1, 2014, the Monroe County Central Emergency Dispatch Center received a phone call complaining of a loud party at 321 North Washington Street. Officers were dispatched to the location approximately twenty minutes later. Upon arriving at the location officers were able to hear loud music and yelling coming from the property at 321 North Washington Street. Both the music and the yelling could be heard by officers on Walnut Street.

A citation was issued as a result of this violation. The citation is in the amount of \$100.00 as this is Mr. Blitstein's second offense in 12 months. He was first cited for violating the City's Noise Ordinance on August 29, 2013—this citation resulted from a violation at the same address noted in this particular appeal.

### Staff Recommendation:

#### **Deny the appeal.**

- The police officer could hear both music and loud voices from off of Mr. Blitstein's property. The noise being emitted from Mr. Blitstein's property was excessive and unreasonable and being played at a level that violated the City's Noise Ordinance.
  - § 14.09.030(a) defines unreasonable noise in terms of time of day, environment and nature of the noise.
  - § 14.09.030(b) specifies that the following people can violate the noise ordinance:
    - **A Person who makes the unreasonable noise,**
    - **A person who allows the unreasonable noise to be made in or on property occupied by the person, and/or**
    - **A person who allows the noise to be made in or on property controlled by the person.**
  - § 14.09.030(c)(4) states that it is a violation of the noise ordinance:
    - **Play or allow to be played any radio, television, digital media player, loudspeaker, sound amplifier, musical instrument, or any other machine or device for producing or reproducing sound in such a manner that the sound produced persists continuously or intermittently for a period of at least fifteen minutes and can be heard outside the immediate premises from the location of the emitter by a person with normal hearing.**
    - **Sound that is clearly audible to a person with normal hearing from any place other than the premises from which the source of the sound is**

located, when the sound occurs between the hours of nine p.m. and seven a.m., is prima facie evidence of a violation of this section.

- The Appellant was in violation of the noise ordinance and an ordinance citation was written according to the law.

Appeal of Noise Citation  
to the City of Bloomington's Board of Public Works

Please complete this form in its entirety. Use black or blue ink and print legibly. A copy of the noise citation you were issued MUST be attached to this form. You are encouraged to attach all documents that you believe support your appeal. All of these documents must be submitted within seven days after the noise citation was issued. The Board of Public Works ("Board") will primarily consider the written materials submitted, including this appeal form, documents you provide, a statement from the police officer including any complaints made, and staff recommendations. In addition, on the date given below you will have the opportunity to speak to the Board for two minutes. You will be notified of the Board's decision by first class mail. If your appeal is denied, you may file an appeal with the Monroe County Circuit Court within seven (7) days from the date of the Board's decision.

Name: Daniel Blifstein  
Local Address: 321 N. Washington, Bloomington IN  
Permanent Address: 2775 Salceda Dr. Northbrook IL 60062  
Phone Number: 847-436-0162

Noise Citation Number (located in the top right hand corner of the citation): 32287

Date on Noise Citation: 3/1/14 Today's Date: 3/4/14

Reason for Appeal: I was My apartment building was charged, which made it a \$500 ticket. IT should only be \$50 because it was my Apartment's party. Also, police claimed that they plan to show up to house without complaint, and noise is from people, not music.

(you may continue on another page if necessary)

On this day, I submitted my completed appeal of noise citation and received the date of 3/25/14 when the Board of Public Works will consider my appeal.

Signature: [Signature] Date: 3/4/14

For use by Public Works: Date Appeal Received: <u>Christian Siver</u> By: <u>3/4/14</u> Date Appeal Forwarded to Legal Department:
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COUNTY OF MONROE  
 CITY OF BLOOMINGTON  
 ORDINANCE VIOLATION

NO. 32287

The undersigned having probable cause to believe and being duly sworn upon his/her oath says that on:

Day of Week <u>Sat</u>	Day <u>1</u>	Month <u>March</u>	Year <u>2014</u>	Time <u>5:52 am</u>
Last Name <u>Blisk</u>			First <u>David</u>	Mi <u>H</u>
Street Address <u>321 N Washington St #5</u>				D.O.B. <u>8/14/93</u>
City <u>Bloomington</u>			State <u>IN</u>	Zip Code <u>47401</u>
Sex <u>M</u>	Race <u>m</u>	SSN/OLN <u>B432-1609-3231</u>		

DID COMMIT THE FOLLOWING OFFENSE:

Noise Violation

Excessive Loud Noise  
 Residence  Vehicle

Contrary to the BMC § 14.09.03  
 at 321 N. Washington St, Bloomington, IN.

Officer's Signature [Signature] I.D. No. 1559  
 City of Bloomington, Indiana  
 Date 3/1/14

I promise to appear in the City of Bloomington Legal Department, City Hall, Showers Building, Suite 220, 401 North Morton Street, Bloomington, Indiana, on the 11 day of March, 2014, at 8:30 a.m.

Signature \_\_\_\_\_

Your signature is not an admission of guilt.

**SEE OTHER SIDE FOR ADDITIONAL INFORMATION**



## Board of Public Works Staff Memo

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**Project/Event:** Appeal of Noise Ordinance Citations 31663-31667

**Meeting Date:** March 22, 2014

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In your packet, you will find documentation relating to a notice of violation appeal for excessive noise at 1201 N. Woodburn Avenue. However, the staff report for this agenda item could not be completed in time to be added to your packet.

Patty Mulvihill, Assistant City Attorney, will prepare the staff report and have it available at Tuesday's meeting. If its available prior to Tuesday's meeting, I will send you an electronic copy.

If you have any questions regarding this agenda item, please feel free to contact Patty at [mulvihill@bloomington.in.gov](mailto:mulvihill@bloomington.in.gov) or 349-3426.

Appeal of Noise Citation  
to the City of Bloomington's Board of Public Works

Please complete this form in its entirety. Use black or blue ink and print legibly. A copy of the noise citation you were issued MUST be attached to this form. You are encouraged to attach all documents that you believe support your appeal. All of these documents must be submitted within seven days after the noise citation was issued. The Board of Public Works ("Board") will primarily consider the written materials submitted, including this appeal form, documents you provide, a statement from the police officer including any complaints made, and staff recommendations. In addition, on the date given below you will have the opportunity to speak to the Board for two minutes. You will be notified of the Board's decision by first class mail. If your appeal is denied, you may file an appeal with the Monroe County Circuit Court within seven (7) days from the date of the Board's decision.

Name: Dalton Miller

Local Address: 1201 N Woodburn Ave, Bloomington, IN 474104

Permanent Address: 7226 Blue Beech Dr, Fort Wayne, IN 46815

Phone Number: (260) 385-5132

Noise Citation Number (located in the top right hand corner of the citation): 31663

Date on Noise Citation: 03/08/2014 Today's Date: 03/14/2014

Reason for Appeal: Officers did not check to see if noise persisted for 15 min or longer, and identify the person who complained was not revealed.

(You may continue on another page if necessary)

On this day, I submitted my completed appeal of noise citation and received the date of March 25, 14 when the Board of Public Works will consider my appeal.

Dalton Miller  
Signature

03/14/2014  
Date

<b>For use by Public Works:</b> Date Appeal Received: _____ Date Appeal Forwarded to Legal Department: _____ By: _____
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Appeal of Noise Citation  
to the City of Bloomington's Board of Public Works

Please complete this form in its entirety. Use black or blue ink and print legibly. A copy of the noise citation you were issued MUST be attached to this form. You are encouraged to attach all documents that you believe support your appeal. All of these documents must be submitted within seven days after the noise citation was issued. The Board of Public Works ("Board") will primarily consider the written materials submitted, including this appeal form, documents you provide, a statement from the police officer including any complaints made, and staff recommendations. In addition, on the date given below you will have the opportunity to speak to the Board for two minutes. You will be notified of the Board's decision by first class mail. If your appeal is denied, you may file an appeal with the Monroe County Circuit Court within seven (7) days from the date of the Board's decision.

Name: John Nelson Hauber

Local Address: 1201 N Woodburn Avenue Bloomington, IN 47404

Permanent Address: 4215 Shine Court Carmel, IN 46033

Phone Number: (317) 645-6246

Noise Citation Number (located in the top right hand corner of the citation): 31664

Date on Noise Citation: 3/8/14 Today's Date: 3/14/14

Reason for Appeal: \_\_\_\_\_

Officers did not check if the noise persisted for at least 15 minutes, and the identity of the person who called a noise complaint was not revealed

(You may continue on another page if necessary)

On this day, I submitted my completed appeal of noise citation and received the date of March 25, 14 when the Board of Public Works will consider my appeal.

John Hauber  
Signature

3/14/14  
Date

For use by Public Works: Date Appeal Received: _____ Date Appeal Forwarded to Legal Department: _____	By: _____
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**COUNTY OF MONROE  
CITY OF BLOOMINGTON  
ORDINANCE VIOLATION**

NO. 31664

*The undersigned having probable cause to believe and being duly sworn upon his/her oath says that on:*

Day of Week	Day	Month	Year	Time
Monday	17	03	2014	11:00
Last Name			First	MI
Harris			John	U
Street Address				D.O.B.
1234 Main St				12/12/78
City			State	Zip Code
Bloomington			IN	47401
Sex	Race	SSN/OLN		
M	W	123456789		

**DID COMMIT THE FOLLOWING OFFENSE:**

*Excessive Loud Noise*

Excessive Loud Noise  
 \_\_\_\_\_ Residence \_\_\_\_\_ Vehicle

Contrary to the BMC § 11-29.0-50  
 at 1234 Main St, Bloomington, IN.

Officer's Signature \_\_\_\_\_ J.D. No. 1234  
 City of Bloomington, Indiana  
 Date 3-17-2014

I promise to appear in the City of Bloomington Legal Department, City Hall, Showers Building, Suite 220, 401 North Morton Street, Bloomington, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at 8:30 a.m.

Signature [Handwritten Signature]

Your signature is not an admission of guilt.

**SEE OTHER SIDE FOR ADDITIONAL INFORMATION**

Appeal of Noise Citation  
to the City of Bloomington's Board of Public Works

Please complete this form in its entirety. Use black or blue ink and print legibly. A copy of the noise citation you were issued MUST be attached to this form. You are encouraged to attach all documents that you believe support your appeal. All of these documents must be submitted within seven days after the noise citation was issued. The Board of Public Works ("Board") will primarily consider the written materials submitted, including this appeal form, documents you provide, a statement from the police officer including any complaints made, and staff recommendations. In addition, on the date given below you will have the opportunity to speak to the Board for two minutes. You will be notified of the Board's decision by first class mail. If your appeal is denied, you may file an appeal with the Monroe County Circuit Court within seven (7) days from the date of the Board's decision.

Name: Chandler Ganaway

Local Address: 1201 N. Woodburn Avenue

Permanent Address: 3214 Norma Court

Phone Number: (260) 580-1710

Noise Citation Number (located in the top right hand corner of the citation): 31665

Date on Noise Citation: 3-9-14 Today's Date: 3-14-14

Reason for Appeal: I believe we were wrongfully <sup>cited</sup>. The  
anonymous accusers never contacted us, and the police  
officers weren't around long enough to conclude for  
them selves that we were violating codes.

(you may continue on another page if necessary)

On this day, I submitted my completed appeal of noise citation and received the date of March 25, 14 when the Board of Public Works will consider my appeal.

Chandler Ganaway  
Signature

March 14, 2014  
Date

<b>For use by Public Works:</b>	
Date Appeal Received: _____	By: _____
Date Appeal Forwarded to Legal Department: _____	

CITY OF MONROE  
CITY OF BLOOMINGTON  
ORDINANCE VIOLATION

NO. 31665

The undersigned having probable cause to believe and being duly sworn upon his/her oath says that on:

Day of Week	Day	Month	Year	Time
Sunday	01	10	2014	12:00
Last Name			First	MI
MORAN			THOMAS	L
Street Address				D.O.B.
1701 N. Morton St.				01/15/1971
City			State	Zip Code
Bloomington			IN	47404
Sex	Race	SSN/OLN		
M	B	45-12-16-11		
<b>DID COMMIT THE FOLLOWING OFFENSE:</b>				
Loud Noise				
<input checked="" type="checkbox"/> Excessive Loud Noise				
_____ Residence _____ Vehicle				
Contrary to the BMC § 14-9-30				
at 1701 N. Morton St., Bloomington, IN.				
Officer's Signature			I.D. No.	
[Signature]			[ID]	
City of Bloomington, Indiana				
Date 3-2-2014				
I promise to appear in the City of Bloomington Legal Department, City Hall, Showers Building, Suite 220, 401 North Morton Street, Bloomington, Indiana, on the 7th day of 10, 2014, at 8:30 a.m.				
Signature _____				
Your signature is not an admission of guilt.				
<b>SEE OTHER SIDE FOR ADDITIONAL INFORMATION</b>				

Appeal of Noise Citation  
to the City of Bloomington's Board of Public Works

Please complete this form in its entirety. Use black or blue ink and print legibly. A copy of the noise citation you were issued MUST be attached to this form. You are encouraged to attach all documents that you believe support your appeal. All of these documents must be submitted within seven days after the noise citation was issued. The Board of Public Works ("Board") will primarily consider the written materials submitted, including this appeal form, documents you provide, a statement from the police officer including any complaints made, and staff recommendations. In addition, on the date given below you will have the opportunity to speak to the Board for two minutes. You will be notified of the Board's decision by first class mail. If your appeal is denied, you may file an appeal with the Monroe County Circuit Court within seven (7) days from the date of the Board's decision.

Name: Oscar De Luna

Local Address: 1201 North Woodburn Ave

Permanent Address: 1331 Pinehurst Dr

Phone Number: 260-267-3603

Noise Citation Number (located in the top right hand corner of the citation): 31666

Date on Noise Citation: 3/9/14 Today's Date: 3-14-14

Reason for Appeal: The officer on site did not record

the level of volume for the noise violation. The officer

also said he didn't know who called

in the complaint. Instead of recording the

noise for 15 minutes they immediately pulled up

and approached us,

(You may continue on another page if necessary)

On this day, I submitted my completed appeal of noise citation and received the date of March 25, 14 when the Board of Public Works will consider my appeal.

Oscar P. De Luna  
Signature

3-14-14  
Date

For use by Public Works:	
Date Appeal Received: _____	By: _____
Date Appeal Forwarded to Legal Department: _____	

**COUNTY OF MONROE  
CITY OF BLOOMINGTON  
ORDINANCE VIOLATION**

NO. 31666

The undersigned having probable cause to believe and being duly sworn upon his/her oath says that on:

Day of Week Sunday	Day 07	Month 03	Year 2014	Time 12:12
Last Name Veltman			First Oscar	MI E
Street Address 1577 Washington Ave				D.O.B. 11-17-1971
City Bloomington			State IN	Zip Code 47404
Sex M	Race W	SSN/OLN 1-44-205-1111		

**DID COMMIT THE FOLLOWING OFFENSE:**

No violation

Excessive Loud Noise  
\_\_\_\_\_ Residence \_\_\_\_\_ Vehicle

Contrary to the BMC § 11-27-330  
at 1577 Washington Ave, Bloomington, IN.

Officer's Signature [Signature] I.D. No. 136  
City of Bloomington, Indiana  
Date 3-7-2014

I promise to appear in the City of Bloomington Legal Department, City Hall, Showers Building, Suite 220, 401 North Morton Street, Bloomington, Indiana, on the 7 day of Apr, 2014, at 8:30 a.m.

Signature [Signature]

Your signature is not an admission of guilt.

**SEE OTHER SIDE FOR ADDITIONAL INFORMATION**

Appeal of Noise Citation  
to the City of Bloomington's Board of Public Works

Please complete this form in its entirety. Use black or blue ink and print legibly. A copy of the noise citation you were issued MUST be attached to this form. You are encouraged to attach all documents that you believe support your appeal. All of these documents must be submitted within seven days after the noise citation was issued. The Board of Public Works ("Board") will primarily consider the written materials submitted, including this appeal form, documents you provide, a statement from the police officer including any complaints made, and staff recommendations. In addition, on the date given below you will have the opportunity to speak to the Board for two minutes. You will be notified of the Board's decision by first class mail. If your appeal is denied, you may file an appeal with the Monroe County Circuit Court within seven (7) days from the date of the Board's decision.

Name: Salvador De Luna

Local Address: 1201 North Woodburn Avenue

Permanent Address: 1331 Pmehurst Drive

Phone Number: (260) 449-5125

Noise Citation Number (located in the top right hand corner of the citation): 31667

Date on Noise Citation: 3-9-14 Today's Date: 3-14-14

Reason for Appeal: Officer didn't check if the noise persisted more than 15 minutes + didn't reveal who called the police for the noise complaint.

(You may continue on another page if necessary)

On this day, I submitted my completed appeal of noise citation and received the date of March 25, 14 when the Board of Public Works will consider my appeal.

Salvador De Luna 3-14-14  
Signature Date

<b>For use by Public Works:</b> Date Appeal Received: _____ By: _____ Date Appeal Forwarded to Legal Department: _____
--

**COUNTY OF MONROE  
CITY OF BLOOMINGTON  
ORDINANCE VIOLATION**

NO. 31667

The undersigned having probable cause to believe and being duly sworn upon his/her oath says that on:

Day of Week <u>Sunday</u>	Day <u>27</u>	Month <u>07</u>	Year <u>20</u>	Time <u>12:20</u>
Last Name <u>McLain</u>			First <u>Salv</u>	MI <u>4</u>
Street Address <u>1321 N. Morton St</u>				D.O.B. <u>7-2-93</u>
City <u>Bloomington</u>			State <u>IN</u>	Zip Code <u>47404</u>
Sex <u>M</u>	Race <u>W</u>	SSN/OLN <u>161 13 7320</u>		
<b>DID COMMIT THE FOLLOWING OFFENSE:</b> <u>Excessive Loud Noise</u>				
<input checked="" type="checkbox"/> Excessive Loud Noise _____ Residence _____ Vehicle				
Contrary to the BMC § <u>11-01-30</u>				
at _____, Bloomington, IN.				
Officer's Signature <u>[Signature]</u>				I.D. No. <u>[ID]</u>
City of Bloomington, Indiana Date <u>7-27-20</u>				
I promise to appear in the City of Bloomington Legal Department, City Hall, Showers Building, Suite 220, 401 North Morton Street, Bloomington, Indiana, on the _____ day of _____, 20 <u>14</u> , at 8:30 a.m.				
Signature <u>[Signature]</u>				
Your signature is not an admission of guilt.				
<b>SEE OTHER SIDE FOR ADDITIONAL INFORMATION</b>				



## Board of Public Works Staff Report

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**Project/Event:** Hot Rod and Classic Car Show

**Petitioner/Representative:** Monroe County History Center (MCHC)

**Staff Representative:** Miah Michaelsen

**Meeting Date:** March 25, 2014

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On February 25, 2014 the Board of Public Works approved the Monroe County History Center's request for the closure of Municipal Lot #5 on May 18, 2014. Due to scheduling conflicts, the History Center has to move the date of the event to Sunday, June 1 and is requesting the same closure of Municipal Lot #5 located at 6th and Lincoln Streets from 10 a.m. to 4 p.m. for their Hot Rod and Classic Car Show to benefit MCHC.

The Hot Rod and Classic Car Show will support a traveling exhibit at the History Center and will serve as a fundraiser with the proceeds going toward the Build History Campaign. The Build History Campaign was established help implement interactive components in the Gayle Cook Exhibit Hall at the MCHC. Hands-on activities help to foster a deeper understanding of Monroe County history. The components are designed for people of all ages and capabilities.

The MCHC has consulted with and has received support from the Monroe County Public Library and First Presbyterian Church to close the parking lot for the duration of the event.

A noise permit is also requested as part of this event.

---

**Recommendation:** Staff recommends approval.

**REVISED RESOLUTION 2014-11  
HOT ROD AND CLASSIC CAR SHOW**

WHEREAS, the Board of Public Works is empowered by I.C. 36-9-6-2 to supervise City Streets and Municipal Parking Lots; and

WHEREAS, the Monroe County History Center is sponsoring a Hot Rod and Classic Car Show on Sunday, June 1, 2014, to take place on Municipal Parking Lot #5 located at 6<sup>th</sup> and Lincoln Streets; and

WHEREAS, the Monroe County History Center has requested that the Board of Public Works allow them to restrict Municipal Parking Lot #5 to exhibitors and visitors to the car show; and

WHEREAS, the Monroe County History Center has agreed to execute a "Release, Hold Harmless and Indemnification Agreement" holding the City of Bloomington Board of Public Works, and their agents or employees harmless for any actions, losses or claims arising as a direct result of Monroe County History Center's negligent act(s) or failure to act or those of its agents in using the City of Bloomington's property, as described above, for said event a copy of which is attached hereto and made a part hereof and to provide the City with a Certificate of Insurance naming the City of Bloomington as additionally insured;

NOW, THEREFORE, BE IT RESOLVED:

1. That the City of Bloomington Board of Public Works declares that the Monroe County History Center may restrict access to Municipal Lot #5 in conjunction with the staging of a classic car show to be open to the general public beginning at 10:00 a.m. on Sunday, June 1, 2014 until 4:00 p.m. on Sunday, June 1, 2014.
2. That the restriction outlined above is for the purposes of allowing the Monroe County History Center to provide a hot rod and classic car show of high quality that is mutually beneficial to participants and the community on Sunday, June 1, 2014.
3. That exhibitors, performers and vendors who have not received explicit authorization from Monroe County History Center, or their representatives or agents, to participate in the Hot Rod and Classic Car Show, shall not be permitted to utilize the municipal lot outlined above for the purposes of performing, displaying, producing or selling items or goods.
4. That Monroe County History Center shall post "no parking" signs at least 24 hours in advance of the closing of the municipal parking lot. Temporary "No Parking" signs may be obtained from the City of Bloomington Department of Public Works and shall be affixed as instructed by City Staff.
5. That Monroe County History Center shall be responsible for placement and removal of barricades. Monroe County History Center is responsible for contacting the City of

Bloomington Engineering Department for instructions on the type of and placement of said barricades. Monroe County History Center agrees to obtain at its own expense and place barricades to close the parking lot, not before 10:00 a.m. on Sunday, the 1<sup>st</sup> day of June, 2014 and to remove barricades by 4:00 p.m. on Sunday, June 1, 2014.

6. That Monroe County History Center will be responsible for removing all trash, picking up litter including cigarette butts from the street and sidewalks within these blocks, cleaning any grease or other food products from the pavement, and removing any “No Parking” signs posted as part of the event. Cleanup shall be completed by 4:00 p.m. on Sunday, June 1, 2014.
7. That by granting permission to utilize City property to facilitate this activity, the Board of Works also waives the City Noise Ordinance in accordance with Section 14.09.070 of the Bloomington Municipal Code, and therefore amplified sound and music may be played during the hours of the event.
8. Monroe County History Center shall be responsible for notifying the general public, public transit and public safety agencies of the municipal lot closing in advance by notice (at least 48 hours in advance).
9. That \_\_\_\_\_, by signing this agreement, represents that he/she has been fully empowered by proper action of the entity to enter into the agreement and has authority to do so.

That by approval of this Resolution, an officer of the Board of Public Works is authorized to sign the attached Release, Hold Harmless and Indemnification Agreement.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

BOARD OF PUBLIC WORKS

\_\_\_\_\_  
Charlotte Zietlow

\_\_\_\_\_  
James McNamara

\_\_\_\_\_  
Dr. Frank N. Hrisomalos

All terms and conditions in this Revised Resolution 2014-11 are acceptable and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Monroe County History Center

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name & Position

**RELEASE, HOLD HARMLESS  
AND  
INDEMNIFICATION AGREEMENT**

WHEREAS, Monroe County History Center, (hereinafter referred to as "RELEASOR") desires to use the facilities or public property of the CITY OF BLOOMINGTON (hereinafter referred to as "RELEASEE"), and specifically Municipal Parking Lot #5 and said facilities or public property is owned and is operated, supervised and maintained by the RELEASEE'S Board of Public Works, for the purpose of sponsoring the Hot Rod and Classic Car Show, on RELEASEE'S property with set up beginning at 10:00 a.m. on Sunday, June 1, 2014, and with tear down and clean up ending on Sunday, June 1, 2014, by 4:00 p.m.; and

WHEREAS, the RELEASEE wishes to cooperate in said endeavor by allowing such activities to be conducted upon its property;

NOW, THEREFORE, in consideration for the use of the property of RELEASEE for said purposes, the RELEASOR and its officers, directors, agents, employees, members, successors and assigns, does hereby acknowledge and agree to assume full and complete responsibility for all bodily and personal injuries, including injuries resulting in death, and property damage, claims, actions, damages, liabilities and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of the use of said property, and for the same consideration hereby agrees to indemnify, defend, hold harmless, release, waive and forever discharge the RELEASEE, its officers, directors, agents, employees, successors and assigns, and all other persons and entities associated with the RELEASEE, for all bodily and personal injuries, including injuries resulting in death, and property damage, claims, actions, damages, liabilities and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of the use of said property, including, but not limited to, any claim or claims brought by third parties, whether or not sounding in tort or contract.

RELEASOR expressly agrees that the foregoing RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT is intended to be as broad as permitted by law and if any portion thereof is not found to be enforceable, it is agreed that the balance shall, notwithstanding, continue in full force and effect.

THE PARTIES, INTENDING TO BE BOUND, have executed this RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT.

**RELEASOR**

**RELEASEE**

\_\_\_\_\_  
Monroe County History Center

\_\_\_\_\_  
Board of Public Works Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Monroe  
County History  
Center  
Where the past and present meet.



812.332.2517

202 East Sixth Street  
Bloomington, Indiana 47408  
monroehistory.org

For Immediate Release

Contact: Jenny Mack, Monroe County History Center Exhibit Manager  
(812)332-2517 ext. 5 or [exhibitdesign@monroehistory.org](mailto:exhibitdesign@monroehistory.org)

The Monroe County History Center is requesting the City of Bloomington to close the Lot 5 - E. 6th Street and Lincoln Street (across from the Monroe County Public Library) on the date of June 1, 2014 from 10 to 4pm for a Hot Rod & Classic Car Show, benefiting the Monroe County History Center.

The Car Show is in conjunction with a traveling exhibit from the Indiana Historical Society of Indianapolis, *Auto Indiana: Celebrating the Automobile in Indiana*. The exhibit will take visitors on a ride through Indiana's rich automobile past as they discover the Hoosier State's prolific contributors, from inventors and innovators like Elwood Haynes and Ralph Teetor to automakers like Studebaker and Duesenburg. Indiana has left an indelible mark on the industry for more than a century-and vice versa. The exhibit will also celebrate how different means of transportation like the Monon Railroad and automobiles have shaped our local community.

The Classic Car Show will function as a program to support the theme of the traveling exhibit as well as a fundraiser with the proceeds going toward the Build History Campaign. The Build History Campaign was established help implement interactive components in the Gayle Cook Exhibit Hall at the MCHC. Hands-on activities help to foster a deeper understanding of Monroe County history. The components are designed for people of all ages and capabilities.

Kroger Corporate supported the creation of the exhibit and our local Collage Mall Kroger is supporting advertising for the exhibit in their stores.

The MCHC has consulted with and have gotten permission from MCPL and the Presbyterian Church to close the parking lot for the duration of the event. The Center has considered bathroom accessibility and assumed responsibility of cleaning up after the event.

We look forward to your response.

Sincerely,

Jenny Mack, Exhibits Manager  
Monroe County History Center  
202 E. 6<sup>th</sup> Street  
Bloomington, IN 47408  
812-332-2517 ext 5  
[exhibitdesign@monroehistory.org](mailto:exhibitdesign@monroehistory.org)



# CERTIFICATE OF LIABILITY INSURANCE

MCHIS-1

OP ID: AB

DATE (MM/DD/YYYY)  
01/29/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> First Insurance Group, Inc. 1405 North College Bloomington, IN 47404 Lance Eberle	<b>Phone: 812-331-3230</b> <b>Fax: 812-331-3233</b>	<b>CONTACT NAME:</b> <b>PHONE (A/C, No, Ext):</b> <b>E-MAIL ADDRESS:</b>	<b>FAX (A/C, No):</b>
	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
<b>INSURED</b> Monroe County Historical Society 202 E. 6th St. Bloomington, IN 47408	<b>INSURER A : Cincinnati Insurance Company</b>		<b>10677</b>
	<b>INSURER B : Midwest Insurance Co.</b>		
	<b>INSURER C :</b>		
	<b>INSURER D :</b>		
	<b>INSURER E :</b>		
	<b>INSURER F :</b>		

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

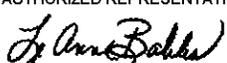
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> D & O Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X		CPP 107 56 84 BCP 867 81 54	11/01/2013 11/01/2013	11/01/2014 11/01/2014	EACH OCCURRENCE \$ <b>1,000,000</b> DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>500,000</b> MED EXP (Any one person) \$ <b>10,000</b> PERSONAL & ADV INJURY \$ <b>1,000,000</b> GENERAL AGGREGATE \$ <b>2,000,000</b> PRODUCTS - COMP/OP AGG \$ <b>2,000,000</b> \$
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			CPA 107 56 84	11/01/2013	11/01/2014	COMBINED SINGLE LIMIT (Ea accident) \$ <b>1,000,000</b> BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ <b>0</b>			CPP 107 56 84	11/01/2013	11/01/2014	EACH OCCURRENCE \$ <b>1,000,000</b> AGGREGATE \$ <b>1,000,000</b> \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A	0101WP 1015361 03	11/01/2013	11/01/2014	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ <b>500,000</b> E.L. DISEASE - EA EMPLOYEE \$ <b>500,000</b> E.L. DISEASE - POLICY LIMIT \$ <b>500,000</b>
A	Property Section			CPP 107 56 84	11/01/2013	11/01/2014	
A	Equipment Floate			CPP 107 56 84	11/01/2013	11/01/2014	

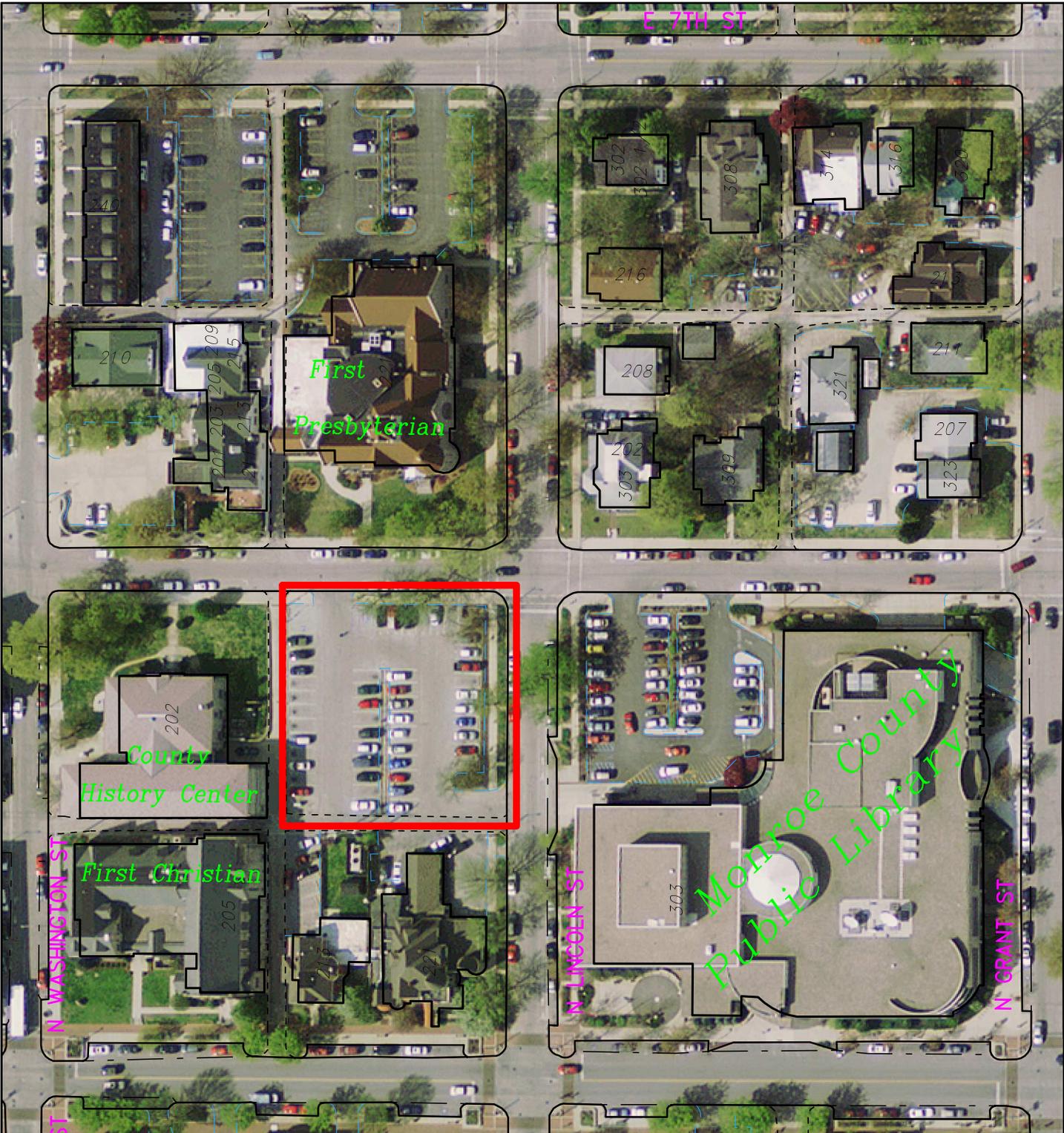
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The City of Bloomington is listed as an additional insured with respect to the general liability coverage.

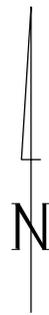
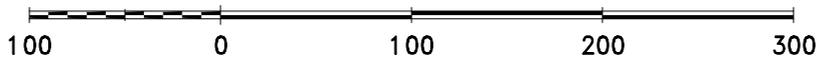
**CERTIFICATE HOLDER****CANCELLATION**

CITY002  City of Bloomington Engineering Dept. 401 N Morton St Bloomington, IN 47404	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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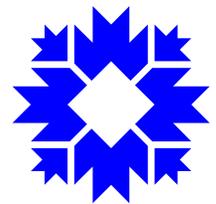
© 1988-2010 ACORD CORPORATION. All rights reserved.



By: smithc  
21 Feb 14



City of Bloomington  
Public Works



Scale: 1" = 100'

For reference only; map information NOT warranted.



City of Bloomington  
H.A.N.D.



**City of Bloomington  
Housing and Neighborhood Development**

**Board of Public Works**

Meeting Date: 25 March 2104

Petition Type: Request to Abate Property

Address: Brookdale Lot 1; commonly known as 1506 N. Kinser Pk

Petitioner: Housing and Neighborhood Development

Inspector: Michael Arnold

Staff Report:

07 February 2013	Sent Orders to Repair and Seal
12 February 2013	Spoke with owner regarding Orders
30 April 2013	Letter from Legal with deadline
21 May 2013	BPW granted permission to abate
03 June 2013	Court granted warrant of entry
06 June 2013	Work has been completed by the owner
15 January 2014	Not in compliance with Order to Repair and Seal
18 February 2014	Letter from Legal with deadline
12 March 2014	Requesting permission to Abate

An Order to Repair and Seal was issued for this structure on 07 February 2013 to repair the deteriorating roof and to seal the ground floor windows and doors that are open. The property was in compliance on 06 June 2013.

On 15 January 2014 it was noted the property was in violation of the Order to Repair and Seal. Currently there are exposed holes in the roof and part of the roof is covered with a tarp. There are windows and doors standing open. To date there has been no response from the owner regarding compliance with the Order to Repair and Seal.

HAND is asking permission obtain bids for the work and permission to bring this property into compliance with the Order to Repairs and Seal.

Attachments: Orders, Notice of Violation, Letters



Corporation Counsel  
Margie Rice



City of Bloomington  
Legal Department

Assistant City Attorneys  
Susan Failey  
Barbara E. McKinney  
Jacquelyn F. Moore  
Patricia M. Mulvihill  
Michael M. Rouker  
Greg Small

City Attorney  
Vickie Renfrow

February 18, 2014

Jeffrey Jones  
3929 West Roll Avenue  
Bloomington, Indiana 47403

Re: Failure to Comply with Order to Repair and Seal  
Property located at 1506 North Kinser Pike, Bloomington, Indiana

Dear Mr. Jones:

This letter serves as your final warning that the above-referenced property is not in compliance with the Order to Repair and Seal issued by the City's Board of Public Works on February 8, 2013. The structure on the property has several doors and windows which are wide open and the roof has several holes.

You must bring the property into compliance with the aforementioned Order to Repair & Seal on or before **Monday, March 10, 2014**, or the City will take legal action to effectuate the Order itself. If the City has to effectuate the Order itself it will do so at your expense and place a lien against said property for any costs associated therewith.

If you have questions about what specifically must be done to the structure in question please contact Mike Arnold with the City's Housing and Neighborhood Development Department at (812) 349-3401.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia M. Mulvihill".

Patricia M. Mulvihill  
Assistant City Attorney



**City of Bloomington  
Housing and Neighborhood Development**

27 January 2014

Jeffrey Jones  
3929 W. Roll Ave.  
Bloomington IN 47403

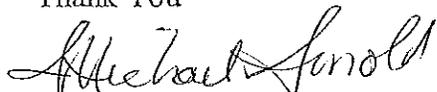
Re: 013-36650-00 Brookdale Lot 1; commonly known as 1506 N. Kinser Pk.

Dear Jeffrey Jones:

While driving by this property it was noted that it was in violation of the Order to Repair and Seal dated 08 February 2013. Currently, there are doors and windows standing open and there are multiple holes in the roof of the structure. You have until 15 February 2014 to bring this property into compliance with the current Order to Repair and Seal (see attached).

If you have questions, please contact me at 349-3420.

Thank You

  
Michael Arnold  
Neighborhood Compliance Officer  
City of Bloomington



City of Bloomington  
Housing and Neighborhood Development

**ORDER TO REPAIR AND SEAL**

08 February 2013

Jeffrey Jones  
668 S. College Ave.  
Bloomington IN 47403

Re: Brookdale Lot #1; commonly known as 1506 N. Kinser Ave.

Dear Jeffrey Jones;

The City of Bloomington's Housing and Neighborhood Development Department (HAND), pursuant to Indiana Code Section 36-7-9-5, is issuing this Order to Repair and Seal. HAND is required to give all substantial property interest holders in the above-referenced property notice of this Order to Repair and Seal.

You have until 15 April 2013 to repair the structure. See the attached Notice of Ordinance Violation (NOV) for the details of this violation and a summary of the violation history.

The law does not require a hearing for this Order to be issued. However, you or any person holding a fee interest, life estate interest, or equitable interest of a contract purchaser in this property, may request a hearing in writing and delivered to the City of Bloomington's HAND Department at 401 North Morton Street, Bloomington, Indiana within ten (10) days after the date of this Order. **This Order to Repair and Seal becomes final ten (10) days after it has been issued, if you or any other person holding an interest in this property have not requested a hearing.**

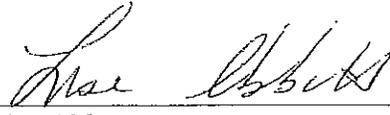
If the Order to Repair and Seal is not complied with, the following may occur:

1. HAND may hire a contractor to fulfill the obligations of the Order to Repair and Seal.
2. HAND may fulfill the obligations of the Order to Repair and Seal itself.
3. If HAND has to hire a contractor to fulfill the obligations of the Order to Repair and Seal or must fulfill the obligations of the Order to Repair itself, each person who holds a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises from the date of this Order to Repair and Seal to the time that the work is completed, is jointly and severally responsible for certain costs, including the actual cost of the work performed and reasonable processing expenses.
4. If any assessed costs remain unpaid, HAND shall execute a judgment in the Monroe Circuit Court against any and all of the aforementioned

parties; said judgment is a debt and lien on all real and personal property of each named individual.

Per Indiana Code § 36-7-9-27, if, after you have been issued and received notice of this order and you have not complied, you must supply full information regarding this order to a person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer that interest, and within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, you must supply HAND with written copies of the full name, address, and telephone number of the person taking a substantial property interest in the property, and the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

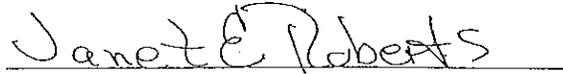
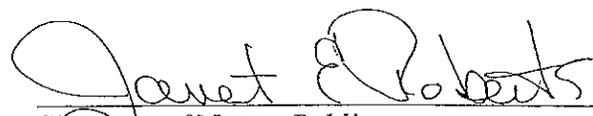
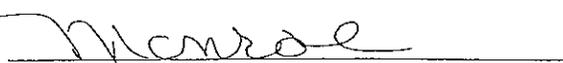
I hereby affirm, to the best of my knowledge, under the penalties of perjury, that the foregoing representation is true.



Lisa Abbott  
Director  
Housing and Neighborhood Development  
401 North Morton Street/P.O. Box 100  
Bloomington, Indiana 47402  
(812) 349-3401

State of Indiana        )  
                                  )SS:  
County of Monroe     )

Subscribed and sworn to before me a Notary Public this 8<sup>th</sup> day of February 2013.

  
Name of Notary Public  
Signature of Notary Public  
Notary Public's County of Residence

1/22/2012  
Commission Expires

## CITY OF BLOOMINGTON NOTICE OF ORDINANCE VIOLATION

Date NOV issued: 08 February 2013

Person(s) NOV issued to: Jeffrey Jones

Date violation discovered: 07 February 2013

Location/address of violation: Brookdale Lot #1; commonly known as 1506 N. Kinser Pk.

Nature of violation/code provision violated: Bloomington Municipal Code (BMC) § 17.16

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### Inspector's Report

A drive by of the property shows it is no longer in compliance with the previous Order to Repair and that there are open windows to the structure. The following shall occur to bring the property into compliance with the Order to Repair and Seal:

1. The Monroe County Building Department shall be contacted to determine if a Building Permit is required for the work to repair the structure.
2. Properly repair/replace deteriorated portions of the roof, eaves, soffits and overhangs. Tarps and similar temporary measures do not meet the standards set forth in 17.16.110 for workmanlike manner.
3. Properly repair or seal openings in the structure such as missing/broken/open windows and doors.
4. Remove all debris associated with these repairs.
5. HAND shall be notified when work is completed at this location

### Relevant Code Citations

BMC § 17.16.020 adopts Indiana Code §§ 36-7-9-1—36-7-9-28 by reference. Indiana Code § 36-7-9-4, Unsafe building and unsafe premises described, states in section (a) "For purposes of this chapter, a building or structure, or any part of a building or structure, that is:

- (1) In an impaired structural condition that makes it unsafe to a person or property;
- (2) A fire hazard;
- (3) A hazard to the public health;
- (4) A public nuisance;

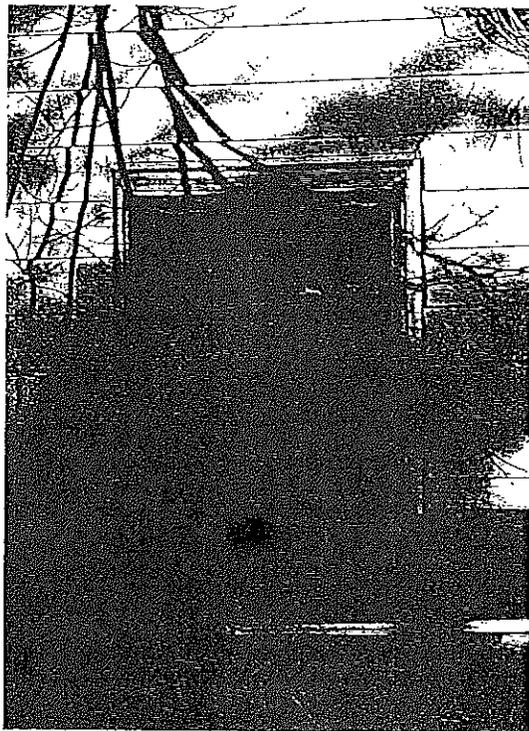
- (5) Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
- (6) Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance;

is considered an unsafe building.

BMC § 17.16.040 (f) states, in part, "Unsafe building or structure means any building or structure or part of building or structure that is ... in any of the conditions or possesses any of the defects described below, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered:

- (l) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure, provided by the building regulations of this city, or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings;
- (m) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the enforcement authority to be unsanitary, unfit for human habitation, or in such condition that it is likely to cause sickness or disease.

1506 N. Kinser Pk.  
07 February 2013





## Board of Public Works Staff Report

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**Project/Event:** Use of the Public Right of Way at 531 North College Avenue

**Staff Representative:** Rick Alexander

**Petitioner/Representative:** Tom Ritmann/Gilliatte General Contractors

**Date:** March 20, 2014

---

**Report:** Gilliatte has been contracted to build the new Studio 531 Apartment building at the southwest corner of 10<sup>th</sup> and College Avenue. The building will encompass nearly the entire lot. Consequently, there is no room on private property to stage the construction. Demolition of the old building has begun and the new building is expected to be completed in August.

**Recommendation and Supporting Justification:** Due to the fact that there is very little room on site to build, staff recommends allowing the contractor to utilize the public right of way east of the project as well as the alley west of the project. There request will not affect any travel lanes in College or 10<sup>th</sup> although there may be times when the eastbound lane of 10<sup>th</sup> has flaggers directing traffic around a semi delivery. A memo of understanding has been prepared for Gilliatte to sign. OSHA recommends separating foot traffic and construction traffic where possible. There are adequate pedestrian facilities on the north side of 10<sup>th</sup> and the east side of College to accommodate foot traffic. The contractor has to rebuild the sidewalk adjoining the site too.

**Recommend**  **Approval**  **Denial** by \_\_\_\_\_

**Memorandum of Understanding  
Between  
City of Bloomington Public Works Department  
And  
Gilliatte General Contractors**

This Memorandum of Understanding (MOU) between the City of Bloomington Public Works Department, (hereafter “Public Works”) and Gilliatte General Contractors, (hereinafter “Gilliatte”) outlines the binding conditions placed upon Gilliatte, and agreed to by Gilliatte, in exchange for use by Gilliatte, its agents and subcontractors, of certain public right-of-way during the construction of the Studio 531 Apartment building at 531 North College Avenue, at the real property located on the southwest corner of North College Avenue and West 10<sup>th</sup> Street in Bloomington, Indiana (hereinafter the “Construction Site.”)

1. This MOU shall cover the time period from March 26<sup>th</sup>, 2014 through August 9<sup>th</sup>, 2014 inclusive.
2. Public Works shall allow Gilliatte to block and restrict from general public usage the north/south alley west of the Construction Site as well as the future parking lane and the sidewalk east of the property and directly adjacent to the Construction Site. Gilliatte shall coordinate the placement of any and all construction notification and detour signage with the City Engineering Department including vehicular and pedestrian signage.
3. Gilliatte shall install and maintain, to the satisfaction of the City of Bloomington Engineering Department, all signage associated with providing notice to the public of restrictions on right-of-way usage. Such signage shall reflect the form and content specified by the Manual on Uniform Traffic Control Devices (M.U.T.C.D), and must be approved by the City Engineering Department.
4. Gilliatte shall also be solely responsible for any and all costs associated with any non-scheduled outages of the BDU system which might occur as a result of work done in conjunction with the construction site.
5. Gilliatte shall coordinate the removal and replacement of all permanent signage at, or adjoining, the Construction Site through the City of Bloomington Traffic Division at all requested points for permanent signage replacement, which will be performed by the Traffic Division.
6. The City shall have the right to avail itself of any legal action and remedy as necessary to maintain the free flow of traffic along the streets in the Construction Site area.

7. Nothing in this MOU shall be construed to prohibit the City of Bloomington from issuing any Stop Work Orders during construction on this project, in addition to any remedy or action spelled out in this MOU or available under law.
8. Should any part of this MOU be found in violation of any federal, state, or local law or ordinance, all unaffected parts shall remain in effect and enforceable provided that the intent of the MOU is still served.
9. Gilliatte agrees to release, hold harmless and forever indemnify the City of Bloomington, Indiana, its Engineering and Public Works Departments, its Board of Public Works and its employees, officers and agents from any and all claims or causes of action that may arise from personal injury, property damage, and /or any other type of claim which may arise from Gilliatte's activities, whether such claims may be brought by the City of Bloomington or by any third party.
10. Any and all closures of the travel lanes will require a one week advance notice to the City Engineering Department, the city transit service and emergency services.
11. Prior to beginning any work, Gilliatte shall provide the City Engineering Department with a phone contact list for their supervisory personnel and for their sub-contractors.
12. Gilliatte shall make its on-site supervisory personnel available for bi-weekly meetings with the City Engineering Department staff for progress updates.
13. Tom Ritman, President of Gilliatte General Contractors, agrees by signing that he has full power by proper action to enter into this MOU and has the authority to do so.

City of Bloomington  
Department of Public Works

Gilliatte General Contractors

By: \_\_\_\_\_  
Susie Johnson, Director

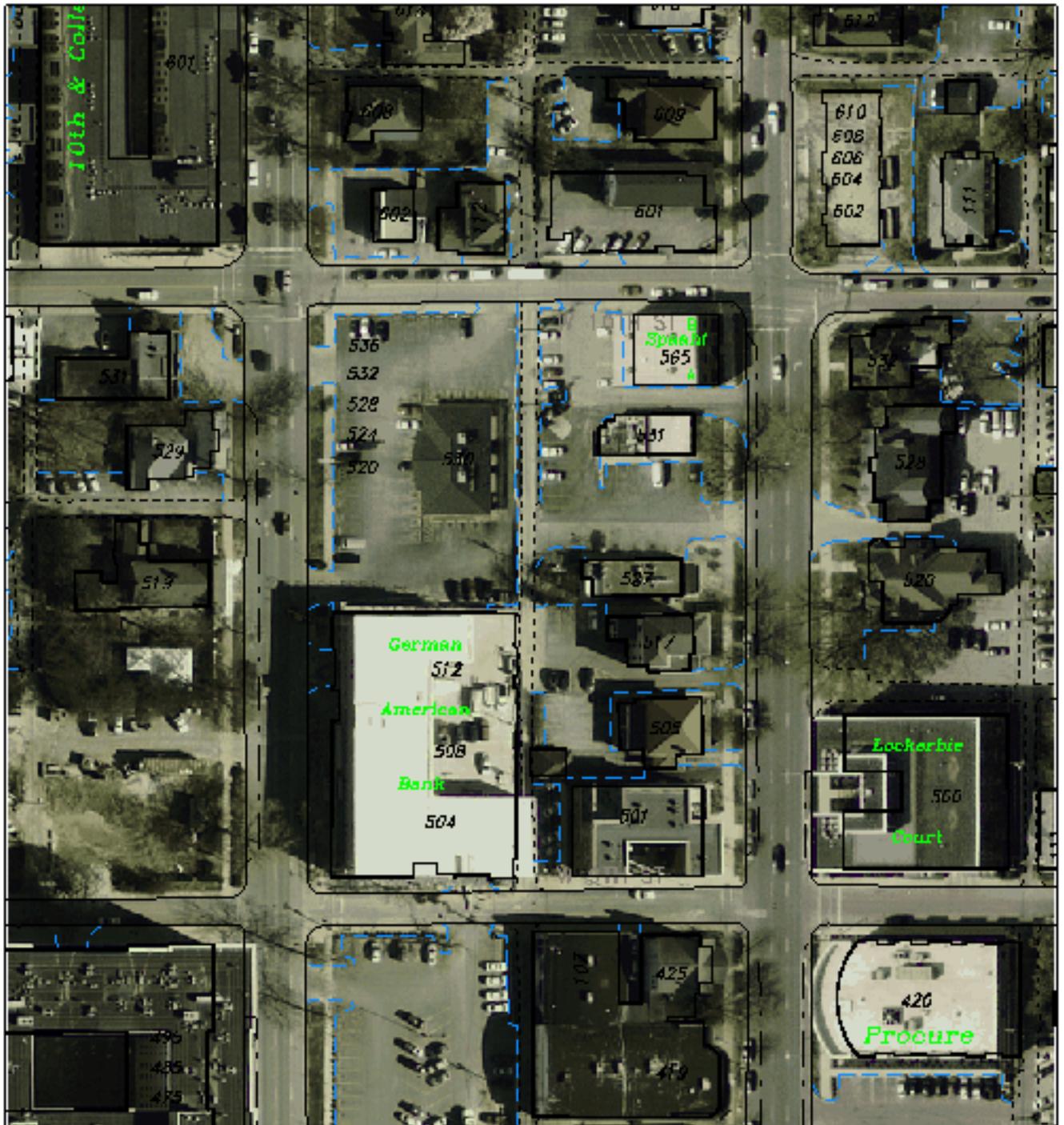
By: \_\_\_\_\_  
Tom Ritman, President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mark Kruzan, Mayor

Date: \_\_\_\_\_





## Board of Public Works Staff Report

---

**Project/Event:** Request to encroach in right of way at 531 N. College Avenue

**Staff Representative:** Rick Alexander

**Petitioner/Representative:** ERL-15, LLC (Elliot Lewis)/Studio 3

**Date:** March 25<sup>th</sup>, 2014

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**Report:** A new building at the southwest corner of 10<sup>th</sup> and College has been approved by the Plan Commission. The building encompasses nearly the entire lot. The approved plan includes a package of encroachments into the public right of way. The building has a main canopy, a retail canopy, a pole mounted street light and a meter vault.

**Recommendation and Supporting Justification:** The two canopies will only protrude into the right of way by 2 feet 8 inches each. One will be 10 feet above the walkway and the other will be 12 feet above the walkway. The water meter vault will be underground and have no above ground appurtenances in the right of way. The street light requirement is typical downtown and it will conform to the city standards. Staff supports the encroachment request.

**Recommend**  **Approval**  **Denial** by \_\_\_\_\_

**BOARD OF PUBLIC WORKS  
RESOLUTION 2014-17  
Encroachments at 531 North College Avenue**

WHEREAS, the ERL-15, LLC, (hereinafter "Owner) owns real property located at North College Avenue; and

WHEREAS, the City of Bloomington has authority pursuant to IC 36-9-2-5 to establish, vacate, maintain, and operate public ways, including air ways over sidewalks; and

WHEREAS, Owner has requested that it be allowed to install two (2) canopies, a water meter vault and a pole mounted street light in the public right of way. The building canopy will extend into the right of way of West 10<sup>th</sup> Street two feet and eight inches (2' 8") and be at least ten feet (10') above the walkway of West 10<sup>th</sup> Street. The retail canopy will extend two feet and eight inches (2' 8") into the right of way of 10<sup>th</sup> Street and be at least twelve feet (12') above the walkway of West 10<sup>th</sup> Street. The water meter vault will extend into the public right of way by three feet (3') under the walkway of North College Avenue as depicted in Exhibit "A": and

WHEREAS, Owner has agreed to release and forever discharge and hold harmless and indemnify the City of Bloomington, its departments, officers, agents, employees, its successors and assigns ("City") for any and all causes of action including attorney's fees, loss or injury of whatsoever character that occur as a result of Owner's request to utilize described right of way, a copy of which is attached and a part hereof;

NOW, THEREFORE, BE IT RESOLVED that the City of Bloomington agrees not to initiate any legal action against Owner for the installation of the encroachments in the public right of way, provided that:

1. Owner agrees to maintain the building canopy, retail canopy, water meter vault and pole mounted street light and to keep them safe and in good condition. These encroachments shall be designed and constructed as described above.
2. The encroachments shall be located as depicted on the site plan and building elevation which is attached as Exhibit "A" of this Resolution. Owner shall not deviate from the design or location of any of these encroachments, without the prior approval of the Board of Public Works.
3. This resolution is not intended to relieve Owner of any provisions of any applicable permit or other ordinance or statute that may apply the property.
4. The terms of this agreement shall be in effect upon execution of this document by Owner and acknowledgment by Owner that the Board may alter the terms and conditions to address unanticipated problems or may revoke permission if Board

RESOLUTION 2014-17

determines the encroachment is undesirable in terms of the general welfare of the City.

5. The City retains the right for the City and all public utilities to enter onto this right of way when, in its opinion, such entry is necessitated in order to maintain said right of way, or to perform other duties or functions for which entry onto said right of way is, in the opinion of the City, needed.
6. Owner understands and agrees that if City or public utility need to work in said area for any reason, and any or all of the encroachments need to be removed to facilitate City or utility, it will be at the expense of Owner and the City will not be responsible for any damage which may occur to any of the encroachments by City's workers or contractors, or by those of a public utility. Owner will not be compensated for any expense which may be incurred by it.
7. If at any time it is determined that the street should be improved to better serve the public or other public improvements need to be made in the right of way, and any or the encroachments interfere with the planned public improvements, then the Owner shall remove any said encroachment upon notification by the City, without compensation by the City.
8. \_\_\_\_\_, by signing this agreement, represents that he/she has been fully empowered by proper action of the entity to enter into the agreement and has authority to do so.
9. That by approval of this Resolution, an officer of the Board of Public Works is authorized to sign the attached Release, Hold Harmless and Indemnification Agreement.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Board of Public Works

ERL-15, LLC

\_\_\_\_\_  
Charlotte Zietlow, President

\_\_\_\_\_  
Signature

\_\_\_\_\_  
James McNamara

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Dr. Frank N. Hrisomalos

\_\_\_\_\_  
Date



**RELEASE, HOLD HARMLESS  
AND  
INDEMNIFICATION AGREEMENT**

WHEREAS, ERL-15, LLC, owner of real property on North College Avenue, in Bloomington, IN, (hereinafter referred to as "RELEASOR") desires to use the facilities or public property of the CITY OF BLOOMINGTON (hereinafter referred to as "RELEASEE"), and specifically the airway above the sidewalk adjacent to the building at 531 North College Avenue, which is operated, supervised and maintained by the RELEASEE'S Board of Public Works, to install two (2) canopies, a street light and a water meter vault over RELEASEE'S property; and

WHEREAS, the RELEASEE wishes to cooperate in said endeavor by allowing such encroachments to be placed upon its property;

NOW, THEREFORE, in consideration for the use of the property of RELEASEE for said purposes, the RELEASOR and its officers, directors, agents, employees, members, successors and assigns, does hereby acknowledge and agree to assume full and complete responsibility for all bodily and personal injuries, including injuries resulting in death, and property damage, claims, actions, damages, liabilities and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of the use of said property, and for the same consideration hereby agrees to indemnify, defend, hold harmless, release, waive and forever discharge the RELEASEE, its officers, directors, agents, employees, successors and assigns, and all other persons and entities associated with the RELEASEE, for all bodily and personal injuries, including injuries resulting in death, and property damage, claims, actions, damages, liabilities and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of the use of said property, including, but not limited to, any claim or claims brought by third parties, whether or not sounding in tort or contract.

RELEASOR expressly agrees that the foregoing RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT is intended to be as broad as permitted by law and if any portion thereof is not found to be enforceable, it is agreed that the balance shall, notwithstanding, continue in full force and effect.

THE PARTIES, INTENDING TO BE BOUND, have executed this RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT.

RELEASOR

RELEASEE

\_\_\_\_\_  
ERL-15, LLC

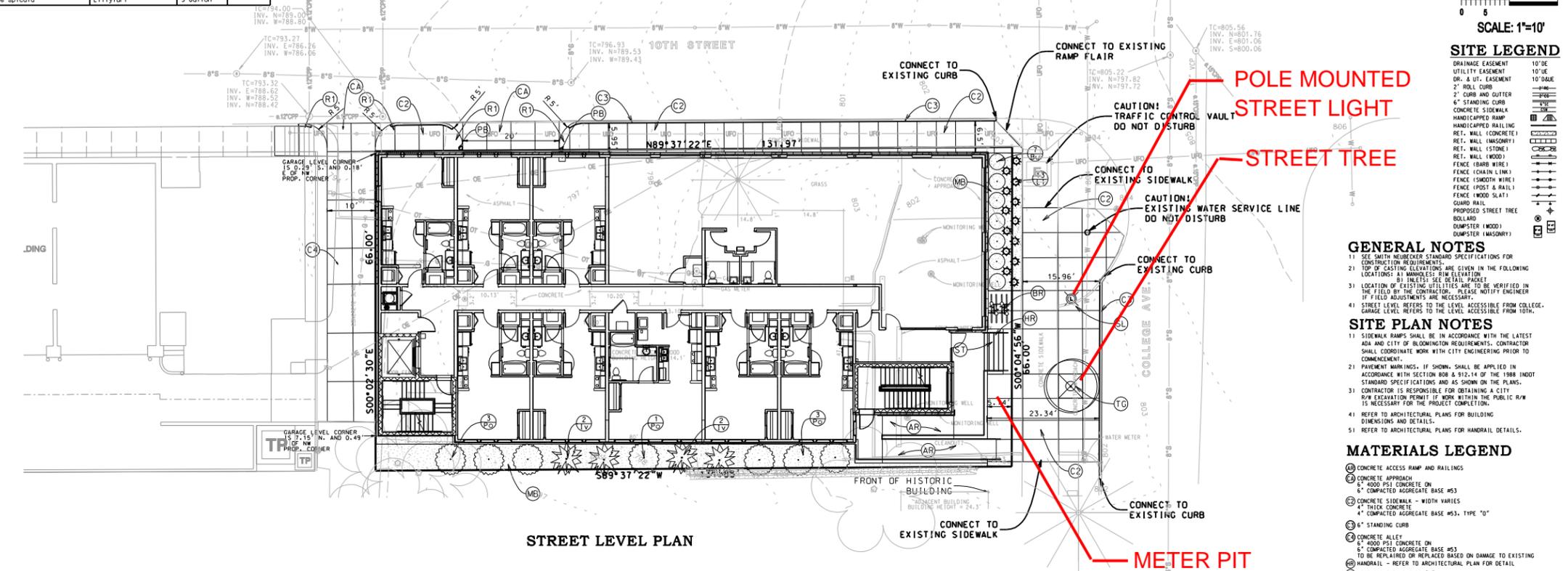
\_\_\_\_\_  
Board of Public Works Officer

\_\_\_\_\_  
Date

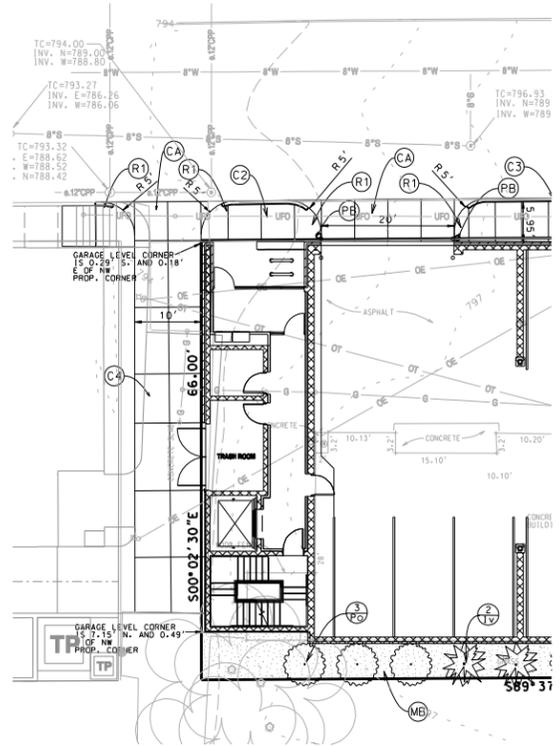
\_\_\_\_\_  
Date

RESOLUTION 2014-17

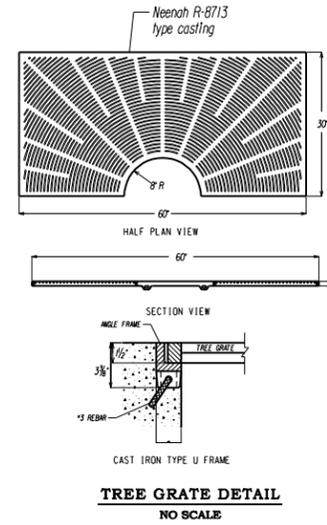
LANDSCAPE PLANT TABLE					
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
TREES					
AM	1	ACER nigrum	Black Maple	2" Caliper	Street Tree
Bu	5	BUXUS	Boxwood	3 Gallon	
Iv	4	ITEA virginica	Virginia Sweetgum	3 Gallon	
Pu	7	Physocarpus opulifolius	Ninespark	3 Gallon	
L1	13	Lilippe spicata	Lillyturf	3 Gallon	



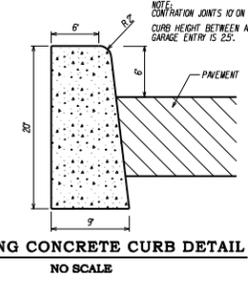
STREET LEVEL PLAN



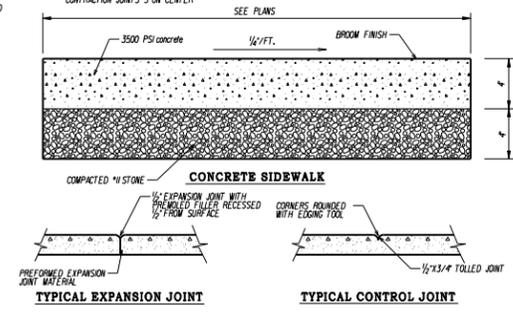
GARAGE LEVEL ENTRY PLAN



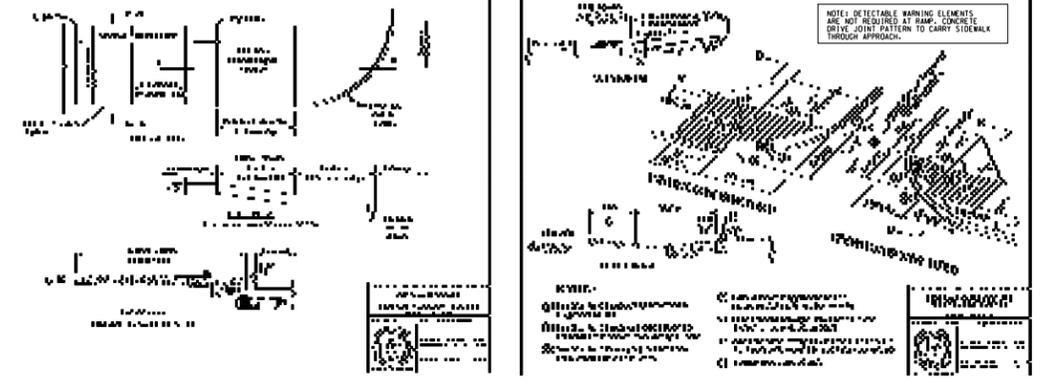
TREE GRATE DETAIL  
NO SCALE



STANDING CONCRETE CURB DETAIL  
NO SCALE



SIDEWALK & JOINT DETAIL  
NO SCALE



SITE LEGEND

GENERAL NOTES

SITE PLAN NOTES

MATERIALS LEGEND

SCALE: 1"=10'

- 10' DE DRAINAGE EASEMENT
- 10' DE UTILITY EASEMENT
- 0'-4" EASEMENT
- 2" ROLL CURB
- 2" CURB AND OUTLET
- 6" STANDING CURB
- CONCRETE SIDEWALK
- HANDICAPPED RAMP
- RET. WALL (CONCRETE)
- RET. WALL (MASONRY)
- RET. WALL (STONE)
- RET. WALL (WOOD)
- FENCE (BARB WIRE)
- FENCE (CHAIN LINK)
- FENCE (SMOOTH WIRE)
- FENCE (POST & RAIL)
- FENCE (WOOD SLAT)
- GUARD RAIL
- PROPOSED STREET TREE
- BOLLARD
- DUMPSTER (WOOD)
- DUMPSTER (MASONRY)



STUDIO THREE DESIGN  
 817 552,1000 main 817 572,1235 fax  
 6804 Altonville Road, Suite 330 Indianapolis, IN 46220  
 LYNCH, HARRISON & BRUMBLE, INC.  
 STRUCTURAL CONSULTING ENGINEER  
 DESIGN-AIRE ENGINEERING, INC.  
 MECHANICAL, PLUMBING - ELECTRICAL CONSULTING ENGINEER  
 SMITH BREHOB & ASSOCIATES, INC.  
 CIVIL CONSULTING ENGINEER

ERL-15, LLC.  
 STUDIO 531 APARTMENTS  
 531 NORTH COLLEGE  
 BLOOMINGTON, IN

PROJECT NO.  
15072

DATE  
1-31-14

REVISIONS

CERTIFICATION

SHEET DESCRIPTION  
SITE PLAN

SHEET NUMBER

C202

THIS DRAWING IS THE PROPERTY OF STUDIO 3 DESIGN, INC. ALL RIGHTS RESERVED



February 4, 2014

Mr. Rick Alexander  
Engineering Department  
City of Bloomington, Indiana

RE: Encroachment Items  
Studio 531 Apartments

Dear Mr. Alexander:

Below is a description of the items of encroachment that have been indicated on the attached site plan and building elevation as being located in the public right of way.

- **Pole Mounted Light**  
There is (1) street light pole associated with the development, located between the public sidewalk and College Ave. The pole sits roughly 6'-0" from the street (parallel parking spaces) and 17'-0" from the face of the building. The style of the light pole will conform to city standards and have full cut-off optics.
- **Street Tree**  
There is (1) street tree associated with the development, located between the public sidewalk and Morton Street. The trees site roughly 3'-0" from the street (parallel parking spaces) and 15'-0" from the face of the building. The street tree is a Black Maple which conforms to city standards. The tree has a 5'-0 by 5'-0" ornamental tree grate associated with it.
- **Building Canopy**  
The main tenant entry point along 10th Street will have a canopy above the recess in the building. This canopy will extend 2'-8" into the right-of-way on 10th Street approximately 10'-0" above grade. This canopy extends partially over the public sidewalk.
- **Retail Canopy**  
The retail space will have a small building canopy along 10<sup>th</sup> Street near the intersection of College Ave. This canopy will extend 2'-8" into the right-of-way on 10th Street approximately 12'-0" above grade. This canopy extends partially over the public sidewalk.
- **Master Meter Pit**  
The master meter pit for the project is located on the East side of the building at Level 1 near the retail entrance. The meter pit enclosure extends 3'-0" into the right-

Encroachment Items  
Studio 531 Apartments  
February 4, 2014  
Page 2 of 2

of-way. The meter pit encroachment is entirely underground – any above ground projections are located within the property.

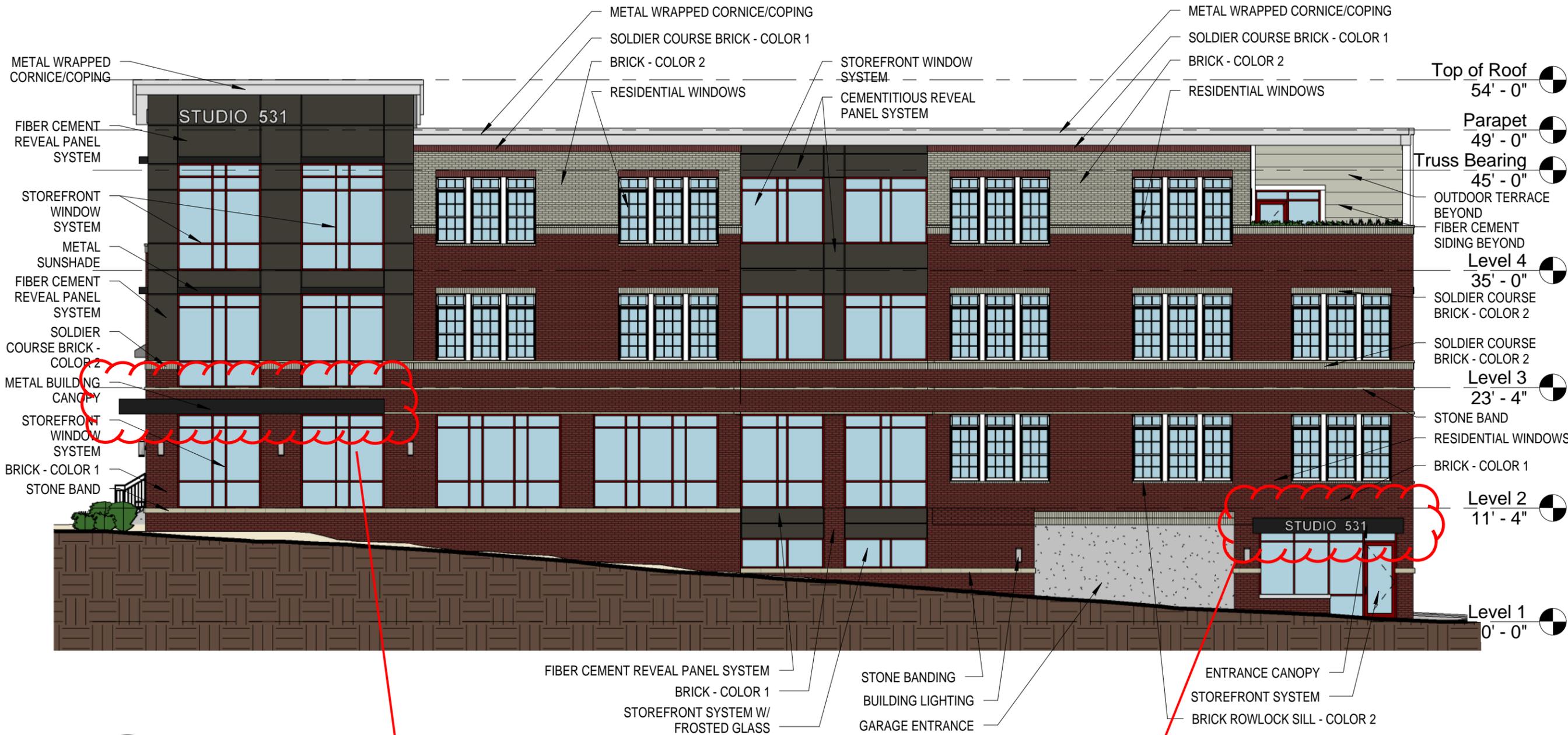
Attached please find a site plan and an elevation of the North side of the building illustrating the above referenced encroachments. Please feel free to contact me if you have any questions or comments about any of the above items.

Sincerely,

STUDIO 3 DESIGN, INC.

A handwritten signature in black ink, appearing to read 'J. Zach Bode', written in a cursive style.

J. Zach Bode



SHEET NUMBER  
**A6**

SHEET DESCRIPTION  
**NORTH  
ELEVATION**

PROJECT NO.  
**13072**

DATE  
**11-25-13**

**ERL-15, LLC.**

**STUDIO 531 APARTMENTS**

BLOOMINGTON, IN



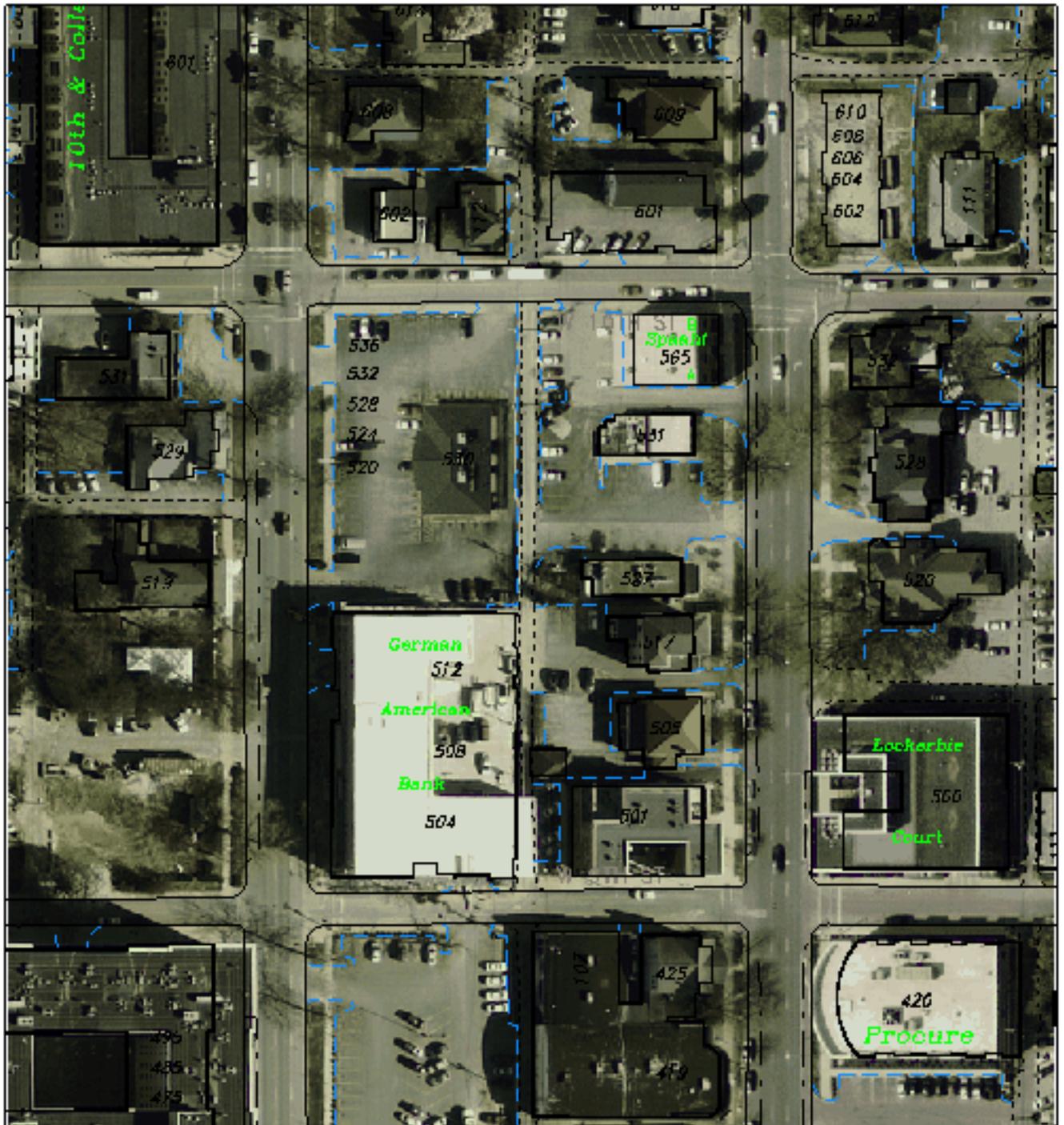
**1 NORTH ELEVATION**  
3/32" = 1'-0"

**CANOPY EXTENDS 2'-8" INTO THE  
RIGHT-OF-WAY, 12'-0" ABOVE GRADE**

**CANOPY EXTENDS 2'-8" INTO THE  
RIGHT-OF-WAY, 10'-0" ABOVE GRADE**

- FIBER CEMENT REVEAL PANEL SYSTEM
- BRICK - COLOR 1
- STOREFRONT SYSTEM W/  
FROSTED GLASS
- STONE BANDING
- BUILDING LIGHTING
- GARAGE ENTRANCE
- ENTRANCE CANOPY
- STOREFRONT SYSTEM
- BRICK ROWLOCK SILL - COLOR 2

- METAL WRAPPED CORNICE/COPING
- SOLDIER COURSE BRICK - COLOR 1
- BRICK - COLOR 2
- RESIDENTIAL WINDOWS
- STOREFRONT WINDOW SYSTEM
- CEMENTITIOUS REVEAL PANEL SYSTEM
- METAL WRAPPED CORNICE/COPING
- SOLDIER COURSE BRICK - COLOR 1
- BRICK - COLOR 2
- RESIDENTIAL WINDOWS
- Top of Roof 54' - 0"
- Parapet 49' - 0"
- Truss Bearing 45' - 0"
- OUTDOOR TERRACE BEYOND FIBER CEMENT SIDING BEYOND
- Level 4 35' - 0"
- SOLDIER COURSE BRICK - COLOR 2
- SOLDIER COURSE BRICK - COLOR 2
- Level 3 23' - 4"
- STONE BAND
- RESIDENTIAL WINDOWS
- BRICK - COLOR 1
- Level 2 11' - 4"
- Level 1 0' - 0"





## Board of Public Works Staff Report

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**Project/Event:** IU Habitat for Humanity 5K Run

**Petitioner/Representative:** IU Habitat for Humanity

**Staff Representative:** Miah

**Meeting Date:** March 25, 2014

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IU's chapter of Habitat for Humanity is sponsoring a 5K Run on Saturday, March 29, 2014 and is requesting that they be allowed to use city streets. Streets will remain open with traffic control at intersections for the safety of participants. Set up starts at 8:00 a.m., with the run starting at 9:00 a.m. and will be over by 1:00 p.m.

Proceeds from the event go to Habitat for Humanity.

IU has rented the Sycamore shelter at Lower Cascades Park from the Parks Department for this event, and BPD has issued a Parade Permit pending the Board's approval.

Staff recommends approval of this request.

**Recommend**  **Approval**  **Denial by**

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**Board of Public Works**  
Staff Report

**RESOLUTION 2014-18**  
**IU HABITAT FOR HUMANITY 5K RUN**

WHEREAS, the Board of Public Works is empowered by I.C. 36-9-6-2 to supervise city streets;  
and

WHEREAS, IU Habitat for Humanity has requested use of city streets as indicated on Attachment B of this resolution, to conduct a 5K Run which raises funds for the organization; and

WHEREAS, IU Habitat for Humanity has agreed to provide all traffic control as deemed necessary and as instructed by Bloomington Engineering Department and/or Bloomington Police Department and to incur the complete cost; and

WHEREAS, IU Habitat for Humanity has agreed to execute the “Release, Hold Harmless and Indemnification Agreement” regarding the use of the City of Bloomington’s property as described on Attachment A and has agreed to provide the city with a Certificate of Insurance.

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the City of Bloomington Board of Public Works agrees that all or a portion of the following City streets may be utilized to conduct the IU Habitat for Humanity 5K Run between the hours of 8:00 a.m. and 1:00 p.m., on Saturday, March 29, 2014. Attachment B of this Resolution indicates the streets that may be utilized or are restricted in some way by this event.
2. That the street closures outlined above are for the purposes of allowing IU Habitat for Humanity to provide a fitness event of high quality that is mutually beneficial to participants and the community on Saturday, March 29, 2014.
3. That IU Habitat for Humanity shall be responsible for placement and removal of barricades. IU Habitat for Humanity is responsible for contacting the City of Bloomington Engineering Department for instructions on the type of and placement of said barricades. IU Habitat for Humanity agrees to obtain at its own expense and place barricades to close the street, not before 8:00 a.m. on Saturday, March 29, 2014 and to remove barricades by 1:00 p.m., on Saturday, March 29, 2014.
4. That IU Habitat for Humanity will be responsible for removing all trash, picking up litter from the street and sidewalks within these blocks, cleaning any grease or other food products from the pavement and sidewalks, and removing any “No Parking” signs posted as part of the event. Cleanup shall be completed by 1:00 p.m., on Saturday, March 29, 2014.
5. That by granting permission to utilize City property to facilitate this activity, the Board of Works also waives the City Noise Ordinance in accordance with Section 14.09.070 of the Bloomington Municipal Code, and therefore amplified sound and music may be played during the hours of the event.

6. That IU Habitat for Humanity shall be responsible for notifying the general public, public transit and public safety agencies of the street closing in advance by notice (at least 48 hours in advance).
7. That \_\_\_\_\_, by signing this agreement, represents that he/she has been fully empowered by proper action of the entity to enter into the agreement and has authority to do so.
8. That by approval of this Resolution, an officer of the Board of Public Works is authorized to sign the attached Release, Hold Harmless and Indemnification Agreement.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

**BOARD OF PUBLIC WORKS:**

**IU HABITAT FOR HUMANITY**

\_\_\_\_\_  
Charlotte Zietlow, President

\_\_\_\_\_  
Signature

\_\_\_\_\_  
James McNamara

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Dr. Frank N. Hrisomalos

\_\_\_\_\_  
Position

**RELEASE, HOLD HARMLESS  
AND  
INDEMNIFICATION AGREEMENT**

WHEREAS, IU Habitat for Humanity, (hereinafter referred to as "RELEASOR") desires to use the facilities or public property of the CITY OF BLOOMINGTON (hereinafter referred to as "RELEASEE"), and specifically sections of city streets as described in Attachment B which are operated, supervised and maintained by the RELEASEE'S Board of Public Works, for the purpose of sponsoring the IU Habitat for Humanity 5K Run, on RELEASEE's property from 8:00 a.m. – 1:00 p.m. on Saturday, March 29, 2014; and

WHEREAS, the RELEASEE wishes to cooperate in said endeavor by allowing such activities to be conducted upon its property;

NOW, THEREFORE, in consideration for the use of the property of RELEASEE for said purposes, the RELEASOR and its officers, directors, agents, employees, members, successors and assigns, does hereby acknowledge and agree to assume full and complete responsibility for all bodily and personal injuries, including injuries resulting in death, and property damage, claims, actions, damages, liabilities and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of the use of said property, and for the same consideration hereby agrees to indemnify, defend, hold harmless, release, waive and forever discharge the RELEASEE, its officers, directors, agents, employees, successors and assigns, and all other persons and entities associated with the RELEASEE, for all bodily and personal injuries, including injuries resulting in death, and property damage, claims, actions, damages, liabilities and expenses, including reasonable attorneys' fees and court costs, which may occur as a result of the use of said property, including, but not limited to, any claim or claims brought by third parties, whether or not sounding in tort or contract.

RELEASOR expressly agrees that the foregoing RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT is intended to be as broad as permitted by law and if any portion thereof is not found to be enforceable, it is agreed that the balance shall, notwithstanding, continue in full force and effect.

THE PARTIES, INTENDING TO BE BOUND, have executed this RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT.

**RELEASOR**

**RELEASEE**

\_\_\_\_\_  
IU Habitat for Humanity

\_\_\_\_\_  
Board of Public Works Officer

\_\_\_\_\_  
Printed name, Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# City of Bloomington

## PARADE PERMIT APPLICATION

The purpose of this application is to promote and protect the safety of both the general public and parade participants.

Organization name and mailing address: Indiana Habitat for Humanity

Contact person and phone number: Max Sterrett 321 298 8348

Information regarding proposed parade:

Date: 3/29/2014

Time of commencement: 9:00 am

Expected duration: 3 hours

Proposed route of Parade - commencement point, route, ending point:

\_\_\_\_\_

\_\_\_\_\_

Expected number of participants: 100 - 200

Please describe general make-up of the parade, including such information as Vehicles used, floats, bands, animals, etc.

5k run - no vehicles, floats, bands,  
animals.

Traffic control shall be supplied by Type II barriers

At the following points on the parade route: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

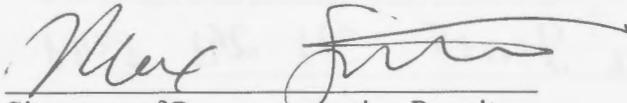
NEXT PAGE

The organization requesting the permit is responsible for traffic control.

Law Enforcement Agency providing traffic control:

\_\_\_\_\_

Confirmation received from Law Enforcement agency providing parade route traffic control: \_\_\_\_\_ (date).



Signature of Person requesting Permit

**Permit Granted** \_\_\_\_\_ **Permit Denied** \_\_\_\_\_

\_\_\_\_\_  
Chief of Police, Bloomington, Indiana

\_\_\_\_\_  
Date

**Action taken by Police Department:**

The permit is granted \_\_\_\_\_, with the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The permit is denied \_\_\_\_\_  
For the following reasons:

\_\_\_\_\_  
\_\_\_\_\_



CITY OF BLOOMINGTON

# NOISE PERMIT

City of Bloomington  
401 N. Morton St., Suite 120  
Bloomington, Indiana 47404  
812-349-3418

## Application and Permit Information

This is an application for a permit for relief from Chapter 14.09 (Noise Control) of the Bloomington Municipal Code. Any permit granted by the City of Bloomington must contain all conditions upon which said permit shall be effective. The City may prescribe any reasonable conditions or requirements it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

Once a completed application is submitted to the City, it will be reviewed by the Board of Public Works. If the permit is approved, the holder must still abide all other city, state, and federal laws.

Contact Miah Michaelsen with any questions: (812) 349-3418 or [michaelm@bloomington.in.gov](mailto:michaelm@bloomington.in.gov)

## Event and Noise Information

Type or Name of Event:	Indiana University Habitat for Humanity 5K run				
Location of Event:	Lower Cascades Park				
Date of Event:	3/29/14	Time of Event:	Start: 9:00	End: 12:00	
Description of Noise:	Cheering for runners				
Source of Noise:	<input type="checkbox"/> Live Band	<input type="checkbox"/> Instrument	<input type="checkbox"/> Loudspeaker	Other: NONE	
Will Noise be Amplified?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No			

## Applicant Information

Name:	Max Sterrett				
Organization:	Indiana University Habitat for Humanity			Title:	MV.
Physical Address:	217 S. Lincoln Apt. 7 Bloomington IN 47408				
Email Address:	maxwell.sterrett@iuhh.com		Phone Number:	721 248 8344	
Signature:				Date:	3/12/14

## FOR CITY OF BLOOMINGTON USE ONLY

In accordance with Section 14.09.070 of the Bloomington Municipal Code, We, the Board of Public Works, the designee of the Mayor of the City of Bloomington, hereby waives the City Noise Ordinance for the above mentioned event.

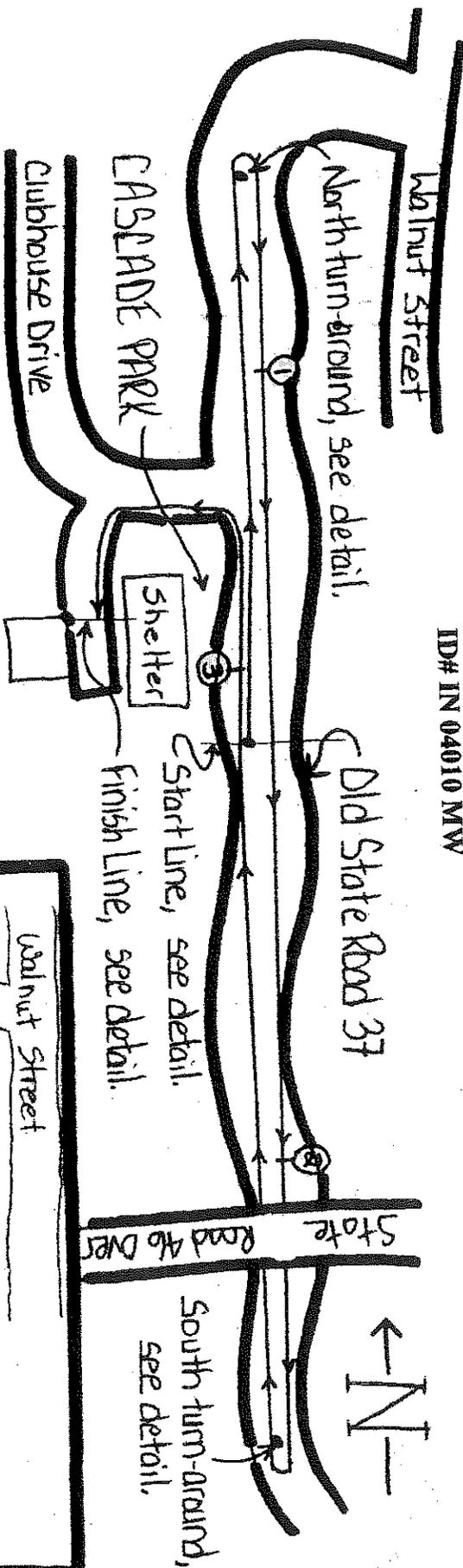
### BOARD OF PUBLIC WORKS

Charlotte T. Zietlow, President

James McNamara

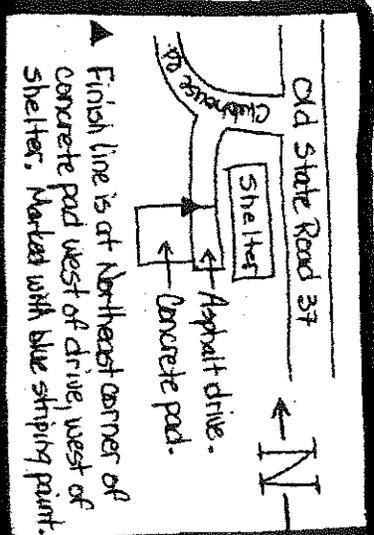
Date

Dr. Frank N. Hrisomalos

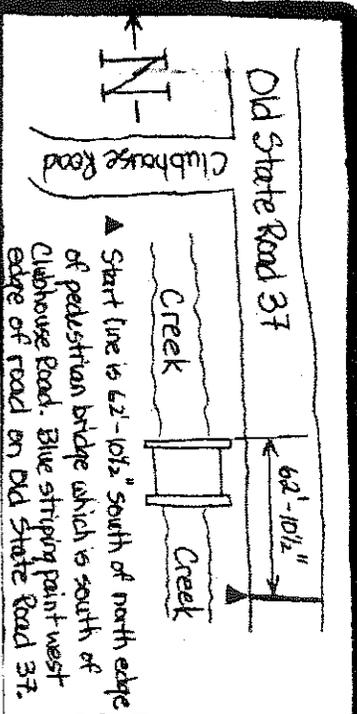


- 1: Old S.R. 37 - at 2nd power pole North of address number "2981" Pole is on East side of road and carries only the lower wires. Blue Paint on East side of road.
- 2: Old S.R. 37 - 50'-6" North of the "Speed Limit 30" sign, East side of road. North of SR 48 overpass. Blue Paint on West side of road.
- 3: Old S.R. 37 - 25'-7" North of North edge of pedestrian bridge, that is South of Clubhouse Rd. Blue Paint on West side of road.

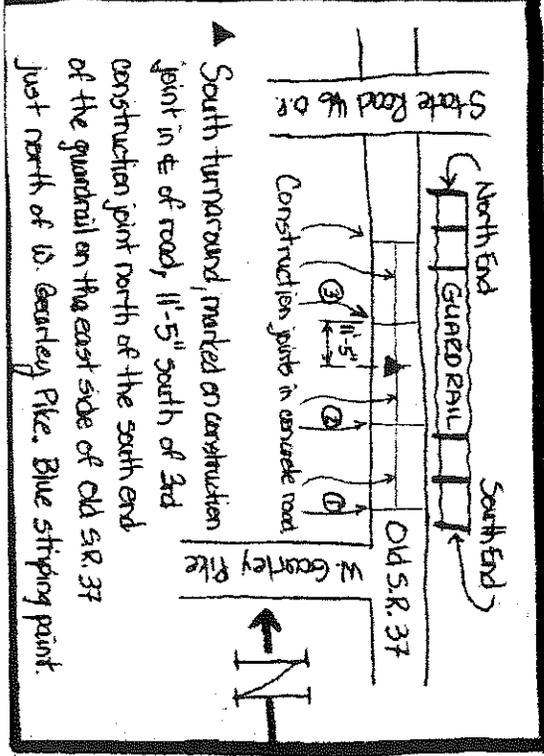
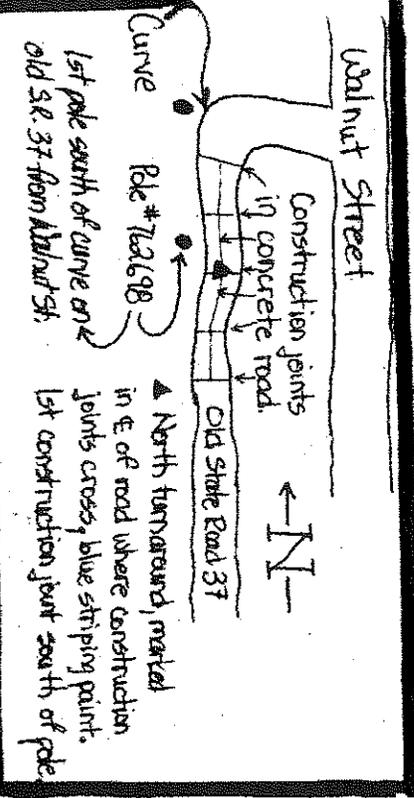
Note: Measurements follow shortest possible route (SRP).



Finish line is at Northeast corner of concrete pad west of drive, west of shelter. Marked with blue striping paint.



Start line is 62'-10 1/2" south of north edge of pedestrian bridge which is south of Clubhouse Road. Blue striping paint west edge of road on Old State Road 37.



South turn-around, marked on construction joint in E of road, 11'-5" south of 2nd construction joint north of the south end of the guardrail on the east side of Old S.R. 37 just north of W. Gearty Pk. Blue striping paint.

Habitat for

5K



## Board of Public Works Staff Report

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**Project/Event:** Additional Noise Permit for 2014 Performing Arts Series

**Petitioner/Representative:** Bloomington Parks and Recreation

**Staff Representative:** Miah

**Meeting Date:** March 25, 2014

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**Report:** Parks and Recreation is requesting an additional noise permit date (and rain date) for their 2014 Performing Arts Series.

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**Recommendation and Supporting Justification:** These are great events that are free and open to the general public.

**Recommend**  **Approval**  **Denial** Miah Michaelsen



CITY OF BLOOMINGTON

## NOISE PERMIT

City of Bloomington  
401 N. Morton St., Suite 120  
Bloomington, Indiana 47404  
812-349-3418

### Application and Permit Information

This is an application for a permit for relief from Chapter 14.09 (Noise Control) of the Bloomington Municipal Code. Any permit granted by the City of Bloomington must contain all conditions upon which said permit shall be effective. The City may prescribe any reasonable conditions or requirements it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

Once a completed application is submitted to the City, it will be reviewed by the Board of Public Works. If the permit is approved, the holder must still abide all other city, state, and federal laws.

Contact Miah Michaelsen with any questions: (812) 349-3418 or [michaelm@bloomington.in.gov](mailto:michaelm@bloomington.in.gov)

### Event and Noise Information

Type or Name of Event:						
Location of Event:						
Date of Event:		Time of Event:	Start:		End:	
Description of Noise:						
Source of Noise:	<input type="checkbox"/> Live Band	<input type="checkbox"/> Instrument	<input type="checkbox"/> Loudspeaker	Other:		
Will Noise be Amplified?	<input type="checkbox"/> Yes <input type="checkbox"/> No					

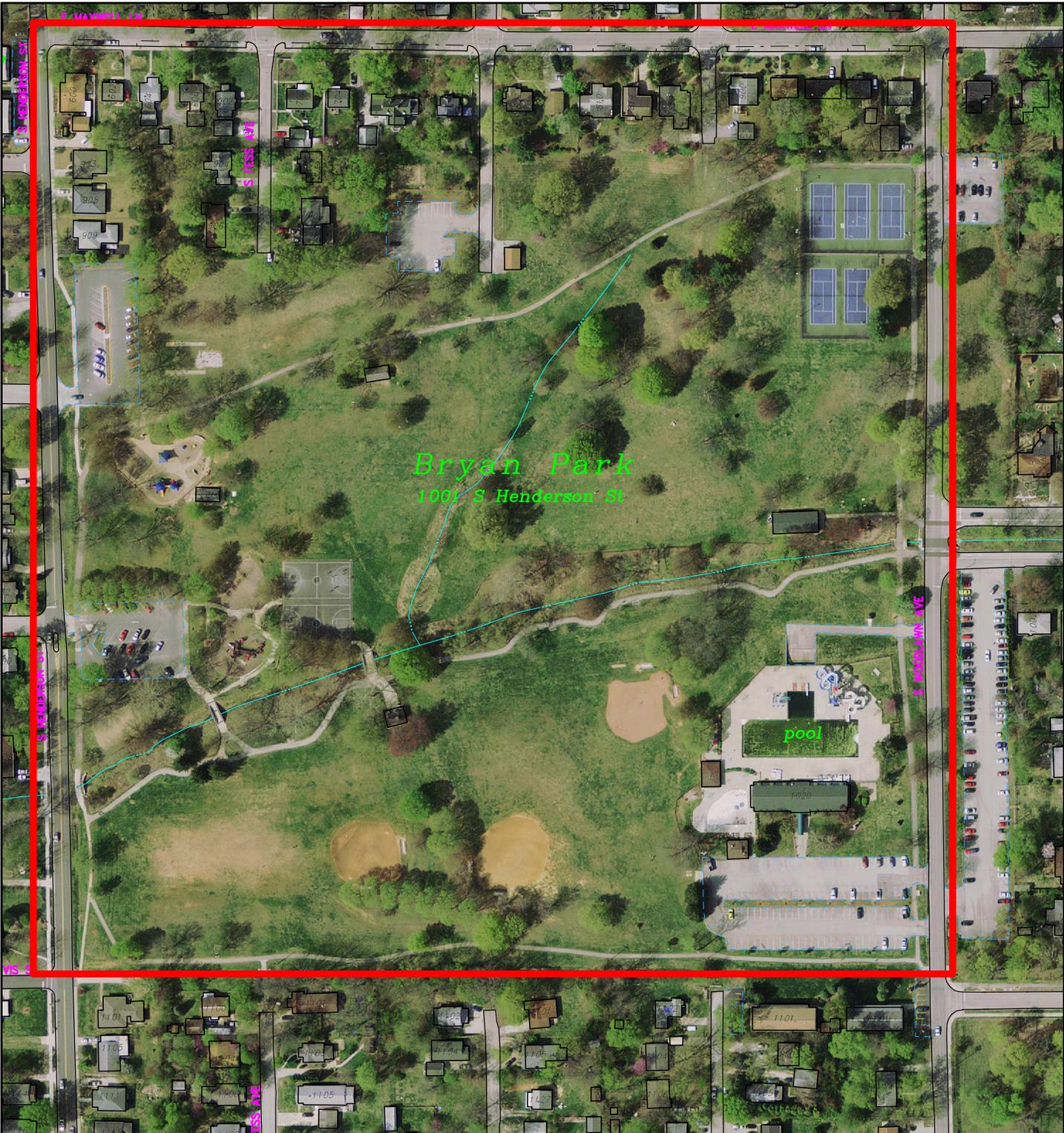
### Applicant Information

Name:						
Organization:				Title:		
Physical Address:						
Email Address:				Phone Number:		
Signature:				Date:		

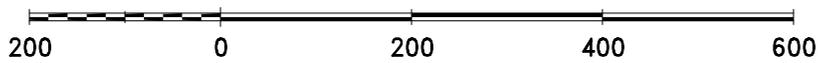
### FOR CITY OF BLOOMINGTON USE ONLY

In accordance with Section 14.09.070 of the Bloomington Municipal Code, We, the Board of Public Works, the designee of the Mayor of the City of Bloomington, hereby waives the City Noise Ordinance for the above mentioned event.

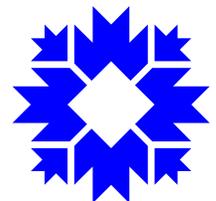
<b>BOARD OF PUBLIC WORKS</b>	
_____	_____
Charlotte T. Zietlow, President	James McNamara
_____	_____
Date	Dr. Frank N. Hrisomalos



By: smithc  
19 Mar 14



City of Bloomington  
Public Works



Scale: 1" = 200'

For reference only; map information NOT warranted.