



## Packet Related Material

### Memo

### Agenda

### Calendar

### Notices and Agendas:

*None*

### Legislation for Final Action:

**App Ord 03-12** To Specially Appropriate from the Parking Enforcement Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Parking Ticket Appeals Software)

*(Please see the November 14<sup>th</sup> packet for summary and materials)*

Contact: Susan Clark at 349-3416 or [clarks@city.bloomington.in.us](mailto:clarks@city.bloomington.in.us)

Regina Moore at 349-3408 or [moorer@city.bloomington.in.us](mailto:moorer@city.bloomington.in.us)

**Ord 03-33** An Ordinance Amending Ordinance 00-35 which Authorized the Issuance of Sewage Works Revenue Bonds for Wastewater and Storm Water Projects

*(Please see the November 14<sup>th</sup> packet for summary and materials)*

Contact: Vickie Renfrow at 349-3557 or [renfrowv@city.bloomington.in.us](mailto:renfrowv@city.bloomington.in.us)

**Ord 03-34** To Approve a Lease Between the City of Bloomington Redevelopment Commission and Mercury Development Group, LLC- Re: Register Parking Garage

*(Please see the November 14<sup>th</sup> packet for summary and materials)*

Contact: Vickie Renfrow at 349-3557 or [renfrowv@city.bloomington.in.us](mailto:renfrowv@city.bloomington.in.us)

Tom Guevara at 349-3412 or [guevarat@cityl.bloomington.in.us](mailto:guevarat@cityl.bloomington.in.us)

**Ord 03-35** To Vacate a Public Parcel - Re: Rights-of-Way beneath the Register Redevelopment Project (City of Bloomington, Petitioner)

*(Please see the November 14<sup>th</sup> packet for summary and materials)*

Contact: Lynn Friemeyer at 349-3529 or [friedmel@city.bloomington.in.us](mailto:friedmel@city.bloomington.in.us)

**Ord 03-36** To Amend the Bloomington Zoning Maps From RE1 To PUD and to Amend the Preliminary Plan for the Hidden Valley Farms PUD - Re: 3421 S. Sare Road (L & M Rentals, Petitioner)

*(Please see the November 14<sup>th</sup> packet for summary and materials)*

Contact: Pat Shay at 349-3524 or [shayp@city.bloomington.in.us](mailto:shayp@city.bloomington.in.us)

**Legislation and Background Material for First Reading:**

**Ord 03-37** To Amend the Bloomington Zoning Maps from Q to PUD and to Adopt the Preliminary Plan for the Southern Indiana Medical Park II Planned Unit Development - Re: 2401 West Tapp Road (Southern Indiana Medical Park II, LLC, Petitioners)

- Certification (6-4); Zoning Map and Aerial Photo; Memo to the Council from James Roach, Senior Zoning Planner; Petitioner's Outline Statement and Plan; Environmental Information including Environmental Inventory with Index, a Delineation of Wetlands, and Map 7 of the COBERI Report; Roadway Information including the Approved and Alternate Location as well as Excerpts from the Master Thoroughfare Plan and the SR37/Tapp Road Critical Subarea Map; Staff and Environmental Reports for the November 10<sup>th</sup>, October 6<sup>th</sup>, and August 11<sup>th</sup> Hearings; Environmental Inventories; Map of Utilities

*Contact: Jim Roach at 349-3527 or roachja@city.bloomington.in.us*

**Ord 03-38** To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Modifying Bryan Park Parking Restrictions; Prohibiting Overnight Parking at Parks and Recreation Parking Lots and Authorizing the Towing of Vehicles for Such; and, Expanding Shared Parking)

- Schedule V (Parking Fees); Memo from James McNamara, Deputy Mayor; Map of Bryan Park Parking Lots; Sections 15.40, 15.48, and 15.64 of the BMC with Changes Noted

*Contact: James McNamara at 349-3406 or mcnamarj@city.bloomington.in.us*

**Ord 03-39** To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration And Personnel" - Re: Amending Section 2.22.030 (Employee Services Department) In Order to Conform the Schedule of Credited Paid Time Off and Residency Requirements to Current Practice

- Memo from Daniel Grundmann, Director of Employee Services; Excerpts of Section 2.22.030 Noting Changes

*Contact: Daniel Grundmann at 349-3578 and grundmad@city.bloomington.in.us*

**Ord 03-40** To Amend Ordinances which Fixed the Salaries of Appointed Officers and Employees of the Civil City (Ordinance 03-20) And Utilities Department (Ordinance 03-21) for the Year 2004 - Re: Civilian positions in the Fire, Community and Family Resources, Parks and Recreation, and the Accounting (Utilities) Departments

- Memo from Daniel Grundmann, Director of Employee Services; Organizational Charts for the Fire, CFR, and Parks and Recreation Departments

*Contact: Daniel Grundmann at 349-3578 and grundmad@city.bloomington.in.us*

**Minutes from Regular and Special Sessions:**

September 17<sup>th</sup>

October 8<sup>th</sup>

November 12<sup>th</sup>

**Memo**

**Four Items Ready for Final Action, One Item Set for Postponement,  
and Four Items Ready for Introduction on Wednesday, December 3<sup>rd</sup>**

The last legislative cycle of the year begins next Wednesday when the Council takes action on four, postpones one, and introduces four ordinances. These ordinances and the background material can be found in the November 14<sup>th</sup> and current packet. They are all briefly noted below and the new ones are then summarized further in the memo and included in this packet. Please read the note in italics regarding special actions for two of these items.

**Regular Session - Final Actions**

**App Ord 03-12**     Appropriating Approximately \$14,300 to Acquire an Online Appeals Program for Parking Tickets

*Note:            Please entertain a motion to postpone this item until a Special Session on December 10<sup>th</sup> (because the City did not publish notice of the hearing).*

**Ord 03-33**            Amending Ord 00-35 Which Authorized the Issuance of \$32 Million of Wastewater Bonds

**Ord 03-34**            Approving Lease Between Redevelopment Commission and Mercury Development Group, LLC Regarding the Register Garage

**Ord 03-35**            Vacating Two Alleyways Under the Proposed Register Place and Garage

**Ord 03-36**            Amending the Hidden Valley Farm PUD

## **Regular Session - First Readings**

**Ord 03-37** Rezoning 102 Acres of Land on Tapp Road from Quarry to PUD and Approving Preliminary Plan for Mixed Uses (Southern Indiana Medical Park II - Dr. Kamal Tiwari, Petitioner)

*Note: Councilmember Rollo has been discussing this proposal with the petitioner with the goal of having the him request a denial from the Council and pursue a modified petition at the Plan Commission in December.*

**Ord 03-38** Amending Title 15 (Vehicles and Traffic) of the BMC – Section 15.40 (Municipal Lots and Garages); Section 15.48 (Emergency Removal and Impoundment of Vehicles; and Section 15.64 (Violations and Penalties)

**Ord 03-39** Amending Section 2.22.030 of the BMC to Conform Paid Time Off Chart and Residency Requirements to Current Practice

**Ord 03-40** Amending the 2004 Salary Ordinances for the Civil City (Ord 03-20) and the Utilities Department (Ord 03-21)

## **First Readings**

### **Item 1 - Ord 03-37 Amending the Zoning Maps from Quarry to PUD and Approving a PUD for Southern Indiana Medical Park II at 2401 West Tapp Road**

**Ord 03-37** rezones approximately 102 acres of land next to the Southern Indiana Medical Park on Tapp Road from Quarry to Planned Unit Development and approves a Preliminary Plan for the development of a mix of medical, industrial, and site-related commercial uses on 64 of those acres. The petitioner - Southern Indiana Medical Park II (Dr. Kamal Tiwari) - presented the proposal to staff this summer and the Plan Commission, after three hearings on August 11<sup>th</sup>, October 6<sup>th</sup>, and November 10<sup>th</sup>, forwarded it to the Council with a positive recommendation by a vote of 6 - 4.

**Rollo Initiative.** Please note that Councilmember Rollo has been talking with the petitioner about this project and will want to share his thoughts with you over the coming week. He would like to see the petitioner request denial of this proposal and

file a modified version with the Plan Department this month for consideration in January by the Plan Commission.

**Surrounding Land and Uses.** The site is on the south side of Tapp Road and wraps around the east and south side of the Southern Indiana Medical Park, which marks the boundary for the Tapp Road TIF district. The vacant and wooded, industrially zoned PIC property lies to the north; a single family residence on quarry-zoned land lies to the east; more vacant and wooded industrially zoned land lies to the south; and SR 37 with a single-family neighborhood on the other side lies directly west of this property.

**Site.** Environmentally sensitive areas – including mature woodlands, steep slopes, a stream, wetlands and flood plain, karsts, and quarried land – dominate the site and dictated the placement, manner, and timing of development. There is a creek that runs through the site in an east/west direction with steep wooded slopes on the south and two separate wetland areas, one of which degrades as it passes through the quarried ground to the east. Approximately 80% of the site is wooded and except for a tree line running north from the wetlands, the area to the north appears to have been cleared within the last 50 years, while the area to the south has heavy and mature woodlands most of which have not been cleared in well over 100 years. Numerous karst features dot the landscape and the quarried land spills over from the neighboring land to the east. The area near and south of the creek has especially high concentrations of environmentally sensitive areas (See City of Bloomington Environmental Resource Inventory (COBERI - Map 7 on page 37).

**GPP and Master Thoroughfare Plans.** The Growth Policies Plan calls for the development of an “employment center” here that would draw employees from Bloomington and the surrounding region. At the same time, the plan also urges care in the treatment of environmentally sensitive areas. You can see this tension in the State Road 37/Tapp Road Critical Subarea, which focuses on this site. It recommends the development of medical, corporate office, and other uses as well as a frontage road ... “while insuring the preservation of environmentally valuable and sensitive lands.”

**Proposed Uses.** The petitioner came forward with a proposal for medical and professional offices on this site and accepted additional uses recommended by the staff in accordance with the GPP. These included light industrial, warehousing, and site-serving commercial uses. The Plan Commission also:

- prohibited drive-through commercial uses and consumer-oriented mini-warehouses (COA #2); and

- required the Petitioner to dedicate as much as 2 acres for a fire station with direct access to the frontage road and at the time of the first final plan for this site (in Phase 1) (COA #3).

**Addressing Environmental Constraints.** The Environmental Commission submitted three reports with recommendations that were largely incorporated into the project by the petitioner and, in some cases, the Plan Commission. Here are some of the protective measures which were recommended by the GPP and now appear in the proposal:

- The petitioner agreed to preserve approximately 44 acres of environmentally sensitive land (which also included a 100-foot buffer of land along SR 37) either by putting it into a conservation easement or by deeding it to another entity;
- The petitioner agreed to use exposed foundations and retaining wall when necessary to protect steep slopes;
- The two-acre wetland identified by a consultant was left undisturbed by any roadways;
- The Plan Commission split the proposal into two phases and prohibited the development of the area south of the creek (Phase 2) until Tapp Road is widened and the cost of a traffic signal at the Weimer intersection is funded (COA #1) (Note this conforms with the GPP recommendation to develop southward in phases, due to the inadequate water and sanitary sewer services, and also helped assure that Tapp Road could handle traffic generated by this potential connection to Fullerton Pike.)
- Phase 2 contained much of the environmentally sensitive areas and was subject to further precautions which included compacting development and preserving large areas of green space by:
  - reducing footprints of buildings by requiring a minimum of 2 stories,
  - reducing the setbacks for buildings and parking lots,
  - narrowing the cross section of the roadways (See COA # 5).

**Frontage Road Alignment.** The staff report notes that the GPP and Master Thoroughfare Plan call for a frontage road through this property that would eventually connect Bloomfield Road with Fullerton Pike. The GPP also notes that this road “should not negatively impact or intrude on high quality and environmentally sensitive areas on this property.”

The petitioner initially proposed tying into McIntyre Drive, which runs through the medical park, but staff rejected this route because it was too circuitous for a good

frontage road. In lieu of this route, the Plan Commission discussed three other ones. Each of these differed on whether it crossed the creek up or down stream of the wetlands and whether it met at the current intersection with Weimer Road or further west.

The Environmental Commission and staff favored a route that connected with current intersection of Weimer Road and headed south through some quarried land before crossing the creek down stream from the wetlands. Another alternative would have taken this same connection at Weimer and crossed the creek upstream from the wetlands. The Plan Commission decided upon another route, which crossed upstream of the wetlands and intersected Tapp Road about 300 feet further west of Weimer (See COA #10). This choice stayed clear of the neighbor's property, but would have a greater adverse impact on the wetlands. It also offered a straighter route in the long term, but ultimately depended upon the topography and development prospects of the PIC property to the north.

**Utilities.** As recommended by the GPP, the petitioner agreed to develop this site in phases and will also:

- install a 15" sanitary sewer line and a water line (at a size acceptable to the Utilities Department) along the road to the southern property line;
- use a small culvert under the road as it crosses the creek to detain water as it flows towards the wetlands and Clear Creek;
- incorporate best storm water management practices into the final plans for the individual lots (e.g. use plantings to filter water before it leaves the site); and
- work with the medical park to ensure that water leaving that site does not exceed pre-development rates (COA #6).

**Pedestrian Connections.** The GPP recommended that developers connect pedestrian ways to the Clear Creek Trail whenever it is possible to do so. In order to facilitate this connection, the Plan Commission required the petitioner to dedicate a 15-foot easement from the east property to the frontage road (See COA #4).

**Minimizing Impacts on Neighboring Properties and the Appearance of the Development from SR 37.** The neighbor to the east (Duncan Campbell) expressed concerns about the effect of this development on his property. The GPP also recommended buffers and a higher quality of architecture for buildings that were visible from SR 37. In response to these concerns the petitioner agreed to:

- Coordinate and pay for a driveway crossing for the neighbor to the east;

- Preserve a 100-foot buffer of quarried rubble and trees on the eastern boundary near the historic household;
- Submit a lighting plan at the time of the final plan showing that the fixtures are no more than 15 feet high and face downward, and that all but the security lights can be shut-off at night (COA #8);
- Provide "360 degree" architecture for buildings along SR 37 and provide the same quality of architectural details on all sides of buildings elsewhere in the site that are visible from a public street (COA #7); and
- Preserve a 100-foot wooded buffer along SR 37 and place parking lots along that frontage in the rear of the buildings.

**Item 2 - Ord 03-38 Amending Title 15 (Vehicles and Traffic) of the BMC – Section 15.40 (Municipal Lots and Garages); Section 15.48 (Emergency Removal and Impoundment of Vehicles; and Section 15.64 (Violations and Penalties)**

**Ord 03-38** amends Title 15 of the Bloomington Municipal Code (Vehicles and Traffic) by modifying parking restrictions at Bryan Park and Miller/Showers Park, prohibiting overnight parking in Parks and Recreation lots and authorizing the towing of vehicles which violate that provision, shortening the hours of the non-reserved permits, and making other minor changes. These changes are explained in a memo from the Deputy Mayor, summarized below, and can be seen in an annotated excerpts of the BMC included in this packet.

**Parks and Recreation Parking Lots – Limiting Parking to 3-Hours in Miller/Showers Park and Certain Bryan Park Lots for Either 9 or 12 Months a Year and Prohibiting Overnight Parking in All But Griffy Lake Park and Authorizing a \$50 Fine and the Towing of Vehicle for Violation of that Prohibition**

Section 1 of the ordinance designates five parking areas in or near two city parks as city parking lots and subsequent sections of the ordinance impose restrictions on parking there that are intended provide adequate space for park visitors.

**Bryan Park and the Park & Ride Parking Lots**

Four of these newly designated lots are among the seven parking areas in or near Bryan Park. The other three parking areas here lie along the northern tier of the Park

and are already city parking lots. They include the north lot on Henderson (Lot 19), the lot at the end of Stull (Lot 18), and the lot by the tennis courts on Woodlawn (Lot 17). This ordinance makes the southern tier of lots and another lot further south on Woodlawn municipal lots. These lots are located:

- On Henderson by Allen Street near the playground equipment on the westside of the park (Lot 20);
- By the pool (Lot 21);
- Across Woodlawn and just east of the pool (Lot 22); and
- Further south on Woodlawn by the Carlisle Plan (Lot 23).

As some of you may recall, the City established the Park and Ride program at the same time it prohibited commuters to Indiana University from parking in Elm Heights. These commuters were given the opportunity of parking in the lot on the east side of Woodlawn by the Bryan Park pool and paying a small fee for being transported to campus.

As that program grew, city staff, neighbors, and park users saw that the lots were no longer providing space for those who were visiting the park. Not long ago, in order to strike a better balance between the needs of the park visitors and commuters, the City limited parking for the northern tier of lots to no more than 3 hours at a time from 8:00 a.m. to 5:00 p.m. during the workweek. For the western lots, the 3-hour restriction ran through the school year (September to May). This allowed park users to spend more time there during the summer months, when fewer commuters traveled to IU. Because Lot 17 (on the east side of the park by the tennis courts) was so convenient for commuters, the 3-hour limitation was kept in place throughout the year. This ordinance extends the 9-month prohibition to the Lot 20 (the southern lot on Henderson) (See Section 3).

#### Miller/Showers Parking Lot

The other new city lot is along 17<sup>th</sup> Street at the southern border of the Miller/Showers Park (Lot 24). This area is under renovation and will soon be open to the public. Prior history suggests that it, too, will be used for storage and other kinds of parking. For this reason the ordinance imposes 3-hour time limit keeps it in place throughout the year.

#### Prohibiting Parking When Parks are Closed

The ordinance also prohibits parking between 11:00 p.m. and 5:00 a.m. in all but one of the City Parks lots (See Section 3). This coincides with the hours of park

operations and is intended to deter the long term storage of vehicles which is occurring especially at Bryan Park. The one exception is for fishermen and those attending programmed events at Griffy Park. Violators of this regulation may be fined \$50 fined (see Sections 6 and 10) and have their vehicles towed (See Section 8).

### **Downtown Parking – Shortening Parking Day for Holders of Non-Reserved (13/5) Permits - Removing Reference to 2003 Fees and Other Obsolete Terms**

The ordinance shortens the parking privileges for the reserved 13-hour/5-day-a-week permit from 13 hours (6:00 a.m. to 7:00 p.m.) to 12 hours (6:00 a.m. to 6:00 p.m.) and thereby changing it from a 13/5 to a 12/5 permit (See Sections 2 and 4). These permits were created a few years ago in order to offer permit holders a less expensive parking “product” that would meet their needs for day-time parking while also allowing others to use that space when visiting downtown at night. The change would allow the public to park in those spaces after 6:00 p.m. when, as the memo from the Deputy Mayor explains, motorists go downtown for some food or entertainment and often find those spaces empty, but unavailable to them.

As you may recall, last December the City decided to spread the increase in certain parking fees over 2003 and 2004. Section 2 and 5 remove references to fees for 2003, which are found in Schedule V (attached to the ordinance). At the same time last year, the code was amended to provide reserved permits for Lot 1 (Dunkirk Square) and Lot 3 (4<sup>th</sup> and Washington) and set the rate at a higher amount than the other less popular parking facilities. The Administration did not pursue these options and proposes to lower the rate for the reserved permits at Lot 3 so that it is equal to those for the remaining lots.

### **Effective Date**

Please note that all the provisions of the ordinance except those that impose a penalty and forfeiture will go into effect upon adoption. Those provisions regarding penalties and forfeitures will go into effect upon publication.

### **Item 3 - Ord 03-39 Amending Section 2.22.030 of the BMC to Conform Paid Time Off Chart and Residency Requirements to Current Practice**

**Ord 03-39** amends Section 2.22.030 of the municipal code entitled "Employee Services Department," in order to conform the Paid Time Off charts and residency requirements to current practice.

## Paid Time Off Chart

The City adopted a Paid Time Off policy in 1999 with the passage of Ord 99-50. This policy aggregated vacation, sick, personal business days and birthdays into one category of paid absences and allowed their use under one set of rules, but continued existing policies regarding holidays, compensatory time, workers' compensation time, bereavement leave, and civic leave. It is more liberal than the former leave policy and was intended to help retain and attract employees by offering them more choice in arranging their absences. It was also designed to encourage the scheduling of absences, reduce unnecessary rule-induced absences, and remove some of the administrative burden associated with tracking these hours.

As Daniel Grundmann, Director of Employee Services, explains in his memo, the ordinance brings the PTO charts found in the municipal code in line with the Personnel Manual and the practices of the department. There are two differences between the code and current practice that are corrected by this ordinance. The first difference is found in the number of PTO hours an employee accrues in their 5<sup>th</sup> and subsequent years of employment. Under the Personnel Manual, employees receive 96 hours of PTO for the first five years of employment and then receive incremental increases each year thereafter until they reach a maximum of 176 hours in their 12<sup>th</sup> year of employment. The code, in contrast, begins and ends the incremental increases one year earlier (e.g. in the 5<sup>th</sup> and 11<sup>th</sup> years). The ordinance corrects this discrepancy in the charts for regular full and part-time employees. The second difference is found in the amount of PTO hours an employee working 38 hours a week would get in their first year of employment if they were hired in the last quarter of the year. The code indicates they would get 15 hours and the manual indicates that they would get 16 hours.

## Residency Requirements

The ordinance also revises the residency requirements for city employees, again, to conform the code to long-standing practice. Since 1978 the City has had a code provision that required permanent regular and part-time employees to reside in the county. This provision (which was repealed and reenacted in 1983) excepted police and fire officers (per statute), persons with specialized skills, employees whose programs extended beyond county lines, and employees who were hired prior to June 1, 1978.

The memo from Daniel Grundmann indicates the City has not held new employees to these requirements since the mid-1980's. The Administration is now proposing

that the City require employees to be residents of Monroe County to the extent this is mandated by state law and constitution. In particular, it says:

(7) Residency. Residency requirements for employees are those mandated by Indiana law, including but not limited to Article 6, Section 6 of the Indiana Constitution (if and to the extent it may be applicable to certain City officers) and, for members of the police and fire departments, Indiana Code Section 36-8-4-2.

I've talked to Trish Bernens, City Attorney, about the meaning of this provision and she thought that it should be treated as a reminder for those hiring new employees to check whether out-of-county residents are prohibited by state law from serving in the position. The statutory reference to officers of the police and fire departments, for example, allows them to reside in the counties immediately surrounding our own. The reference to Article 6, Section 6 of the Indiana Constitution, however, is more ambiguous because it is unclear to what extent it applies to municipal officers. Trish opined that it would probably apply, if at all, to positions with duties that are established by statute (not contract), are on-going, and include the performance of a sovereign power for the public's benefit (such as certain department head positions). Thus, the ordinance reminds supervisors to look at each situation one case at a time.

**Item 4 - Ord 03-40 Amending the 2004 Salary Ordinances for the Civil City (Ord 03-20) and the Utilities Department (Ord 03-21)**

**Ord 03-40** amends the 2004 salary ordinances for various Civil City departments (Ord 03-20) and the Utilities department (Ord 03-21). These amendments change the name of two positions in the Fire and Utilities departments, raise the grade of four positions in the Community and Family Resources, Parks and Recreation, and Utilities departments, and reorganize positions at the Cascades Golf Course. Many of these changes were the result of the rewriting of job descriptions by the departments which were reviewed by the Employee Services department and, in some cases, the Job Evaluation Committee. Please note that none of these changes will require an additional appropriation next year. The memo from Daniel Grundmann, Director of Employee Services explains this process and these changes, which are briefly summarized below.

**Fire Department - Change in Job Title for Department Secretary**

The Fire Department requested that its Secretary position be renamed Office Manager.

### **Utilities Department - A Change in the Title for Lead Customer Relations Representative and an Increase in the Grade of Assistant Accounts Payable Clerk from 1 to 2**

The Utilities Department requested two changes. First, it proposed that the Lead Customer Relations Representative be renamed Customer Relations Coordinator. Second, it wanted to know whether new duties for the Assistant Accounts Payable Clerk would raise the grade for that position. This person now handles the final claims for projects when they close and determines whether claims could be paid from the State Revolving Loan Fund monies. The Job Evaluation Committee reviewed the new job description and recommended an increase from Grade 1 to 2.

### **Community and Family Resources - An Increase in Grade for Two Program Assistant Positions from 5 to 6**

The Community and Family Resources Department recently revised the descriptions for its four Program Assistant positions and asked that the Job Evaluation Committee review them for a possible change in grade. One of these is at Grade 6, two are at Grade 5, and one is at Grade 4. The Job Evaluation Committee reviewed the three upper positions and found that the complexity, need for independent judgment, and consequences of errors in these positions justified a Grade 6. This change will result in an increase of one grade for the Program Assistant - Bloomington Volunteer Network and Program Assistant II - Special Projects.

### **Parks and Recreation Department - Increase in the Grade of One Position and Reorganization of the Cascades Golf Course Positions**

The Parks and Recreation Department submitted a revised job description for the Operations and Development Division Director. The new duties included greater responsibility for managing contracts and projects, and the Job Evaluation Committee recommended the position be raised Grade 9 to 10. This change will have a fiscal impact in future years (amount as yet unknown), but will not require an additional appropriation next year.

This department also wanted to take the opportunity over the winter months to reorganize the personnel at Cascades Golf Course. Currently there is a Golf Course Manager, who is under contract with the City, and two Specialists (Grade 4). These positions realize supplemental income through sales of equipment at the Pro Shop and the payment for golf lessons which, Daniel Grundmann notes in his memo,

"creates a structure disincentive for (these) employees to act in the best interests of the City (because) pursuing interests in competition with managing operations can increase their income." The department wishes to replace these three positions with a Golf Facilities Manager (Grade 7 - Salary Range \$31,021 - \$52,819) and a Golf Programs Coordinator (Grade 6 - Salary Range \$29,831 - \$48,672) and save approximately \$25,000 in compensation next year. Taking this action over the winter months provides a better chance for the current employees to find new positions and the new employees to become proficient in the new positions before business at the course picks up in the Spring.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
7:30 P.M., WEDNESDAY, DECEMBER 3, 2003  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

- III. APPROVAL OF MINUTES FOR:** Regular Session, September 17, 2003  
Regular Session, October 8, 2003  
Special Session, November 12, 2003

**IV. REPORTS FROM:**

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Appropriation Ordinance 03-12 To Specially Appropriate from the Parking Enforcement Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Parking Ticket Appeals Software)

Committee Recommendation: Do Pass 7 – 0 – 1

*Motion to postpone until December 10, 2003 is expected.*

2. Ordinance 03-33 An Ordinance Amending Ordinance 00-35 Which Authorized the Issuance of Sewage Works Revenue Bonds for Wastewater and Storm Water Projects

Committee Recommendation: Do Pass 5 – 0 – 3

3. Ordinance 03-34 To Approve A Lease Between the City of Bloomington Redevelopment Commission and Mercury Development Group, LLC – Re: Register Parking Garage

Committee Recommendation: Do Pass 5 – 0 – 3

4. Ordinance 03-35 To Vacate a Public Parcel – Re: Rights-of-Way beneath the Register Redevelopment Project (City of Bloomington, Petitioner)

Committee Recommendation: Do Pass 8 – 0

5. Ordinance 03-36 To Amend the Bloomington Zoning Maps from RE1 to PUD and To Amend the Preliminary Plan for the Hidden Valley Farms PUD – Re: 3421 S. Sare Road (L & M Rentals, Petitioner)

Committee Recommendation: Do Pass 8 – 0

**VII. LEGISLATION FOR FIRST READING**

1. Ordinance 03-37 To Amend The Bloomington Zoning Maps from Q to PUD and to Adopt The Preliminary Plan for the Southern Indiana Medical Park II Planned Unit Development – Re: 2401 West Tapp Road (Southern Indiana Medical Park II, LLC, Petitioners)

2. Ordinance 03-38 To Amend Title 15 of The Bloomington Municipal Code Entitled “Vehicles and Traffic” (Modifying Bryan Park Parking Restrictions; Prohibiting Overnight Parking at Parks and Recreation Parking Lots and Authorizing the Towing of Vehicles for Such; and, Expanding Shared Parking)

3. Ordinance 03-39 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Amending Section 2.22.030 in Order to Conform the Schedule of Credited Paid Time Off and Residency Requirements to Current Practice

4. Ordinance 03-40 To Amend Ordinances Which Fixed the Salaries of Appointed Officers and Employees of the Civil City (Ordinance 03-20) and Utilities (Ordinance 03-21) Departments for the Year 2004 – Re: Civilian Positions in the Fire, Community and Family Resources, Parks and Recreation, and the Accounting (Utilities) Departments

**VIII. PRIVILEGE OF THE FLOOR** (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

**IX. ADJOURNMENT**

City of  
Bloomington  
Indiana

City Hall  
401 N. Morton St.  
Post Office Box 100  
Bloomington, Indiana 47402



**Office of the Common Council**  
(812) 349-3409  
Fax: (812) 349-3570  
e-mail: [council@city.bloomington.in.us](mailto:council@city.bloomington.in.us)

**To: Council Members**  
**From: Council Office**  
**Re: Calendar for the Week of**  
**December 1, 2003 – December 6, 2003**  
**Date: November 28, 2003**

Monday, December 1, 2003

8:00 am Housing and Neighborhood Development's Realtor Workshop, Council Chambers  
5:00 pm Redevelopment Commission, McCloskey  
5:00 pm Utilities Service Board, Service Center – 1969 S. Henderson Street  
5:00 pm Mayor's Civic Engagement Award and Reception, Council Chambers  
5:30 pm Bicycle and Pedestrian Safety Commission Work Session, Hooker Room

Tuesday, December 2, 2003

5:30 pm Board of Public Works, Chambers  
5:30 pm Public Transportation Corporation Board, Transit Center – 130 W. Grimes Lane

Wednesday, December 3, 2003

2:00 pm Hearing Officer, Hooker Room  
7:30 pm Common Council – Regular Session, Chambers

Thursday, December 4, 2003

5:30 pm Commission on the Status of Women, McCloskey

Friday, December 5, 2003

*There are no meetings scheduled for today.*

**ORDINANCE 03-37**

**TO AMEND THE BLOOMINGTON ZONING MAPS FROM Q TO PUD  
AND TO ADOPT THE PRELIMINARY PLAN FOR  
THE SOUTHERN INDIANA MEDICAL PARK II PLANNED UNIT DEVELOPMENT  
RE: 2401 West Tapp Road  
(Southern Indiana Medical Park II, LLC, Petitioners)**

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled “Zoning”, including the incorporated zoning maps, and Title 21, entitled “Land Use and Development;” and

WHEREAS, the Plan Commission has considered this case, PUD-35-03, and recommended that the petitioners, Southern Indiana Medical Park II, LLC, be granted a rezone of the property located at 2401 West Tapp Road from Quarry (Q) to Planned Unit Development (PUD) and also approve a preliminary plan for the Southern Indiana Medical Park II PUD. The Plan Commission thereby requests that the Common Council consider this petition;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the land be rezoned from Quarry (Q) to Planned Unit Development (PUD), the preliminary plan be approved, and the list of permitted uses be amended for the property located at 2401 West Tapp Road. The property is further described as follows:

The following described real estate in Monroe County, State of Indiana, to-wit: The Northwest quarter of Section 18, Township 8 North, Range 1 West, also the West half of the Northwest quarter of the Northeast quarter of Section 18, Township 8 North, Range 1 West, except the following described part thereof, to-wit: Beginning at the Northeast corner of said tract of land, running thence South 40 rods; thence West 36 feet; thence northeast to a point on the North line of said described real estate one rod West of the place of beginning; thence east one rod to the place of beginning.

ALSO, the West half of the Southwest quarter of the Northeast quarter of said Section 18, Township 8 North Range 1 West.

ALSO, a part of the East half of the Northwest quarter of the Northeast quarter of Section 18, Township 8 North, Range 1 West, described as follows, to-wit: Beginning at the Southwest corner of said tract of land; thence running North 40 rods; thence East 36 feet; thence Southwest to a point on the South line of said tract of land, 1 rod East of the place of beginning; thence West 1 rod to the place of beginning.

EXCEPTING THEREFROM: a part of the Northwest quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at the Southwest corner of said quarter section; thence North 00 degrees 18 minutes 31 seconds West 2640.94 feet along the west line of said quarter section to a Southern boundary of Tapp Road; thence Northeasterly 32.93 feet along said Southern boundary to the North line of said quarter section; thence South 89 degrees 52 minutes 00 seconds East 267.53 feet along said North line to a South boundary of Tapp Road; thence Easterly 134.93 feet along said South boundary to a Southern boundary of Tapp Road; thence Southeasterly 99.33 feet along said Southern boundary to a South boundary of Tapp Road; thence Easterly 75.24 feet along said South boundary; thence South 77 degrees 38 minutes 45 seconds West 238.18 feet; thence South 50 degrees 23 minutes 08 seconds West 124.40 feet; thence South 00 degrees 12 minutes 00 seconds East 250 feet; thence South 07 degrees 47 minutes 41 seconds East 151.33 feet; thence South 00 degrees 12 minutes 00 seconds East 1150 feet; thence South 05 degrees 54 minutes 38 seconds East 251.25 feet; thence South 04 degrees 33 minutes 49 seconds West 301.04 feet; thence South 00 degrees 12 minutes 00 seconds East 406.69 feet to the South line of said quarter section; thence North 89 degrees 16 minutes 00 seconds West 295.02 feet along said South line to the point of beginning.

ALSO EXCEPTING THEREFROM: Lot Number One of 2300 Tapp Road Subdivision, being a part of Section 18, Township 8 North, Range 1 West, in Monroe County, Indiana, as shown by the plat thereof recorded in Plat Cabinet “B”, Envelope 325, in the office of the Recorder of Monroe County, Indiana.

ALSO EXCEPTING THEREFROM: A part of the Northwest quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana described as follows: Beginning at a point that is 609.61 feet South 88 degrees 38 minutes 01 second East of the Northwest corner of said Northwest quarter, said point being on the North line of said Northwest quarter and in Tapp Road; thence South 88 degrees 38 minutes 01 second

East over and along said North line for a distance of 1136.44 feet; thence South 01 degree 49 minutes 58 seconds East for a distance of 1108.71 feet; thence North 88 degrees 38 minutes 01 second West for a distance of 1177.49 feet to the East right of way of Indiana State Road #37; thence Northerly over and along said right of way by the following courses and distances: North 00 degrees 12 minutes 00 seconds West 571.61 feet; thence North 07 degrees 47 minutes 41 seconds West; 151.33 feet; thence North 00 degrees 12 minutes 00 seconds West 250.00 feet; thence North 50 degrees 23 minutes 08 seconds East 124.40 feet; thence North 78 degrees 05 minutes 33 seconds East 238.18 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: A part of the southwest quarter of the Northwest quarter and a part of the West half of the Southwest quarter of the Northeast quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana described as follows: Beginning at a point on the East line of said West half of the Southwest quarter of the Northeast quarter of said Section 18, said point being 583.86 feet South 01 degree 07 minutes 12 seconds East of the Northeast corner of said half quarter quarter; thence South 01 degree 07 minutes 12 seconds East for a distance of 723.29 feet to the Southeast corner of said half quarter quarter; thence North 89 degrees 04 minutes 15 seconds West over and along the East-West half section line of said Section 18 for a distance of 1713.54 feet; thence North 00 degree 55 minutes 45 seconds East for a distance of 728.23 feet; thence North 89 degrees 32 minutes 56 seconds East for a distance of 762.29 feet; thence North for a distance of 401.89 feet; thence East for a distance of 259.31 feet; thence South 00 degrees 26 minutes 13 seconds East for a distance of 494.67 feet; thence East for a distance of 661.15 feet to the point of beginning. Containing after all exceptions 100.94 acres more or less.

SECTION II. The Preliminary Plan shall be attached hereto and made a part thereof.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance rezones approximately 101 acres on West Tapp Road from Quarry to Planned Unit Development and approves a preliminary plan for the Southern Indiana Medical Park II. This PUD allows for a mix of office and industrial uses, as well as accessory commercial uses and preserves 44 acres of forested land.

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 03-37 is a true and complete copy of Plan Commission Case Number PUD-35-03 which was given a recommendation of approval by a vote of 6 Ayes, 4 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 10, 2003.

Date: November 10, 2003

\_\_\_\_\_  
Thomas B. Micuda, Secretary  
Plan Commission

Received by the Common Council Office this \_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Regina Moore, City Clerk

Appropriation Ordinance #	_____	Fiscal Impact Statement Ordinance #	_____	Resolution #	_____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

\_\_\_\_\_

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

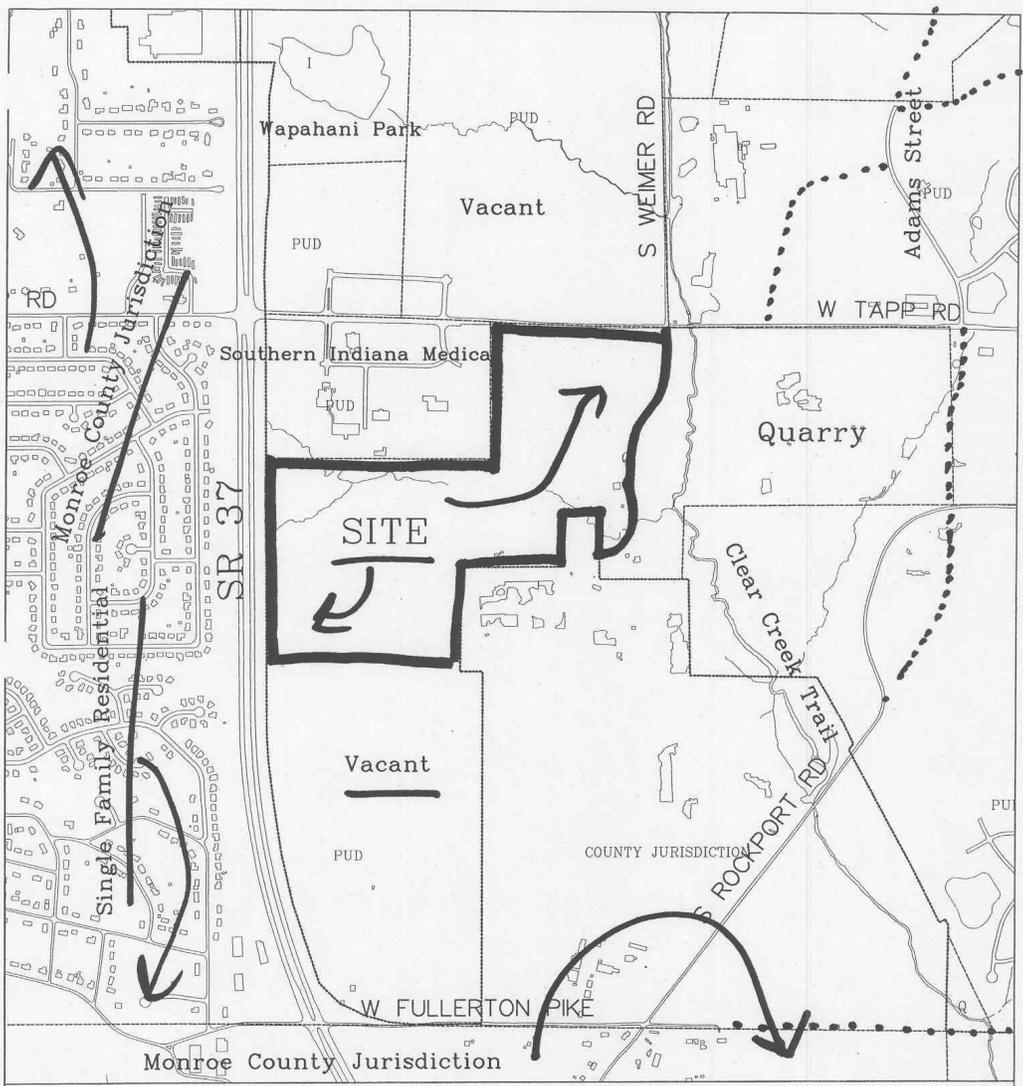
Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

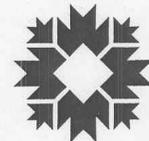


PUD-35-03  
 Southern Indiana Medical Park II  
 Location, Zoning and Land Use Map

By: roachja  
 5 Aug 03



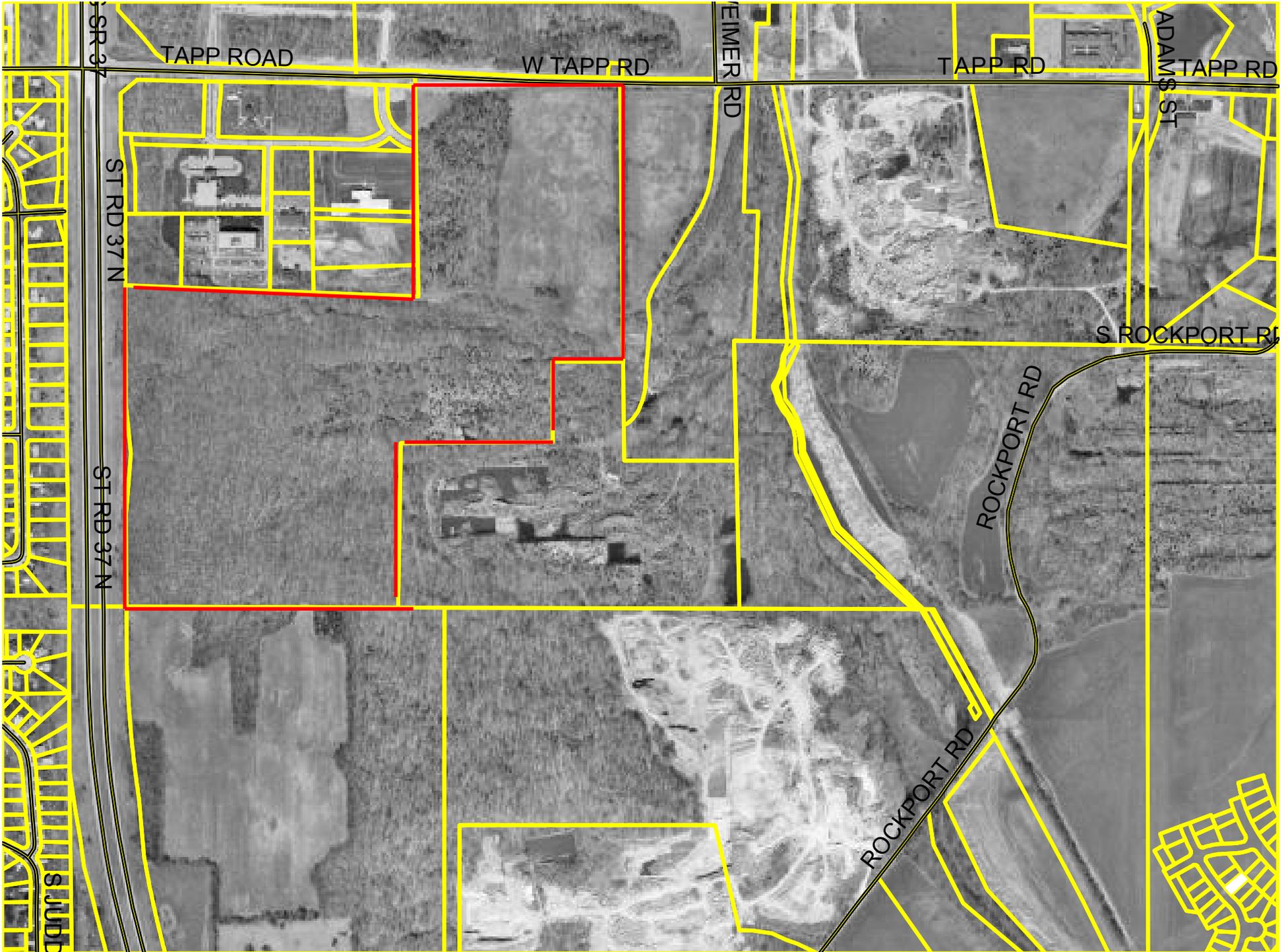
City of Bloomington  
 Planning



Scale: 1" = 1000'

For reference only; map information NOT warranted.

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TAPP ROAD

W TAPP RD

TAPP RD

ADAMS ST

TAPP RD

FEIMER RD

SR 37

STRD 37 N

STRD 37 N

S ROCKPORT RD

ROCKPORT RD

ROCKPORT RD

S JUBB

## Interdepartmental Memo

**To: Members of the Common Council**  
**From: James Roach, Senior Zoning Planner**  
**Subject: Case # PUD-35-03**  
**Date: November 20, 2003**

Attached are the staff reports, petitioner's statements, and map exhibits which pertain to Plan Commission Case # PUD-35-03. The Plan Commission voted 6-4 to send this petition to the Common Council with a favorable recommendation.

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**REQUEST:** The petitioners are requesting a rezoning of approximately 101 acres from Quarry (Q) to Planned Unit Development (PUD) and preliminary plan approval for office and industrial uses, as well as accessory commercial uses.

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### BACKGROUND:

**Area:** 101 acres  
**Current Zoning:** Quarry (Q)  
**GPP Designation:** Employment Center  
**Existing Land Use:** vacant, mostly wooded, abandoned quarries  
**Proposed Land Use:** Medical offices, professional offices, light industrial, accessory commercial  
**Surrounding Uses:** North, South – vacant, mostly wooded, industrial land  
West – Single family residential (Across SR 37)  
East – Single family residence, Clear Creek Trail  
Northwest – Medical offices (Southern Indiana Medical Park)

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**REPORT SUMMARY:** The property in question is an approximately 101 acre parcel located immediately east and south of the existing Southern Indiana Medical Park. It is bounded by W. Tapp Road to the north, State Road 37 to the west, undeveloped industrial PUDs to the north and south, and a single family house and the Clear Creek floodplain to the east. Parts of the property have been logged and quarried in the past, and the property is zoned Quarry (Q). The majority of the property along Tapp Road has been cleared, but approximately 80 acres of the site remain heavily wooded. The property also contains steeply wooded ravines, a stream with a wooded riparian corridor, a wetland area, abandoned quarries (some partially filled) and several scattered karst features.

The petitioners propose to rezone the property from Q to Planned Unit Development (PUD) and have presented a proposed preliminary plan for approval. This PUD includes a mix of office and industrial uses, several new roads and preservation of approximately 43% of the property. This petition was reviewed at the August 11, October 6, and November 10, 2003 hearings of the Plan Commission.

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**GROWTH POLICIES PLAN ANALYSIS:** The GPP designates this 101 acre site as an “employment center.” This designation was placed on the property because of its location adjacent to the Southern Indiana Medical Park and its access to State Road 37. Specifically, staff notes the following passages:

- The Employment Center district should contain a mix of office and industrial uses providing large-scale employment opportunities for the Bloomington community and surrounding region.
- Employment Center land uses should focus on corporate headquarters and industrial uses, which will provide a stable employment base for the greater Bloomington community.
- Development phasing must emphasize the creation of the office and industrial base before the commercial areas are developed to serve them.

In addition to these general policies toward employment areas, the GPP offers specific guidance for the development of this property. The *State Road 37/Tapp Road Subarea* provides specific policy guidance for the development of this property and the property to the south. The subarea includes recommendations concerning land use, urban services and site design. Specifically, staff notes the following passages:

- Medical and corporate office land uses are recommended with light manufacturing and site-serving retail also being permitted. Medical offices are particularly desired east of the Southern Indiana Medical Park, while corporate offices should be considered along the State Road 37 frontage near Fullerton Pike.
- The Master Thoroughfare Plan designates a new north-south Secondary Collector through this Subarea to form a realigned four-way intersection at Weimer Road. This roadway should not negatively impact or intrude on high quality and environmentally sensitive areas on this property.
- If State Road 37 is designated a limited access highway, then further planning should consider the closure of the Tapp Road intersection with State Road 37, along with a full interchange developing at the Fullerton Pike intersection.
- For property fronting State Road 37, site planning controls should be emphasized, including a 360 degree building profile along the highway. The presence of parking lots should be limited along SR 37.
- Maintenance of the existing woodland buffer along sections of State Road 37 is critical. The preferred width of this buffer should be at least 100 feet.
- Site design should take into account and reflect the sensitive nature of the Subarea, especially areas with heavy woodland, steep slopes, and karst. Conservation of these areas as greenspace is a required feature, and can significantly enhance the attractiveness of business park development.

The site is adjacent to the existing Southern Indiana Medical Park and has good access to State Road 37. This proposal meets GPP goals of “providing a mix of office and industrial uses providing large-scale employment opportunities for the Bloomington community and surrounding region.” Medical offices are the prime focus of this development. The proposed commercial uses will be “at a scale that serves the employment center but does not generate significant additional business from the community at large.” Specific site planning commitments have been made, including a 360 degree building profile along SR 37, preservation of a 100 buffer along the highway, reduced road profiles and setbacks to limit disturbance, preservation of environmentally sensitive areas and a commitment to stormwater best management practices (BMPs). The Plan Commission found that with the commitments provided in the Preliminary Plan and with the conditions of approval, that this PUD satisfies the recommendations of the Growth Policies Plan.

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### **PUD REVIEW ISSUES:**

**Land Use:** The Plan Commission approved a range of uses for the PUD, in compliance with the GPP. The approved uses are as follows:

- Medical Offices
- Professional Offices
- Light Manufacturing
- Warehousing (Consumer oriented mini-warehouses shall not be permitted)
- Business Service
- Wholesale Trade
- Personal Services, Restaurants and Business Park supporting retail uses, 5000 sq. ft. maximum per user, 30,000 sq. ft. total (Drive-through commercial uses shall not be permitted)
- Rehabilitative Facilities
- Residential Care Homes
- Convalescent, nursing and rest homes
- Research Laboratories
- Mental Health Facilities
- Clinics for physicians, dentists, or other health care professionals
- Inpatient and Outpatient Care Facilities
- Day Care Facility
- Hotel (limit of one)
- Fire and Police Stations

**Phasing Plan:** The petitioners have stated that the project will be developed in two broad phases. Phase 1 includes land north of the east-west creek. This land has no environmental constraints and good access to Tapp Road. Phase 2 includes all land south of the creek.

To ensure that road infrastructure in the area can handle the impacts of this development, the Plan Commission required that no final plan approvals shall be granted in Phase 2, south of the creek, until such time as Tapp Road is widened by the City of Bloomington and the cost of a traffic signal at the intersection of Tapp and Weimer is funded. The City's "Tapp Road Phase 3" project is currently scheduled for 2005 and includes infrastructure for a future signal at the intersection of Tapp and Weimer, but not the actual installation of a signal.

**Fire Station Dedication:** The petitioners agreed to dedicate a maximum of 2 acres to the City of Bloomington for use in developing a future fire station. The parcel will be in Phase 1, which is the phase north of the creek. The Plan Commission required that the dedication take place with the first final plan/plat for this development. They also required that the fire station parcel be located in Phase 1 and have direct access to the internal frontage road.

**Steep slopes:** The petition includes the preservation of all land beyond the 18% slope line. These areas will be placed in conservancy easements or deeded to an outside land conservation organization. In addition, the petitioners agreed to incorporate retaining walls to protect areas of mature vegetation and use exposed foundations on lots adjacent to steep slopes.

**Wetlands:** A wetland determination and delineation was conducted by Earth-Tech. This study found a two-acre sized wetland within the creek bottomland between Phase 1 and Phase 2. The approved preliminary plan avoids this area and crosses the creek west (upstream) of the wetland.

**Building height:** The petitioners committed to requiring that all office buildings in Phase 2 be at least two stories in height. Other uses, such as the industrial uses, are excluded because of the difficulties in developing these types of use in two story buildings. This commitment is only for Phase 2, which has the highest level of environmental sensitivity, and will allow for similar square footages with decreased building footprints.

**Setbacks:** The petitioners also committed to reduced building setbacks along the road in Phase 2. The Plan Commission approved front setbacks of 15 feet from the right-of-way for buildings and 20 feet for parking. All other setbacks will be the same as the Business Park (BP) zoning district. This is an effort to cluster buildings and keep the development as compact as possible.

**Road Cross-Section:** The Plan Commission also approved a reduced road cross-section in Phase 2 in an attempt to better preserve areas of the property by limiting grading. Within Phase 2, the more environmentally sensitive portion of the site, the Plan Commission approved a road with two 11 foot travel lanes, a two foot grass separation rather than tree plots, a sidewalk on one side and an eight foot asphalt sidepath on the other.

**Preservation areas:** Approximately 80 acres of the 101 acre site are wooded. The property also contains steeply wooded ravines, a stream with a wooded riparian corridor, an identified wetland area, and several scattered karst features. The petitioners propose to preserve approximately 44 acres, or 43% of the property. These 44 acres include all slopes greater than 18%, bottom land and wetland area around the stream, a 100 foot buffer along SR 37, a large open quarry hole, existing tree lines on the northern half of the parcel and inaccessible areas on the western and southeastern sides of the property.

Through the Plan Commission hearing process, the petitioners agreed to preserve the entire southeast part of Phase 2 as recommended by staff and the Environmental Commission (EC). While this area is not implicitly environmentally sensitive, preservation will eliminate the possibility of a long cul-de-sac access to this area and allow for a larger contiguous wildlife habitat.

The plan also includes development in an approximately 1.75 acre area located east of the largest quarry hole on the property. To limit impacts to the adjacent property owner to the east, the petitioners proposed a 100 foot preserved buffer along the east property line. This buffer, in addition to large piles of limestone blocks, would provide a significant screen for the property to the east.

**Frontage Road Alignment:** Throughout the three hearings that this project was reviewed, the Plan Commission debated three possible alignments for a frontage road through the property. The GPP and the Thoroughfare Plan call for a primary collector "frontage road" to be constructed from the Weimer and Tapp Road intersection to the far southern property line. This road would eventually be extended further south to Fullerton Pike and serve as property access for the parcels along SR 37 once it is upgraded to a controlled access highway. Weimer Road could then provide a direct connection from Fullerton Pike to W. 2nd Street.

In the first alignment, the road crossed the creek east (downstream) of the delineated wetland. This alignment would have required the road to cross through a portion of the previously quarried areas on the property. In this alignment, the road would cross the creek in an area that had previously been disturbed with limestone rubble. After crossing the creek, the road would tie into the existing intersection of Tapp Road and Weimer Road. This alignment placed the road closest to the adjoining eastern property line. To compensate for this, the road would have been curved away from the common property line before bending back to the east to align with Weimer Road. This alignment received support from the Environmental Commission and was recommended by the Planning Department Staff.

The second alignment crossed the creek west (upstream) of the delineated wetland. With this alignment, the quarried areas would not have been disturbed and the road would be moved further away from the adjacent property than the

alignment above. The road would then veer to the east and align with the existing Weimer Road and Tapp Road intersection.

The third alignment, which was ultimately approved by the Plan Commission, also crossed the creek west (upstream) of the delineated wetland. This alignment however takes the road to the north and connects to Tapp Road at a new intersection between Deborah Dr. and Tapp Rd. A long term benefit of this alignment is that it could be extended across Tapp Road and through the Public Investment Corp (PIC) property. This new road would then allow Weimer road to be vacated, move the road out of the floodplain and remove the one-lane bridge and sharp turns in Weimer. The Plan Commission ruled that the long term traffic circulation benefits outweighed the possible environmental impacts of this alignment. This alignment is also supported by the owners of the PIC property.

**Lighting:** Based on comments from the neighbor to the east, the petitioners have agreed to limit the lighting in the development. Lighting fixtures will be a maximum of 15 feet in height and be directional in nature (i.e. down-lighting). In addition, parking lot lighting will be switched to allow for shut off after business hours. Security lights may remain on after-hours.

**Pedestrian Connections:** The GPP recommends that pedestrian connections to the Clear Creek Trail be emphasized on sites bordering the Clear Creek floodplain. Since this property does not directly abut the trail, it is not possible to provide an immediate connection. However, the Plan Commission required that a 15 foot wide pedestrian easement be platted between the east property line and the frontage road to facilitate a future connection to the Clear Creek Trail. The exact location of this easement shall be determined at final plan stage. This connection would not be immediately constructed so as to not encourage trespassing on the neighboring parcel.

**Architecture:** The preliminary plan includes commitments that all buildings along SR 37 have 360 degree architecture. This is consistent with the recommendations of the GPP and the *State Road 37/Tapp Road Subarea*. In addition, the Plan Commission required that when the rear of a building is visible from a public street it shall have architecture of equal quality to, and be compatible with, the front of the building.

**State Road 37 Buffer:** The preliminary plan includes commitment to preservation of a 100 foot wide buffer adjacent to State Road 37. This buffer would maintain existing trees and serve to maintain the scenic quality of the SR 37 corridor. This is consistent with the recommendations of the GPP and the *State Road 37/Tapp Road Subarea*.

**Stormwater:** A schematic stormwater was submitted to CBU and conceptually approved. This plan includes stormwater detention within the creek channel. The culvert for the proposed road crossing would be undersized and serve to detain water. It is the understanding of the planning staff that this type of detention has been approved by the State of Indiana in the past because it is part of a larger road crossing and culvert.

The petitioners also agreed to incorporate stormwater best management practices into future final plans for lots. This includes, but is not limited to inlet filtration devices, parking lot biofiltration swales and bioretention islands, and planting of native wetland species in stormwater basins, as outlined by the Environmental Commission.

The Plan Commission required that a pre/post-stormwater analysis of the existing Southern Indiana Medical Park be completed by the petitioner. During Phase I construction, the petitioners must make any necessary upgrades and additions to ensure that the current medical park does not exceed pre-development runoff conditions. This condition of approval, as well as a requirement that the petitioners construct a flood proof driveway crossing for the downstream property owner, was an attempt by the Plan Commission to limit any negative impacts of increased runoff caused by the development of this property.

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**Impacts to Adjacent Property:** The property to the east contains an owner occupied historic house. The owner is in the process of having this property listed on the National Registry of Historic Places. No areas slated for development are closer than 500 feet from the house. Additionally, the approved road alignment will place the road nearly a quarter mile from the house. Large piles of limestone block, a 100 foot vegetative buffer, additional evergreen screening, lighting restrictions and stormwater commitments were designed to ensure that negative impacts to the adjacent property are minimized.

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**CONCLUSIONS:** The Plan Commission found that this proposal met the goals and objectives of the GPP. The proposed medical and professional offices, light industrial and accessory commercial uses are consistent with the “employment” designation of the property. The proposed location of the frontage road and crossing of the creek will improve vehicular circulation in the area while limiting impacts to the sensitive wetland on the property. Finally, the proposed site planning restrictions and commitment to dedicating land for a future City fire station area also positive benefits.

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**Recommendation:** The Plan Commission voted 6-4 to send this petition to the Common Council with a favorable recommendation with the following conditions:

1. No final plan approvals shall be granted in Phase 2, south of the creek, until such time as Tapp Road is widened by the City of Bloomington and the cost of a traffic signal at the intersection of Tapp and Weimer is funded.
2. Drive-through commercial uses shall not be permitted. Consumer oriented mini-warehouses shall not be permitted.
3. A maximum 2 acre dedication for a fire station must take place with the first final plan/plat for this development. This parcel shall be located in Phase 1 and must have direct access to the internal frontage road.
4. A 15 foot wide pedestrian easement shall be provided between the east property line and the frontage road, north of the proposed detention pond, to facilitate a future connection to the Clear Creek Trail. The exact location of this easement shall be determined at final plan stage.
5. The following environmental quality measures shall be incorporated into all final development plans.
  - a. Stormwater quality best management practices shall be incorporated into drainage plans.
  - b. Reduced setbacks shall be as outlined in the petitioners’ statement.
  - c. Reduced road profiles shall be as outlined in the petitioners’ statement.
  - d. Office buildings shall be a minimum of two stories as outlined in the petitioner’s statement.
  - e. Exposed foundations and walk-out basements shall be utilized to minimize slope disturbance.
  - f. Retaining walls shall be utilized to protect area of mature vegetation.

6. A pre/post-stormwater analysis of the Southern Indiana Medical Park shall be completed by the petitioner. Necessary upgrades and additions to ensure that the current development does not exceed the pre-development runoff conditions shall be made by the petitioner during Phase I construction.
7. Lots along SR 37 shall include 360 degree architecture. For all other lots, when the rear of a building is visible from a public street it shall have architecture of equal quality to, and be compatible with, the front of the building.
8. All final plans shall include a lighting plan sufficient to demonstrate compliance with lighting commitments.
9. The petitioner shall coordinate with the downstream property owner in conjunction with city officials to construct an appropriate driveway crossing for the downstream property owner. All costs shall be borne by the petitioner.
10. The current road alignment will be shifted further west to a more central location through the property.

Smith Neubecker & Associates, Inc.



July 10, 2003

Stephen L. Smith P.E., L.S.  
Daniel Neubecker L.A.  
Steven A. Brehob, B.S., C.M.T.

City of Bloomington Plan Commission  
C/O James Roach, Senior Zoning Planner  
P. O. Box 100  
Bloomington, IN 47402

RE: Southern Indiana Medical Park II

Dear Plan Commission members and staff,

On behalf of the petitioner, we would like to introduce you to the Southern Indiana Medical Park II, an expansion of the existing Southern Indiana Medical Park. It is located south of Tapp Road and west of SR 37 and wraps around the existing medical park on two sides. It includes approximately 100 acres of hilly land, much of which is wooded, with a small east-west creek bisecting the middle of the site. On the following pages we will outline our plans for this project and address the issues that we believe are of greatest interest to the community and planners.

We are petitioning the Plan Commission for a Planned Unit Development Preliminary Plan Approval. Included with our outline plan statement are a number of plan view exhibits to illustrate the discussion provided in the text. Also included is your standard application and application fee.

We look forward to working with the staff and presenting this petition to the Plan Commission and Common Council.

Thank you for your attention.

Very Truly Yours,

Dan Neubecker  
Smith Neubecker & Associates, Inc.

Cc file 3577

453 S. Clarizz Boulevard  
Post Office Box 5355  
Bloomington, Indiana 47407-5355  
Telephone 812 336-6536  
FAX 812 336-0513  
www.snainc.com

J:\corresp\3577\Tiwari Application Letter 7-10-03

## *Outline Plan Statement*

### **GPP Compliance**

The Growth Policies Plan (GPP) gives us a set of fairly specific recommendations or guidance regarding the development of this site. The site makes up about half of the SR37/Tapp Road Subarea, as it is defined in the GPP. It is our intent to follow these recommendations as closely as possible.

Proposed is an expansion of the existing medical park into the 102-acre site. Primary uses are proposed as medical and professional offices, uses that are listed as "recommended" by the GPP. In addition, we have added a number of additional uses to our list, at the encouragement of the Planning Department.

We propose to require 360° architectural treatments for all buildings along the SR37 frontage as recommended by the GPP. Office uses in phase two of our project will be at least two stories.

The GPP also recommends consideration for inclusion of this subarea into the adjacent TIFF district. We support that recommendation.

### **Site Inventory**

#### **Soils**

The site has a variety of soils common to Monroe County. They include Hagerstown silt loam, Wakeland silt loam, Crider silt loam, Caneyville silt loam, and Udorthents-Pits complex.

The Caneyville, Crider, and Hagerstown silt loams are predominant on the site. They are generally readily developed, are well drained, with constraints mostly due to steep slopes and potential bedrock depth.

Along the east-west creek there is a low flat bottom made up of primarily Wakeland silt loam. It is considered a poorly drained soil that is frequently flooded from January through May. Other significant limitations of this soil are wetness and potential for frost action.

Udorthents-Pitts complex is a designation given primarily to areas that have been strongly affected by limestone quarry operations in the past. It typically includes elements such as quarry pits, disturbed soils and limestone rubble, stones and boulders.

#### **Slopes**

We have prepared a slope analysis for this site based upon the 2' contour interval, City GIS maps. Our analysis indicates slopes in the following ranges: 0-8%, 8-12%, 12-18%

and 18% and over. The steepest terrain exists in the southern portion of the site below and along the east-west creek. There are several ravines with side slopes in excess of 18% slope.

#### **Karst Features**

A number of potential sinkholes are evident on the GIS contour mapping. Due to the thick nature of the vegetation in the areas where these are evident, we were unable to confirm their existence. We have, however, excluded these areas from development by either combining them with steeply sloped land adjacent or defining a circular buffer area around those that stand alone in flatter sloped areas.

One feature that looks as though it might be a sinkhole on the GIS map was located in a field visit. It appears to be positively drained and perhaps a man-made remnant of some past limestone removal operation. There is a c-shaped limestone ledge, perhaps as high as 16' that encircles the uphill side of this feature. It falls within an 18% and above slope area, which will be preserved.

#### **Water/Drainage Features**

There is a small creek that runs east and west across the site. At times it seems to disappear under limestone quarrying rubble and then reappears further downstream. We have defined its approximate course based on contour lines, Aerial Photography and field review.

There are also a couple water/drainage features that branch off from this creek. One drains a portion of the north half of the project, running through a secondary growth wooded area. The second branches off from the east west creek and runs southwest eventually excepting drainage from a section of the SR 37. It isolates a developable portion of the site in the northwest corner. We propose to preserve this area due to its isolated nature and the likely negative environmental impact that could result from its development.

A major drainage swale, with quite steep side slopes, runs across the property from the middle of the south property line heading northeast. It connects with a minor swale that parallels it, both eventually ending up crossing the quarry area and joining the east-west creek just before it intersects Clear Creek.

A wetlands inventory of the east-west creek and bottomland area will be prepared by Jim Keith, Earth-tech, as soon as possible.

#### **Limestone mining features**

A substantial portion of this site has been encumbered by prior limestone mining operations. This area is in the east-central portion of the site and covers approximately

(10)

5.3 acres. Bare bedrock, quarry pits and limestone mining rubble is predominant here. These mining operations are particularly evident in the 1961 aerial photograph. Some of the quarry pits evident in 1961 have apparently been filled in since that time.

#### Wooded areas

Approximately 75% of this site is currently covered with woodlands. According to aerial photographs of this area from 1961, it is evident that about 56% of the site was wooded at that time. Those areas that have re-vegetated since the 1961 photographs consist of generally lower quality vegetation with much cedar, tulip tree, cherry and other weed tree secondary growth. These younger and lower quality vegetated areas on the site are quite evident on 1998 aerial photographs, characterized by the existence of a substantial mix of evergreen species, such as cedar, which are often the first species to establish themselves on barren land.

There are two large areas where this secondary growth is predominant. One is along the west side of the north half of the property, adjacent to the COTA facility. This area showed only hints of vegetation along the drainage swale that runs through it in the 1961 photograph. The second area evident on the 1961 photograph is a large area that showed no vegetation west of the quarried land central to the project.

In the northern portion of this site, there is a substantial old fencerow of trees, running north and south, which splits the open fields. The tree-line varies in size, type and thickness of materials along its length, but generally has some large canopy trees with thick understory along the edges.

The older, more mature vegetative areas on the site include a larger variety of hardwood trees with a few scattered large specimens, like Maple and Oak. Some have trunks as large as 30" - 42" in diameter. These are located predominantly on the portion of the site south of the east-west creek. Further south along the main ridge, you move out of the large oaks and maples and begin to see predominantly larger tulip trees as scattered specimens. There is one exceptional tulip tree located in the southwest portion of the site that likely measures in the 48" - 60" caliper range.

A significant portion of the southern half of the site, primarily the southeastern corner, has a thinner tree canopy. A few scattered large stumps were observed. We have been told that this area was logged within the past 5 years or so. As a result, the tree canopy is thinner here. The resulting understory vegetation, such as seedling maples and tulip trees, is extremely thick, so much so that they impede successful investigation of the area.

A more detailed tree community inventory is being prepared as requested by the planning staff, Environmental Commission and Plan Commission members.

(11)

**Outline Plan**

A critical issue delineated in the GPP was careful consideration for environmental impacts for any proposed development, particularly where areas of steep slopes, karst features, and/or woodland areas converge. We have crafted our proposed plan carefully to minimize impacts in these areas.

All areas that are both naturally wooded and exceed a consistent slope of 18% have been preserved, except as needed for road and or utility crossings. Karst features have either been included in with surrounding steep sloped areas for preservation or protected through substantial buffers surrounding individual features.

Preserved areas will be included in conservation easements. In addition, we will explore and consider gifting or dedication of some of these areas to outside entities, such as, but not restricted to, Indiana University, Bloomington Parks Department, or The Sycamore Land Trust.

The north portion of our site, above the east-west creek, is the least environmentally sensitive area on the site. It consists primarily of open fields with the flatter slopes and the lowest quality, secondary growth wooded areas. No karst features have been discovered. We propose to save the substantial old tree line that runs north-south through the eastern half of this portion of the site. The wooded area on the north side of the site, just east of the COTA facility, is a secondary growth area of lesser quality vegetation, most of which was open land 40 years ago. The 1961 aerial photograph and the mix of type, size and quality of vegetation that exists here demonstrate this. Proposed is a 50' buffer on each side of a shallow ravine that runs through this wooded area, while the remaining wooded area is slated for development.

The southern portion of the site, below and including the east-west creek and bottom area is generally the most environmentally sensitive area on the site. Development is proposed on the flatter ridgetops in this area. These flat ridgetop areas were reportedly logged in the past and this can be observed in some locations where the canopy is more open and the understory growth is greater, however some scattered large specimen trees still exist. Only one roadway crossing of the east-west creek is proposed in order to mitigate any impact on the creek and flat bottom area.

The southeast corner of the site will be accessed from the land to the south, rather than cutting across a deep ravine to access it from our site. Development of this 5.8-acre area will therefore not take place until the parcel to our south is developed and a roadway is extended to this site.

A minimum of 100' vegetative buffer has been proposed along SR 37, as recommended by the GPP. There is a developable ridge top southwest of the existing medical park. However, access to it would prove quite difficult and would lead to considerable environmental impact, so we have included this area in the SR37 buffer area, and it will remain undeveloped.

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We propose to avoid development of the areas significantly affected by prior limestone mining operations, particularly where there are existing pits, or mining spoil. This area is delineated on the outline plan drawing.

The site contains approximately 102 acres. With our proposed mix of preserved and developed areas, about 64 acres, or 63%, is proposed for development and 38 acres, or 37%, will be preserved.

A typical lot layout and schematic lot plan have been provided as requested by the planning staff.

### Use List

The following is intended to fit the generally described uses represented in the GPP.

- Medical Offices
- Professional Offices
- Light Manufacturing
- Warehousing
- Business Service
- Wholesale Trade
- Personal Services, Restaurants and Business park supporting retail uses, 5000 sq. ft. maximum for per user, 30,000 sq. ft. total
- Rehabilitative Facilities
- Residential Care Homes
- Convalescent, nursing and rest homes
- Research Laboratories
- Mental Health Facilities
- Clinics for physicians, dentists, or other health care professionals
- Inpatient and Outpatient Care Facilities
- Day Care Facility
- Hotel (limit of one)
- Fire and Police Stations

### Development Signage

A single project identification/monument sign will be allowed along Tapp Road. This sign will display the name of the development and individual business names and will have a maximum height of 20' and a maximum total area of 200 sq. ft. or 100 sq. ft. per side of a double-sided sign.

Individual sites are allowed to have signage that meets the Scenic/Gateway Corridor regulations for individual nonresidential uses.

### Roadway connectivity

The master thoroughfare plan calls for a secondary collector street to be extended from a 4-way intersection at Weimar Road to our south property line. The GPP also recommends this, however with the qualification that "the roadway should not negatively impact or intrude on the high quality and environmentally sensitive areas on this property".

We propose just one crossing of the east-west creek. Initially we proposed an extension of McIntyre Drive across the creek to serve as our north-south link. It is clear, however, that this location is not supported by the planning staff nor Plan Commission. In response, we have revised our proposal to include the north-south frontage road connection, as envisioned by the GPP and Thoroughfare plan, but suggest a refinement in the alignment that we believe works better for this development. We propose to continue the road established in the original medical park development (COTA Drive) to the east, across our site. The frontage road that will link to our south property line is proposed to connect to this east-west road in a 4-way intersection and continue to intersect Tapp road at a future 4-way intersection at the high point between the COTA Drive intersection and the current Weimer/Tapp Road intersection. We propose to make no connection to Tapp road at the Weimer Road intersection; rather our east-west frontage road will end in a cul-de-sac near this intersection. This is demonstrated more clearly on the revised outline plan drawing.

There are several benefits of this refined frontage road alignment. Most importantly, this proposal accomplishes the frontage road needs as envisioned by the GPP. Second, it offers improved connectivity from the existing medical park to the south half of our development and vice-versa. Third, it offers easy access to two roadway connections to Tapp Road, allowing the driver multiple options to get where he wants to go. It is anticipated that both of these intersections will have traffic lights installed at some point in the future. Fourth, it also offers easy access to the frontage road from Tapp Road, with connections at the COTA entrance, and at a central point in between. Finally, since there is no longer a connection from our development at the Tapp Road/ Weimer Road intersection, any impact of such a connection on the adjacent private drive and entry to our east will be avoided completely.

While we have not prepared a boundary survey of the entire site, we have located the east property line of our site. It is clear from our investigation that the 4-way intersection originally envisioned from this site with Weimar Road/Tapp Road, would require a significant realignment of a section of Weimar Road, north of Tapp. We estimate this realignment will need to be in the range of 50-75' to the west.

In addition, it is our understanding that the next phase of improvements to Tapp Road is designed to include this frontage and slated to start construction some time next year. If that is the case, the city is in complete control of the design of these intersections and can use Tiff funds, if needed to accomplish the preferred alignments.

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The design specific design of our new intersection with Tapp Road should be addressed more specifically at the detailed plan stage of approvals, when more specific survey and design information is available, and coordinated with the design for the future Tapp Road reconstruction efforts.

Our new proposed connection to Tapp Road at the will be at the high point in the road for the best sight distance and is also opposite the connection originally proposed in the Mill Creek Village proposal.

**Setbacks and R.O.W. and Roadway Standards**

The R.O.W. for the north south linking road shall have a 65' right-of-way. Eight-foot wide asphalt side paths are proposed for each side of the road with a 22' wide pavement configuration. In phase one, there will be a tree plot of at least 8' in width. In order to reduce the impact of the roadway development on the more sensitive areas of the site, and allow for greater potential tree preservation, phase two will reduce the separation between the back of the curb and the side path to a 2' minimum. In phase two, the side path will be allowed to meander in and out within the 65' R.O.W. in order to miss specimen trees.

Other roadways in phase one are proposed to have 50' right-of-ways with 5' sidewalks on each side, a 22' pavement width and tree plot of at least 6' in width.

Setbacks in phase one shall be a minimum of 20' from the R.O.W. for buildings and 30' for parking. In phase two these standards are reduced to 15' from the R.O.W. for buildings and 20' from the R.O.W. for parking, in order to help reduce amount of disturbed areas in this more sensitive portion of the site.

**Site Lighting**

In order to control the amount of disturbance to the area due to light pollution we propose to control sight lighting in several ways. First, lighting shall be direction in nature and parking lot lighting shall have a 15' maximum pole height. Second, parking lot lighting will be switched and shall be turned off during non-working hours. Building security lighting, however, shall be allowed during closing hours.

**Utility Infrastructure**

We have been reviewing the utility service infrastructure in this area with City Utilities, and believe we have proposed a "master utility plan" that addresses service to the entire subarea, as recommended in the GPP.

**Stormwater Management**

The site is located in a large drainage basin with a tributary of Clear Creek bisecting the site from east to west. The majority of the drainage basin of this tributary is located west

(15)

of the site and west of SR 37. There are two existing culverts that convey runoff under SR 37 and to the tributary that bisects the site.

The plan requires construction of a roadway across this tributary. A culvert will need to be installed under the roadways at these crossings. Through discussions with the City of Bloomington Utilities Stormwater Engineer and hydraulic modeling by Smith Neubecker & Associates, Inc., it has been determined that the culvert can be sized to provide stormwater detention.

Grading and construction of stormwater basins or other disturbance along the tributary will not be necessary with the exception of the roadway crossing. During rain events, the culvert will be able to control the stormwater discharge through the site without causing an adverse effect to the adjacent properties or the existing culverts under SR 37. The stream bank area along the tributary can be left in its current condition. Maintenance of the stream banks in their current condition will improve water quality and reduce the chance for erosion and sedimentation of the channel. Crossing of the tributary may require the application for permits from the CORPS and a 401 WQC from IDEM. Based on our initial review, it is anticipated that both permits would be granted.

Smaller water quality basins would need to be constructed in areas closer to developed areas of the site and can be further detailed at the development plan stage.

#### **Sanitary Sewer**

The existing 15" VCP sanitary sewer main that crosses the site is operating at capacity and is in need of repair. Additional flows generated by development of this site will require improvements and over sizing of the existing main. A gravity main will also need to be extended to the southwest corner of the site to provide a connection for future development. The extent of over sizing necessary and exact route of the sanitary sewer will be determined at the development plan stage. It is anticipated that the sanitary sewer main extension towards the southwest corner of the site would generally follow the roadway alignment.

#### **Water Mains**

Water service for the site would utilize connections to the existing 20" City main along Tapp Road and connections to the water main system within the existing medical park. As with sanitary sewer, a main will need to be extended towards the southwest corner of the site to provide for future development and will generally follow the alignment of the roadway. Water modeling of the distribution network will need to be done to determine the exact sizes of the mains necessary with input from CBU on long range planning. Both of these items can be done at the development plan stage.

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**Traffic Study**

**Executive Summary** (see attached Traffic Impact Study for ore detail)

Tapp and Weimer Roads currently operate at reasonable levels of service. The added traffic from this project, from background growth and other committed projects in the area will stress the roadways in their current configuration. Continued upgrades that are being planned using TIF District funding will accommodate the increasing traffic volumes.

Specific concerns and recommendations drawn from this study include:

Tapp Road

1. Continue to upgrade and widen Tapp Road to a five-lane configuration east of SR37.
2. A traffic signal should be placed at Intersection A or Intersection C depending on the final PUD road configuration
3. Work closely with INDOT to maintain and upgrade the intersection/interchange of SR 37 and Tapp Road

Weimer Road

1. Provide multiple full movement intersections with Tapp Road.
2. Improve Weimer Road to a good two-lane facility, removing the existing bridge and curve restrictions.

SR 37 and Tapp Road

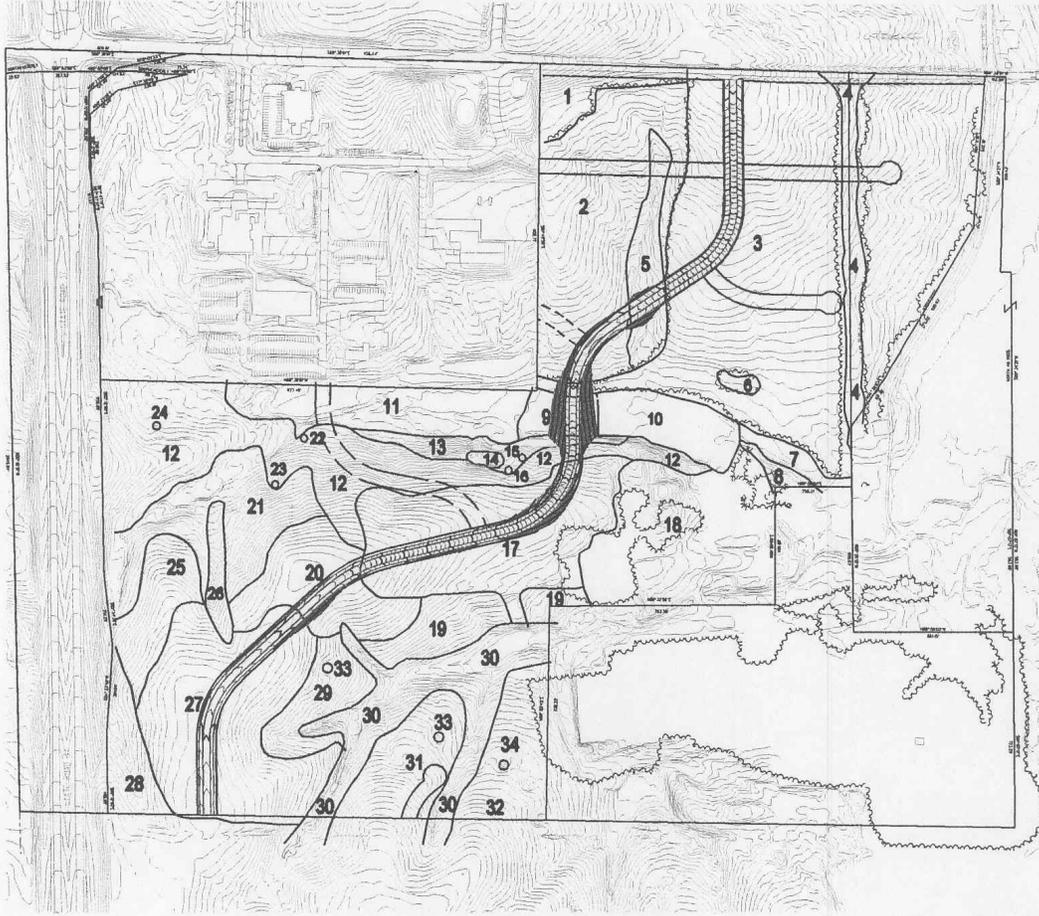
Access should continue to be provided to SR 37 at this location. If INDOT determines that the intersection is too close to the Fullerton Pike or SR 45 interchanges, then a system of collector distributor roadways paralleling SR 37 should be considered.

**Project Phasing**

The project will be developed in two phases. Multiple sections, or sub-phases of development are expected and allowed within each overall phase. Phase one will include the northern portion of the site, north of the east-west creek. Phase two includes the remainder of the site, south of the east-west creek.

(17)





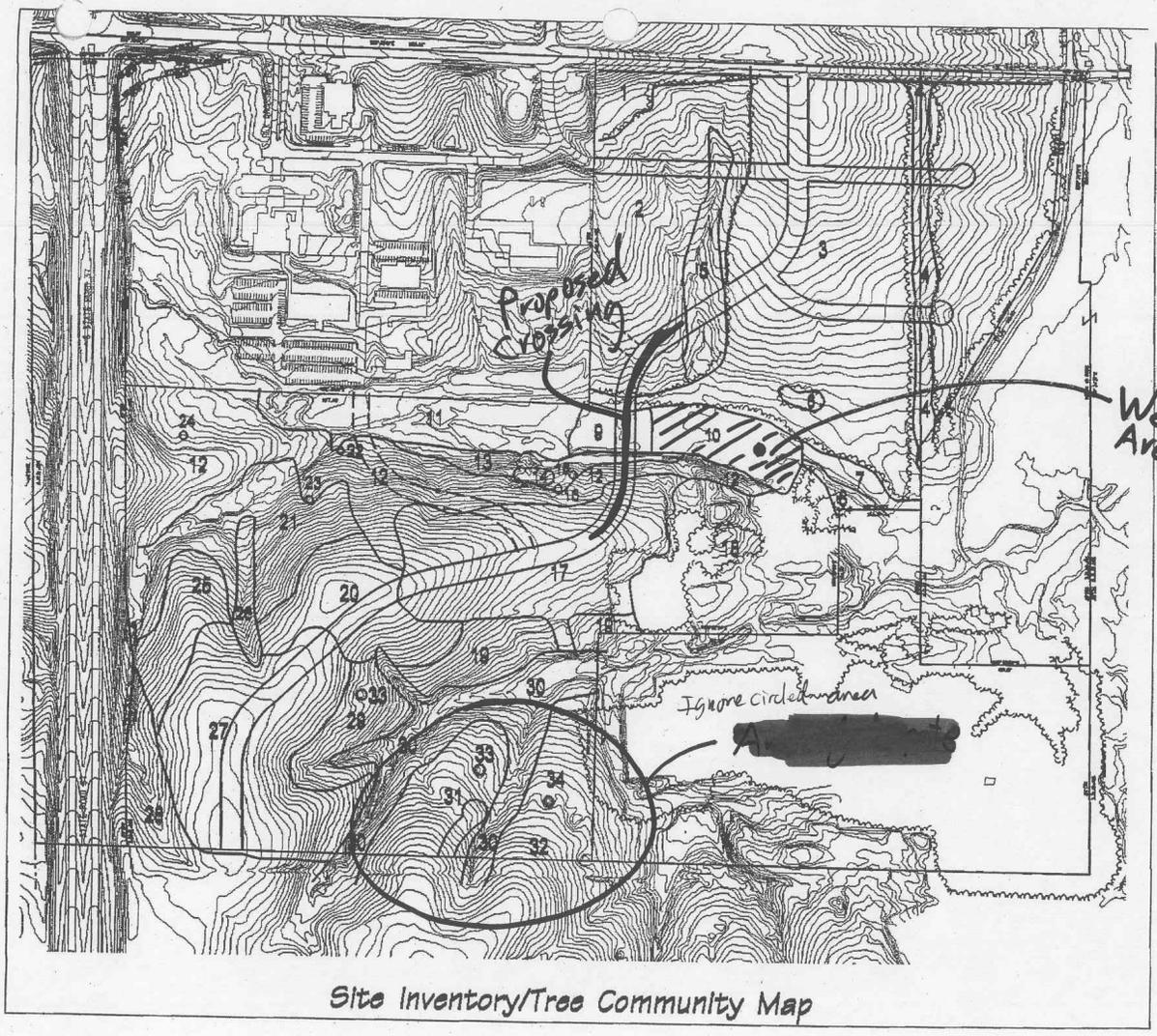
*Schematic Site Plan with  
Environmental Inventory*



Smith Neubecker & Associates, Inc.

**SN** 453 S. Clark Blvd.  
Bloomington, Indiana, 47401  
Telephone: (812) 336-6526

*Southern Indiana Medical Park II*



Environmental  
Inventory  
PUD-35-03 (25)

Wetland  
Area

Ignore circled area

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SMITH & NEUBECKER

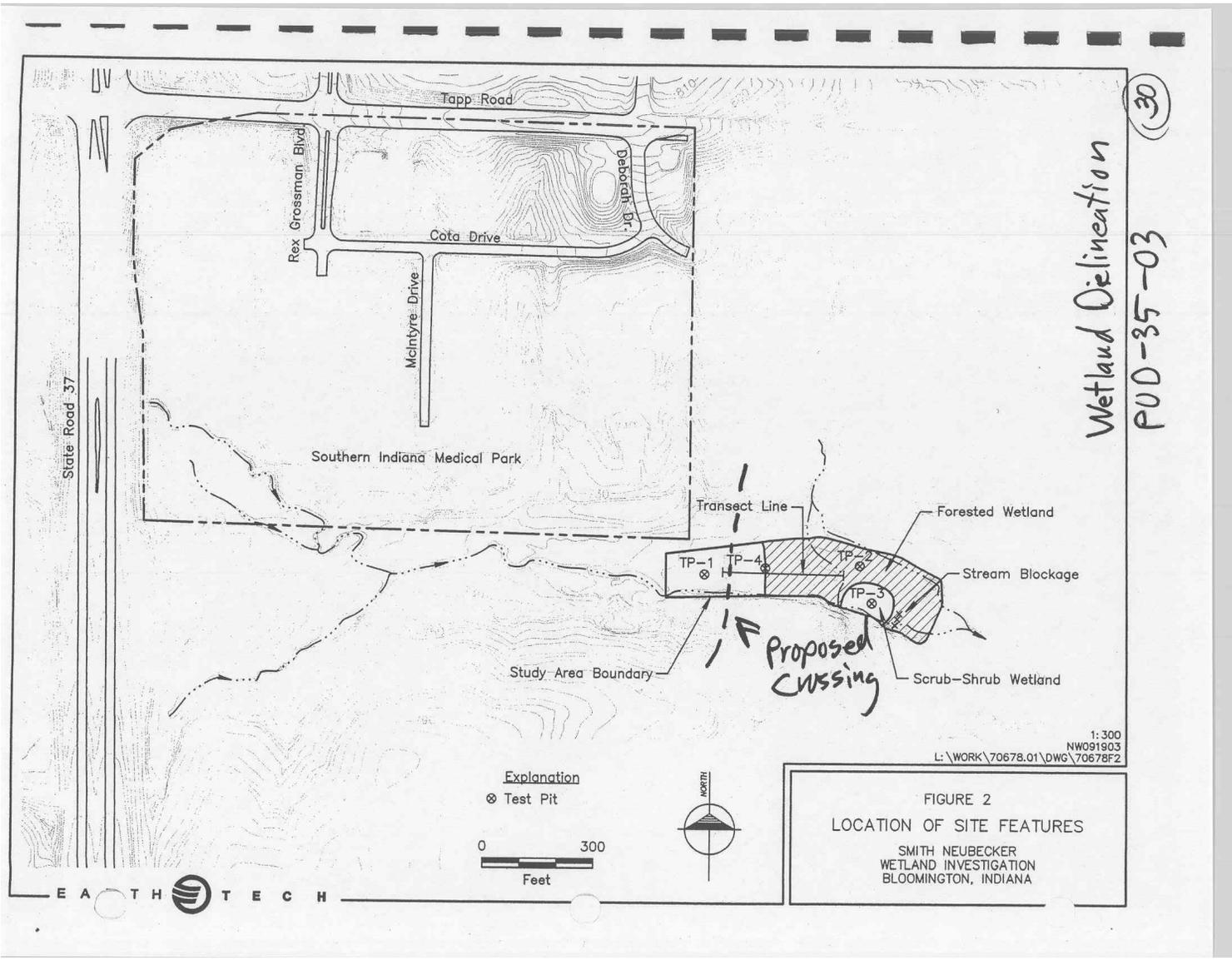
002

## Site/Tree community Inventory Key

1. Open area containing weedy vegetation.
2. Wooded area dominated by pines, cedars and poplar trees (6"-12"). Other species include dogwood, locust and sycamore (2"-12") - portions difficult to navigate.
3. Large open field with typical weedy vegetation.
4. Tree line containing large cherry, maple and elm trees (12"-24").
5. Wooded drainway (ephemeral tributary) containing poplar, maple, cherry, ash and elm trees (6"-14"). Also contains scattered specimen trees with a native understory and clusters of maple and poplar saplings - easily navigated.
6. Stand of trees.
7. Wooded area containing hickory, locust, elm, ash and maple trees (8"-18"). Large cherry trees (20"-28") along field-wood interface. Thick underbrush - difficult to navigate.
8. Regulated floodplain. Stream (perennial tributary to West Fork of Clear Creek) has a defined channel with consolidated-muddy bottom - minimal riparian area in this location. Trees species similar to #7.
9. Braided channel with a consolidated bottom and extensive floodplain. Dogwood, hophornbeam(s) and willow trees (2"-4"); hickory, ash (10"-22") and stand of very large Cottonwoods (24"-34"). Area surrounding #10 is potential wooded wetland.
- 10. Wetland area containing obligate emergent wetland plants, willow trees and native grasses and forbes.
11. Meandering stream with well-defined channel and consolidated bottom - some areas of streambed expose limestone substrate. Extensive wooded riparian area with a native understory. Tree species include maple, hickory, elm, ash and sycamore (10"-24").
12. High quality wooded area with moderate to steep slopes containing oak, maple, elm, ash, cherry and poplar trees (12"-28"); scattered stands of hickories (12"-18"); dogwoods and hophornbeam(s) (2"-4"). Understory contains native wildflowers and bushes.
13. High quality wooded area with steep slopes containing oak, cherry, elm and maple trees (12"-30"); scattered stands of hickories (12"-18"). Native understory with some irregular terrain.
14. Irregular depression with limestone outcrops (possible karst feature) - upon initial inspection, it appears to be man-made - excavated. Positively drains to the north further supporting probable non-karstic nature.

15. Depression exhibiting classic sinkhole characteristics.
16. Depression exhibiting classic sinkhole characteristics.
17. Transitional/successional wooded area with moderate slopes containing a mixture of coniferous and deciduous tree species - deciduous dominant (2"-6"). Thick understory includes a variety of bushes and saplings (mostly maples and poplars) - difficult to navigate.
18. Abandoned quarry area with several large pits, outcrops and piles of spoils.
19. Wooded area with moderate slopes containing poplar, maple and elm trees (6"-12"). Thick understory containing mostly poplar saplings - very difficult to navigate.
20. Upland area containing poplar, maple and elm trees (12"-24"). Thick understory similar to #19.
21. Wooded area with steep slopes containing maples, oaks, ash and stands of hickories (16"-28"). Mixed understory of mostly native wildflowers and bushes - some areas difficult to navigate.
22. Limestone outcrop and wet weather spring.
23. Depression exhibiting classic sinkhole characteristics.
24. Depression exhibiting classic sinkhole characteristics.
25. Wooded area with moderate slopes containing vegetation similar to #21.
26. Wooded drainway (ephemeral tributary) with steeply sloping sides. Vegetation similar to #21.
27. High quality upland area containing maple, oak, elm, poplar and scattered stands of hickory trees (12"-24"); also dogwood and hophornbeam(s) (1"-3") trees. Native understory - easily navigated.
28. Wooded area similar to #27 but contains an eroded drainway (ephemeral tributary).
29. Wooded area with steep slopes. Vegetation similar to #27.
30. Wooded area with steep, eroded drainways (ephemeral-intermittent tributaries). Vegetation includes maple, oak, poplar, elm and ash trees (6"-18"); and scattered large caliper (18"-28") specimen trees. Understory contains various native bushes and saplings, including scattered clusters of invasive species such as multi-flora rose - some areas difficult to navigate.
31. Wooded area, relatively flat with similar vegetation to #30.
32. Wooded area with similar terrain and vegetation as #31. Southeastern portion is much higher quality with a native understory - more easily navigated.
33. Depression exhibiting classic sinkhole characteristics. Difficult to locate because of thick underbrush.
34. Depression exhibiting classic sinkhole characteristics.

26  
PUD-35-03  
Environmental Inventory



Wetland Delineation  
 PUD-35-03  
 (30)

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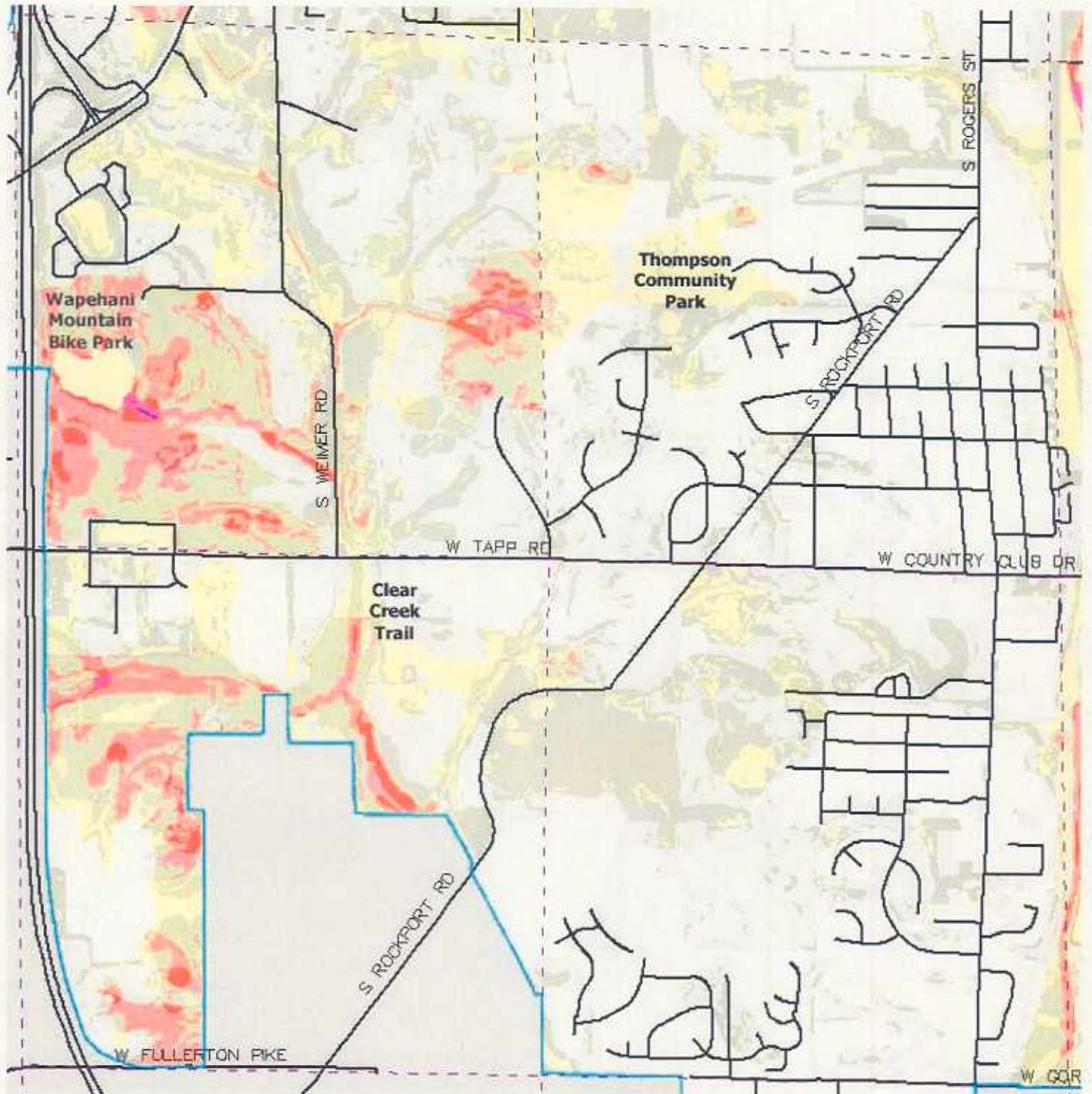
**Explanation**  
 ⊗ Test Pit

0 300  
 Feet

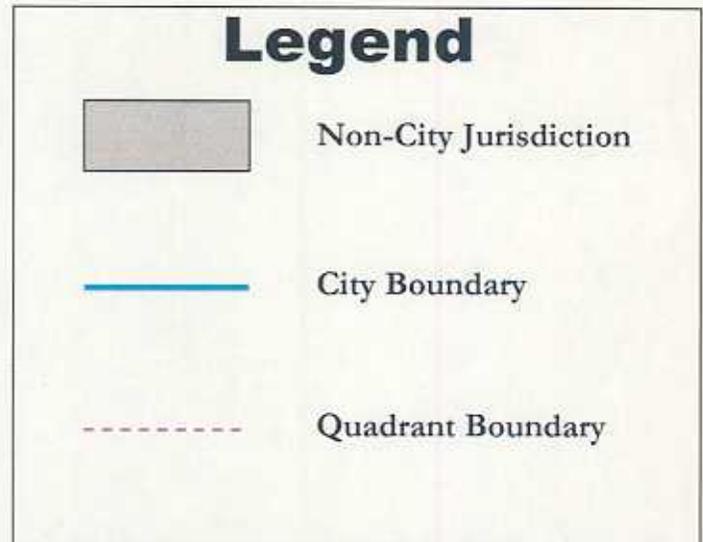
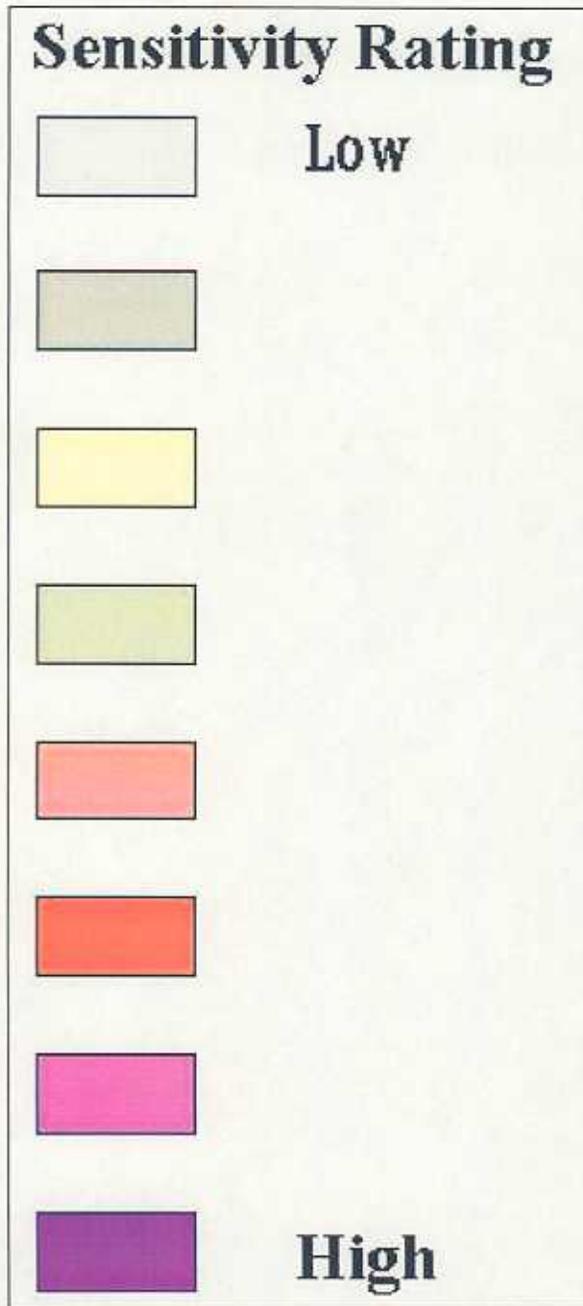


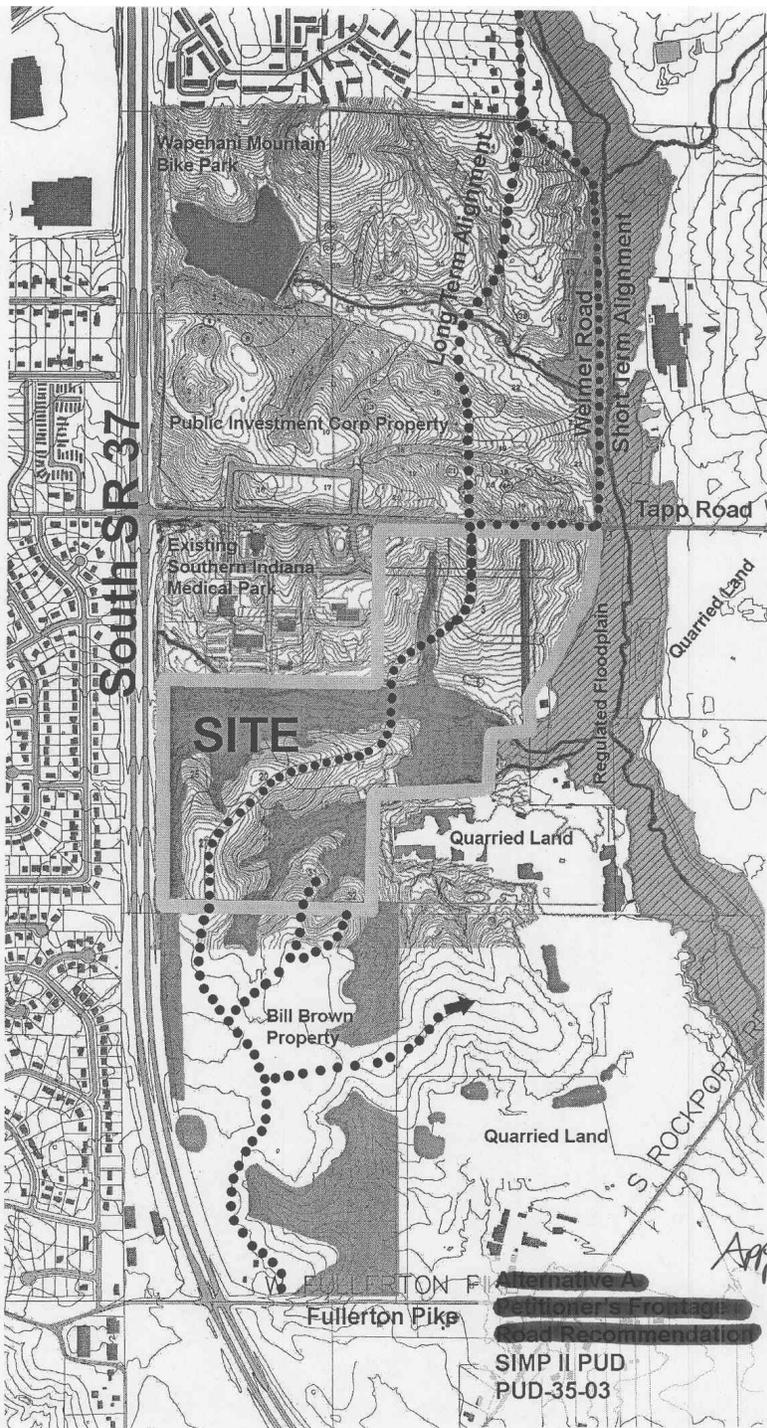
FIGURE 2  
 LOCATION OF SITE FEATURES  
 SMITH NEUBECKER  
 WETLAND INVESTIGATION  
 BLOOMINGTON, INDIANA

Map 7



## ESA Quadrant Map Sensitivity Rating and Legend





South SR 37

Wapahani Mountain Bike Park

Public Investment Corp Property

Existing Southern Indiana Medical Park

SITE

Bill Brown Property

Long Term Alignment

Weimer Road

Short Term Alignment

Tapp Road

Quarried Land

Regulated Floodplain

Quarried Land

Quarried Land

S. ROCKPORT

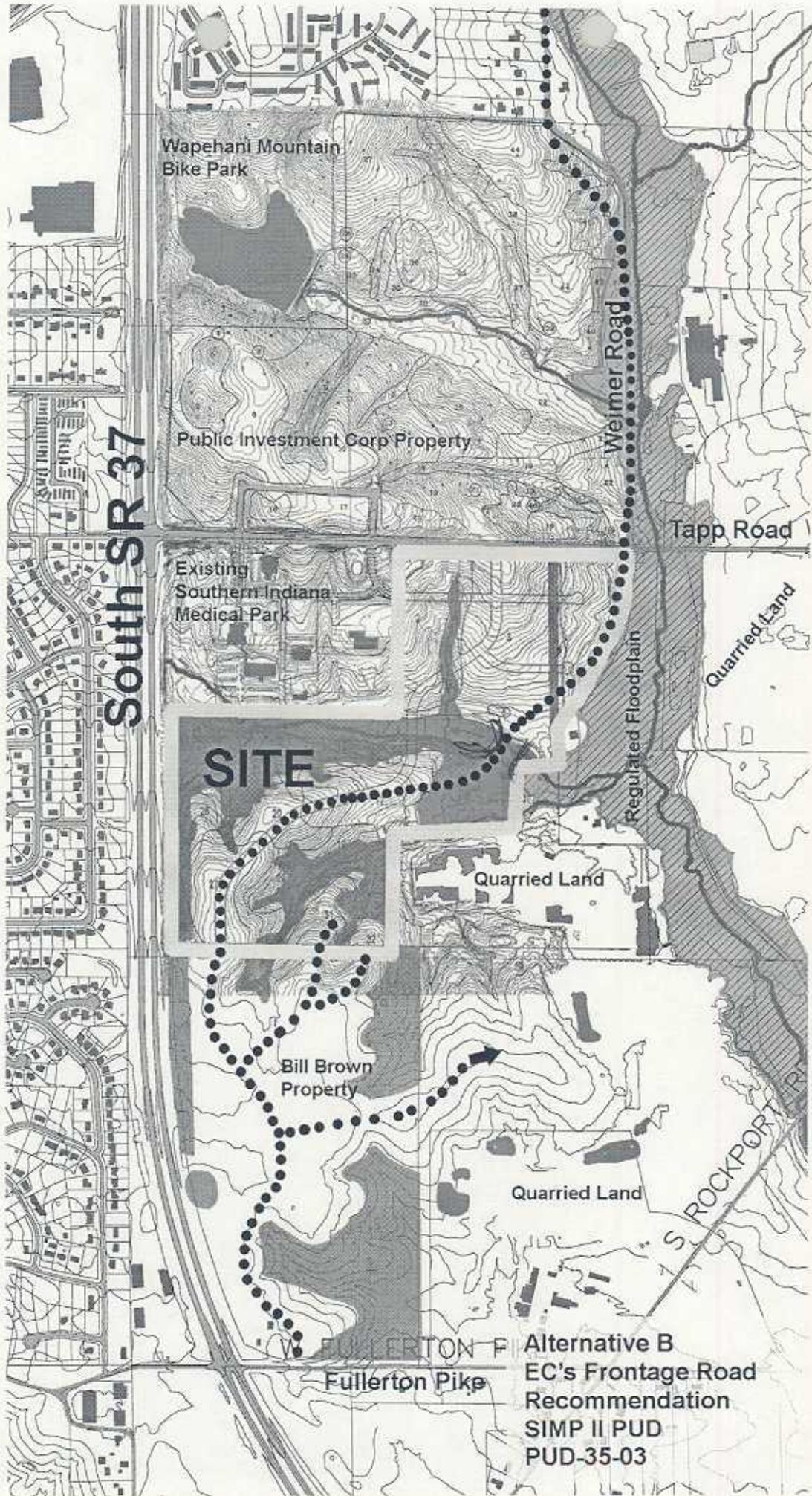
Fullerton Pike

Alternative A  
 Engineer's Frontage  
 Road Recommendation

SIMP II PUD  
 PUD-35-03

*Approved Road Location*

27

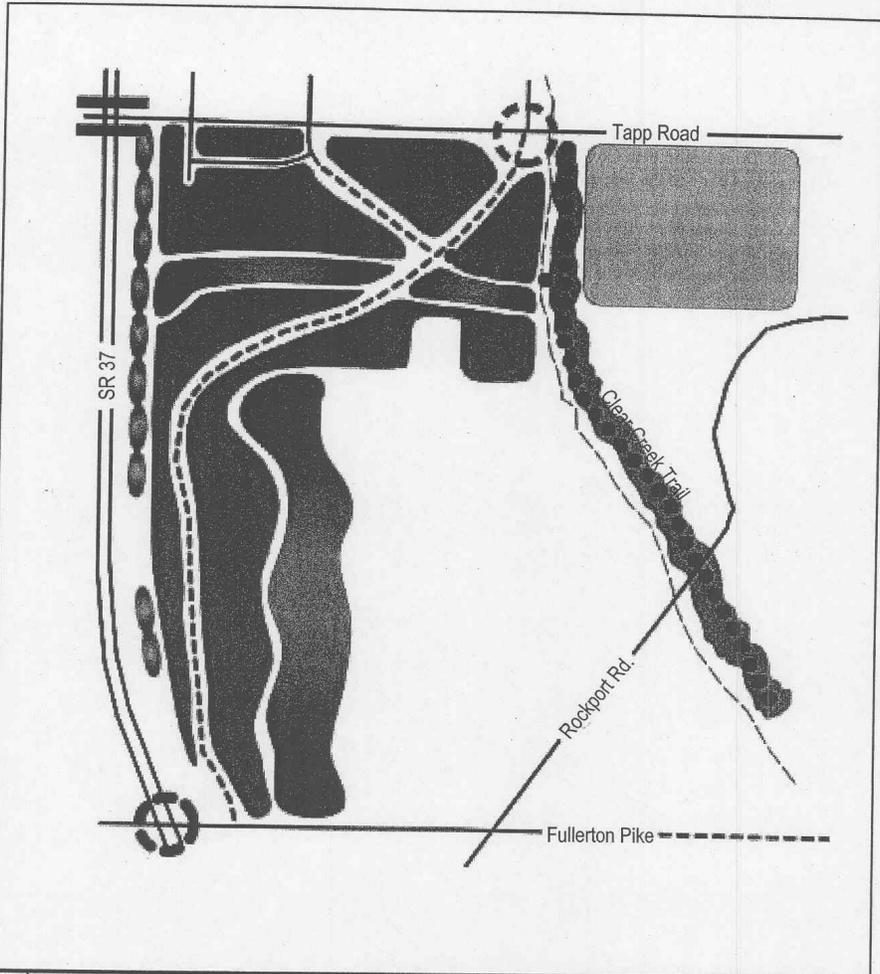


Alternative B  
 EC's Frontage Road  
 Recommendation  
 SIMP II PUD  
 PUD-35-03





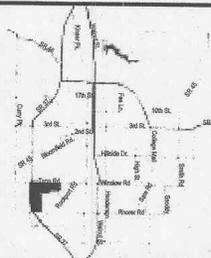
# PART 3: Critical Subareas



MAP LEGEND

- Employment Center
- Quarry
- Environmentally Sensitive Area
- Park
- Existing Roadway
- New Roadway
- Creek
- Preserve Buffer
- Alternative Transportation Path
- Realign Roadway
- Interchange
- Overpass

ORIENTATION MAP



## State Road 37 / Tapp Road Subarea

Prepared by: Ground Rules, Inc

GPP PDD-35-03

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## PART 3: Critical Subareas

### State Road 37/Tapp Road Subarea

#### Intent

This site is located north of Fullerton Pike, east of State Road 37, south of Tapp Road, and runs east to the boundary of the Woolery Farm PUD. Vacant land in this Subarea is designated for Employment, as defined in the Land Use Categories section of the Plan. This must be achieved through minimizing the impact of development on the high quality environs located throughout this property. More specifically, the intent of the Subarea should be to foster development of medical and corporate office land uses while insuring the preservation of environmentally valuable and sensitive lands.

#### Land Use Policies

- Medical and corporate office land uses are recommended; with light manufacturing and site-serving retail also being permitted. Medical offices are particularly desired east of the Southern Indiana Medical Park, while corporate offices should be considered along the State Road 37 frontage near Fullerton Pike.
- An assisted care living facility has been approved on the Fullerton Pike site in the past. Such a facility could be considered in the future for this Subarea provided that it does not consume significant acreage which should be devoted to employment uses.

#### Urban Services

- Limited sanitary sewer and water capacity is available, which dictates that development should be phased from Tapp Road southward to Fullerton Pike. As a result, development of a portion of this subarea shall be governed under a master utility plan which addresses future service for the entire subarea.
- Because roadway infrastructure is deficient in this Subarea, any request for development should include consideration of Tax Increment Financing. Improvements that should be considered include the continued widening of Tapp Road, improved vertical geometry on Fullerton Pike, intersection improvements at Fullerton/SR 37 and Fullerton and Rockport Road, and the eventual connection of Fullerton Pike and Gordon Pike.
- The Master Thoroughfare Plan designates a new north-south Secondary Collector through this Subarea to form a realigned four-way intersection at Weimer Road. This roadway should not negatively impact or intrude on high quality and environmentally sensitive areas on this property.

- If State Road 37 is designated a limited access highway, then further planning should consider the closure of the Tapp Road intersection with State Road 37, along with a full interchange developing at the Fullerton Pike intersection.

#### Site Design

- For property fronting State Road 37, site planning controls should be emphasized, including a 360 degree building profile along the highway. The presence of parking lots should be limited along SR 37.
- Maintenance of the existing woodland buffer along sections of State Road 37 is critical. The preferred width of this buffer should be at least 100 feet.
- Pedestrian connections should be emphasized between developments bordering either side of the Clear Creek floodplain. Additional integration of pedestrian connections with the Clear Creek Trail is a required site design element.
- Site design should take into account and reflect the sensitive nature of the Subarea, especially areas with heavy woodland, steep slopes, and karst. Conservation of these areas as greenspace is a required feature, and can significantly enhance the attractiveness of business park development.

(EXHIBIT #2)

GPP POD-35-03

(67)

**BLOOMINGTON PLAN COMMISSION  
FINAL REPORT  
LOCATION: 2401 West Tapp Road**

**CASE NO: PUD-35-03  
DATE: November 10, 2003**

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**PETITIONER:** Southern Indiana Medical Park II, LLC  
2920 McIntyre Dr., Bloomington

**COUNSEL:** Smith Neubecker and Associates, Inc.  
453 S. Clarizz Blvd., Bloomington

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**REQUEST:** The petitioners are requesting a rezoning of approximately 102 acres from Quarry (Q) to Planned Unit Development (PUD) and preliminary plan approval for office and industrial uses, as well as accessory commercial uses.

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**BACKGROUND:**

**Area:** 102 acres  
**Current Zoning:** Quarry (Q)  
**GPP Designation:** Employment Center  
**Existing Land Use:** vacant, mostly wooded, abandoned quarries  
**Proposed Land Use:** Medical offices, professional offices, light industrial, accessory commercial  
**Surrounding Uses:** North, South – vacant, mostly wooded, industrial land  
West – Single family residential (Across SR 37)  
East – Single family residence, Clear Creek Trail  
Northwest – Medical offices (Southern Indiana Medical Park)

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**REPORT SUMMARY:** At the October 6, 2003 hearing, the Plan Commission voted to continue this petition to the next regularly scheduled meeting. The Plan Commissioners directed staff to work with the petitioners to further discuss frontage road alternatives and environmental issues.

The property in question is an approximately 102 acre parcel located immediately east and south of the existing Southern Indiana Medical Park. It is bounded by W. Tapp Road to the north, State Road 37 to the west, undeveloped industrial PUDs to the north and south, and a single family house and the Clear Creek floodplain to the east. Parts of the property have been logged and quarried in the past, and the property is zoned Quarry (Q). The majority of the property along Tapp Road has been cleared, but approximately 80 acres of the site remain heavily wooded. The property also contains steeply wooded ravines, a stream with a wooded riparian corridor, a wetland area, abandoned quarries (some partially filled) and several scattered karst features.

The petitioners propose to rezone the property from Q to Planned Unit Development (PUD) and have presented a proposed preliminary plan for approval. This PUD would

include a mix of office and industrial uses, several new roads and preservation of approximately 43% of the property.

Since the last staff report, the petitioners have worked to address concerns about placement of the creek crossing and have agreed to additional land conservation.

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**GROWTH POLICIES PLAN ANALYSIS:** The GPP designates this 102 acre site as an “employment center” and includes it in the *State Road 37/Tapp Road Subarea*. The site is adjacent to the existing Southern Indiana Medical Park and has good access to State Road 37. This proposal meets GPP goals of “providing a mix of office and industrial uses providing large-scale employment opportunities for the Bloomington community and surrounding region.” Medical offices are the prime focus of this development. The proposed commercial uses will be “at a scale that serves the employment center but does not generate significant additional business from the community at large.” Specific site planning commitments have been made, including a 360 degree building profile along SR 37, preservation of a 100 buffer along the highway, reduced road profiles and setbacks to limit disturbance, preservation of environmentally sensitive areas and a commitment to stormwater Best Management Practices (BMPs). Staff finds that with the commitments provided in the Preliminary Plan and with the conditions of approval proposed in this report, that this PUD will satisfy the recommendations of the Growth Policies Plan.

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#### **PUD REVIEW ISSUES:**

**Phasing Plan:** The petitioners have stated that the project will be developed in two broad phases. Phase 1 includes land north of the east-west creek. This land has no environmental constraints and good access to Tapp Road. Phase 2 includes all land south of the creek.

To ensure that road infrastructure in the area can handle the impacts of this development, staff recommends that no final plan approvals be granted in Phase 2 until such time as Tapp Road is widened by the City of Bloomington and the cost of a traffic signal at the intersection of Tapp and Weimer is funded. The City’s “Tapp Road Phase 3” project is currently scheduled for 2005 and includes infrastructure for a future signal at the intersection of Tapp and Weimer, but not the actual installation of a signal.

**Preservation Areas:** At the last hearing, the petitioners also agreed to preserve the entire southeast part of Phase 2 as recommended by staff and the Environmental Commission (EC). While this area is not implicitly environmentally sensitive, preservation will eliminate the possibility of a long cul-de-sac access to this area and allow for a larger contiguous wildlife habitat.

Since the last hearing, the petitioners have proposed development in one area that was previously slated for preservation. This area is approximately 1.75 acres in size and located east of the larger quarry hole on the property. Disturbance in this area is necessary to establish a roadway crossing east of an identified wetland. To limit

impacts to the adjacent property owner to the east, the petitioners have ***proposed a 100 foot preserved buffer along the east property line***. This buffer in addition to large piles of limestone blocks would provide a significant screen for the property to the east.

With these changes, the petitioners propose to preserve approximately 44 acres, or 43% of the property. These 44 acres include all slopes greater than 18%, bottom land and wetland around the stream, a 100 foot buffer along SR 37, a large open quarry hole, existing tree lines on the northern half of the parcel and inaccessible areas on the western and southeastern sides of the property.

**Frontage Road Alignment:** Since the last hearing, the petitioners have abandoned their suggestion that the main road through this development cross the creek west (upstream) of the delineated wetland. The petitioners now propose to cross the creek east (downstream) of the wetland, as recommended by the Environmental Commission (EC). Staff agrees with the EC's assessment that this crossing location will be the least intrusive on the areas of the property containing high environmental sensitivity. This road alignment will require filling of two small quarry holes and possibly excavation of some other areas to ensure stability of previously quarried property. Road construction may also encroach slightly into the delineated wetland and portions of the Clear Creek floodplain. If these activities are necessary, all appropriate state and federal permits will be required prior to any final plan for construction in this area.

The proposed alignment will place the road closer to the adjoining eastern property line than the previous proposal. To compensate for this, the road is shown curving away from the common property line before bending back to the east to align with Weimer Road. This alignment is an attempt to move the road as far away from the adjacent property as possible.

At the last hearing, some Plan Commission members expressed a preference that the frontage road connect to Tapp Road at a new intersection further to the west. From this point, the road would be extended north through the center of the Public Investment Corp. (PIC) property. Staff supports the petitioner's more conventional alignment of the frontage road to line up just west of the current Tapp and Weimer intersection. Improvements are already programmed for Tapp Road and this intersection including the equipment for signalization. Construction of a new road through the center of the PIC property is not envisioned by the Thoroughfare Plan and would therefore require a Plan amendment.

**Stormwater:** With the relocation of the road's creek crossing, detention will longer be located "in stream." The schematic plan shows a detention pond just north of the delineated wetland, in Phase 1.

The petitioners have also agreed to work with the existing Southern Indiana Medical Park to determine if their existing stormwater detention system is working correctly. If necessary, additional stormwater could potentially be detained on this site. Staff

recommends that an analysis of the Southern Indiana Medical Park detention system be incorporated into the stormwater and detention proposal of future final plans.

**Impacts to Adjacent Property:** No areas slated for future development are closer than 500 feet from the adjacent house to the east. Additionally, the revised road alignment will place the road more than 700 from this structure. As for impacts to the property itself, disturbance for road construction will be approximately 64 feet of the property line. However, there are large piles of limestone block located between the road and property line that will not be disturbed. In addition, the petitioners are proposing heavy evergreen screening between the easternmost development area in Phase 1 and the common property line. This will be augmented by a 100 foot vegetative buffer between the closest developable portions of Phase 2 and the adjacent property. Staff believes that with these site plan commitments as well as previous lighting and stormwater commitments, negative impacts to the adjacent property will be minimized.

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**CONCLUSIONS:** Staff finds that this proposal meets the goals and objectives of the GPP. The proposed medical and professional offices, light industrial and accessory commercial uses are consistent with the “employment” designation of the property. Furthermore, the proposed location of the frontage road and crossing of the creek is consistent with the Thoroughfare Plan and the GPP’s guidance that “this roadway should not negatively impact or intrude on high quality and environmentally sensitive areas on this property.” Finally, the proposed site planning restrictions and commitment to dedicating land for a future City fire station area also positive benefits.

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**RECOMMENDATION:** Staff recommends approval of PUD-35-03 with the following conditions:

1. No final plan approvals shall be granted in Phase 2, south of the creek, until such time as Tapp Road is widened by the City of Bloomington and the cost of a traffic signal at the intersection of Tapp and Weimer is funded.
2. Drive-through commercial uses shall not be permitted. Consumer oriented mini-warehouses shall not be permitted.
3. A maximum 2 acre dedication for a fire station must take place with the first final plan/plat for this development. This parcel shall be located in Phase 1 and must have direct access to the internal frontage road.
4. A 15 foot wide pedestrian easement shall be provided between the east property line and the frontage road, north of the proposed detention pond, to facilitate a future connection to the Clear Creek Trail. The exact location of this easement shall be determined at final plan stage.

5. The following environmental quality measures have been agreed to by the petitioner and shall be incorporated into final plans for Phase 2.
  - a. Sewer and water infrastructure shall be placed under roads, parking lots and other disturbed areas within Phase 2.
  - b. Stormwater quality best management practices shall be incorporated into drainage plans.
  - c. Reduced setbacks shall be as outlined in the petitioners' statement.
  - d. Reduced road profiles shall be as outlined in the petitioners' statement.
  - e. Office buildings shall be a minimum of two stories as outlined in the petitioner's statement.
  - f. Exposed foundations and walk-out basements shall be utilized to minimize slope disturbance.
  - g. Retaining walls shall be utilized to protect area of mature vegetation.
6. An analysis of the Southern Indiana Medical Park detention system shall be incorporated into the stormwater mitigation plan of future final plans.
7. Lots along SR 37 shall include 360 degree architecture. For all other lots, when the rear of a building is visible from a public street it shall have architecture of equal quality to, and be compatible with, the front of the building.
8. All final plans shall include a lighting plan sufficient to demonstrate compliance with lighting commitments.

## MEMORANDUM

**TO:** City of Bloomington Plan Commission  
**FROM:** Environmental Commission  
**LIAISON:** Josh Campbell, Senior Environmental Planner  
**DATE:** November 3, 2003  
**SUBJECT:** PUD-35-03 Southern Indiana Medical Park II.

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The Bloomington Environmental Commission (EC) has reviewed the petition and has the following comments and recommendations.

### MISCELLANEOUS:

Since the Environmental Commission's previous memo dated September 30, 2003, this proposal has changed substantially. Some of the changes the petitioner has agreed to that the EC recommended include:

1. Agreeing to further explore and consider implementing best management practices for stormwater management.
2. Agreeing to reduce setbacks and building footprint requirements.
3. Agreeing to place utility infrastructure under roads, parking lots and/or other already disturbed areas.
4. Agreeing to use exposed foundations, walk-out basements, and retaining walls in areas adjacent to steep slopes other environmentally sensitive areas.
5. Agreeing to place areas to be preserved into conservation easements
6. Removing the proposed development from the southeast portion of the site and placing it into conservancy.
7. Removing stormwater detention facilities from disturbing the riparian zone.
8. Relocating the frontage road to the old quarry area - east of the wetland, high quality wooded slopes and vegetated riparian zone.

The EC would like to recognize the petitioner's efforts in reducing the impacts of the proposed development on the natural environment and more closely meeting guidance set forth in the Growth Policies Plan (Part 3: State Road 37/Tapp Road Subarea).

Upon further review, the following recommendations should also be considered prior to final approval for this request:

### STORMWATER MANAGEMENT:

The petitioner has agreed to further explore and consider implementing best management practices for stormwater management (for final plan approval in Phase 2). To ensure a

more firm commitment to implementing BMPs for stormwater management in sensitive areas, the EC recommends stronger language be used in the conditional of approval. For example, the condition of approval may read "For Phase 2 of this development, current best management practices for stormwater management shall be incorporated into drainage plans to the satisfaction of the City's Utility and Planning Departments."

**Recommendations:**

1. **For Phase 2 of this development, current best management practices for stormwater management should be incorporated into drainage plans to the satisfaction of the City's Utility and Planning Departments.**

**TREE PRESERVATION and OPEN SPACE:**

The petitioner has incorporated all of the EC's previous recommendations under this category.

However, the EC would like to express their concern for the impacts this development has on adjacent properties. More specifically, the location of buildings, roads (frontage road) and other infrastructure on this property will dictate the location of much of the infrastructure on the surrounding properties. In future reviews for development in this area, the EC will be recommending similar, if not more strict, environmental protection measures.

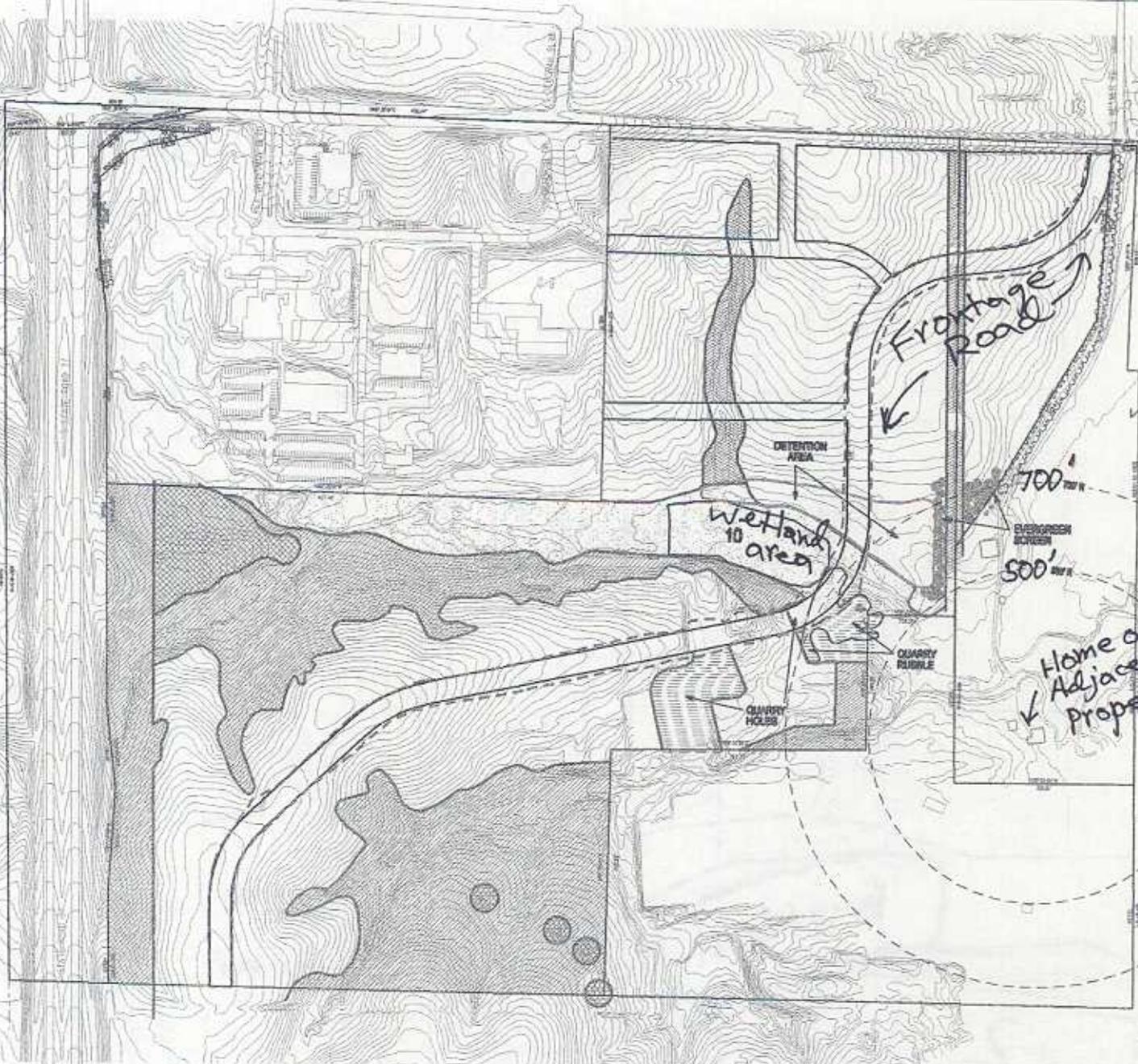
WETLANDS

There are two contiguous identified wetland areas located along the stream. These are located within the riparian zone of the tributary of Clear Creek that bisects the property. One area is a wooded wetland and the other is a marsh, combining to total approximately 2 acres. These wetlands provide valuable ecological services including controlling upstream and downstream flooding during storm events, providing critical habitat for wildlife, improving water quality through biofiltration, and providing habitat to help maintain biodiversity.

In order to ensure full compliance, as well as avoid unnecessary and late plan amendments, no city permits should be issued prior to City staff receiving copies of all federal, state and local notifications, certifications and permits required for this proposal.

**Recommendations:**

2. **Prior to issuance of any city permits, all federal, state and local agencies should be notified, and appropriate permits obtained**



Protected Areas Legend

-  Over 18% Slopes
-  Stream Bottoms
-  Tree Lines
-  Single Karst Areas
-  Limestone Quarry Area
-  No Development

*Outline Plan*



Smith Neubecker & Associates, Inc.



493 S. Clark Blvd.  
Bloomington, Indiana, 47403  
Telephone: (317) 336-6536

*Southern Indiana Medical Park II*

REVISED SITE PLAN  
PUD-35-03  
(THIRD HEARING)

W. Tapp Road

Weimer Road

Phase I

DETENTION AREA

Wetland

Phase 2

New Developable Area  
QUARRY HOLES

QUARRY RUBBLE

Historic House

EVERGREEN SCREEN

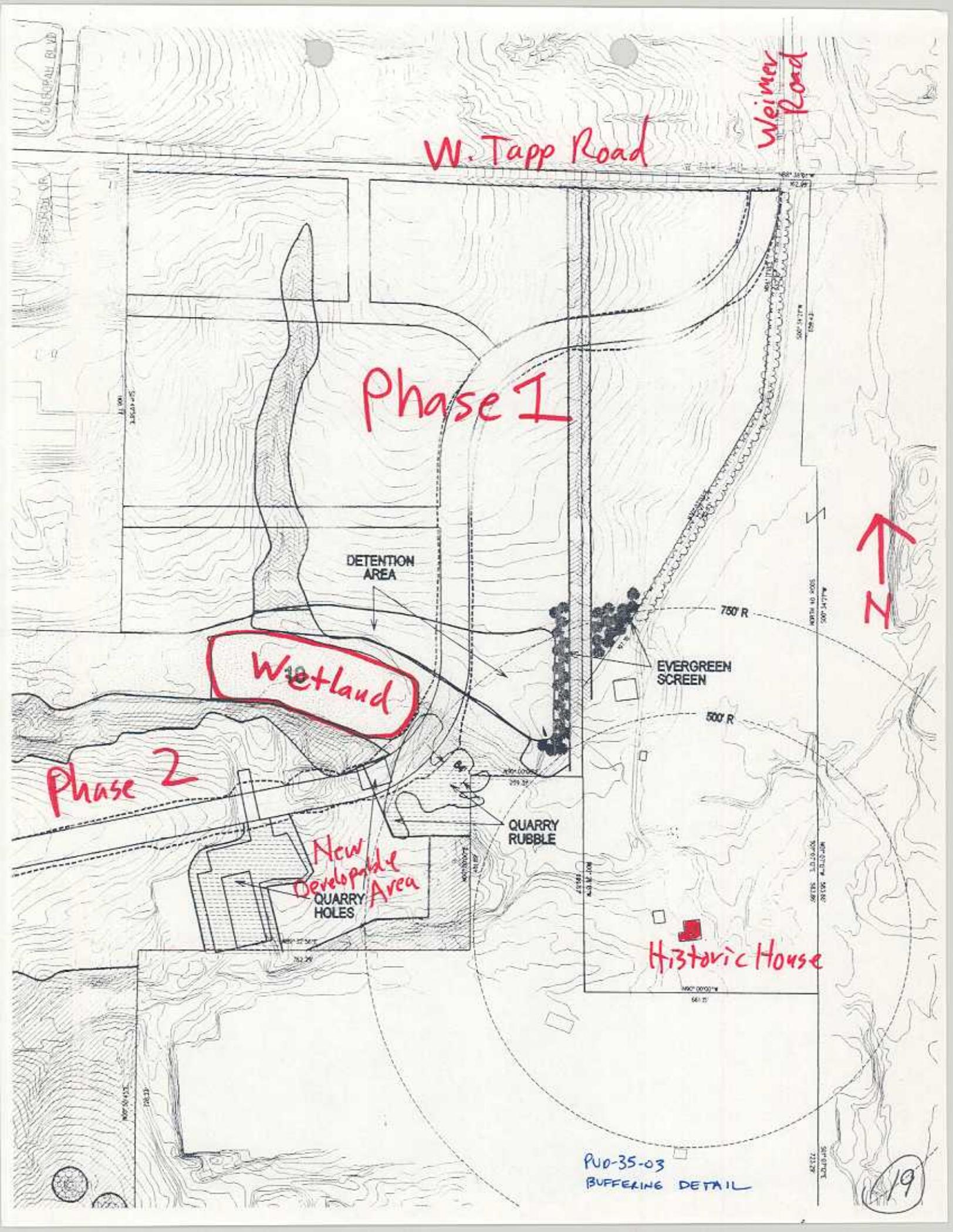
750' R

500' R

PUD-35-03  
BUFFERING DETAIL



19



**BLOOMINGTON PLAN COMMISSION  
SECOND HEARING REPORT  
LOCATION: 2401 W. Tapp Road**

**CASE NO: PUD-35-03  
DATE: October 6, 2003**

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**PETITIONER:** Southern Indiana Medical Park II, LLC  
2920 S. McIntyre Dr., Bloomington

**COUNSEL:** Smith Neubecker and Associates, Inc.  
453 S. Clarizz Blvd., Bloomington

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**REQUEST:** The petitioners are requesting a rezoning of approximately 102 acres from Quarry (Q) to Planned Unit Development (PUD) and preliminary plan approval for office and industrial uses.

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**BACKGROUND:**

**Area:** 102 acres  
**Current Zoning:** Quarry (Q)  
**GPP Designation:** Employment Center  
**Existing Land Use:** vacant, mostly wooded, abandoned quarries  
**Proposed Land Use:** Medical offices, professional offices, light industrial, accessory commercial  
**Surrounding Uses:** **North, South** – vacant, mostly wooded, industrial land  
**West** – Single family residential (Across SR 37)  
**East** – Single family residence, Clear Creek Trail  
**Northwest** – Medical offices (Southern Indiana Medical Park)

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**REPORT SUMMARY:** At the August 11, 2003 hearing, the Plan Commission voted to continue this petition to the next regularly scheduled meeting. The Plan Commissioners directed staff to work with the petitioners to address issues concerning frontage road alternatives and environmental protection.

The property in question is an approximately 102 acre parcel located immediately east and south of the existing Southern Indiana Medical Park. It is bounded by W. Tapp Road to the north, S. State Road 37 to the west, undeveloped industrial PUDs to the north and south and a single family house and the Clear Creek floodplain to the east. Parts of the property have been logged and quarried in the past and the property is zoned Quarry (Q). The majority of the property along Tapp has been cleared, but approximately 80 acres of the site are heavily wooded. The property also contains steeply wooded ravines, a stream with a wooded riparian corridor, a wetland area, abandoned quarries (some partially filled) and several scattered karst features.

The petitioners propose to rezone the property from Q to Planned Unit Development (PUD) and have presented a proposed preliminary plan for approval. This PUD would include a mix of office and industrial uses, several new roads and preservation of

approximately 37% of the property due to its environmental sensitivity. This is the second of two required hearing before final review by the Common Council.

Since the last hearing, the petitioners have worked to address concerns about lighting, frontage road location and uses and have agreed to incorporate stormwater best management practices with final plans, two story buildings and dedication of land for a fire station.

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**GROWTH POLICIES PLAN ANALYSIS:** The GPP designates this 102 acre site as an “employment center” and includes it in the State Road 37/Tapp Road Subarea. The site is adjacent to the existing Southern Indiana Medical Park and has good access to State Road 37. This proposal meets GPP goals of “providing a mix of office and industrial uses providing large-scale employment opportunities for the Bloomington community and surrounding region.” Medical offices are the prime focus of this development. The proposed commercial uses will be “at a scale that serves the employment center but does not generate significant additional business from the community at large.” Proper site planning restrictions have been provided, including a 360 degree building profile along SR 37, preservation of a 100 buffer along the highway, reduced road profiles and setbacks to limit disturbance, preservation of environmentally sensitive areas and a commitment to stormwater BMPs. Staff finds that with the commitments provided in the Preliminary Plan, with the conditions of approval proposed in this report, that this PUD will fulfill the recommendations of the Growth Policies Plan.

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#### **PUD REVIEW ISSUES:**

**Land Use:** The petitioners have proposed a range of uses for the PUD, all of which are in compliance with the GPP. The uses in italics have been added since the last hearing. The proposed uses are as follows:

- Medical Offices
- Professional Offices
- Light Manufacturing
- ***Warehousing***
- ***Business Service***
- ***Wholesale Trade***
- ***Personal Services, Restaurants and Business Park supporting retail uses, 5000 sq. ft. maximum per user, 30,000 sq. ft. total***
- Rehabilitative Facilities
- Residential Care Homes
- Convalescent, nursing and rest homes
- Research Laboratories
- Mental Health Facilities
- Clinics for physicians, dentists, or other health care professionals
- Inpatient and Outpatient Care Facilities
- Day Care Facility
- Hotel (limit of one)
- Fire and Police Stations

- **Light Industrial:** At the request of staff, the petitioners have included warehousing, business service and wholesale trade uses to allow for a wider mix of employment uses as supported by the GPP.
- **Commercial:** At the request of staff, the petitioners have added personal services, restaurants and retail uses. A maximum of 30,000 square feet of commercial uses would be allowed, with no single use being larger than 5,000 square feet. In addition, staff would recommend that drive-through uses not be permitted. Staff believes that with these restrictions, the commercial uses will be integrated into the employment center at a scale that serves the area but does not generate significant additional business from the community at large. These uses will serve the development thus reducing the number of off-site vehicular trips.

**Phasing Plan:** The petitioners have stated that the project will be developed in two broad phases. Phase 1 includes land north of the creek that drains the property. This land has few environmental constraints and has good access to Tapp. Phase 2 includes all land to the south of the creek. Staff recommends that no final plan approvals be granted in Phase 2 until such time as Tapp is widened by the City. This project is currently scheduled for 2005.

**Fire Station Dedication:** The petitioners have agreed to dedicate a maximum of 2 acres to the City of Bloomington for use in developing a future fire station. The parcel will be in Phase 1, which is the phase north of the creek. While the petitioners wish to pick the parcel that will be dedicated, the Bloomington Fire Department stated that direct access onto Tapp, or indirect access from the frontage road at a controlled intersection on Tapp is essential. This dedication should take place with the first plat for development.

**Preservation areas:** Approximately 80 acres of the 102 acre site are heavily wooded. The property also contains steeply wooded ravines, a stream with a wooded riparian corridor, an identified wetland area, and several scattered karst features. The petitioners propose to preserve 38 acres, or 37% of the property. These 38 acres include all slopes greater than 18%, the bottom land and wetland around the stream, a 100 foot buffer along SR 37, quarried areas, existing tree lines on the northern half of the parcel and an inaccessible area on the western side of the property, adjacent to SR 37 and the existing medical park. Since the last hearing, additional karst features have been identified in the southeast quadrant on the property. Based on these finds, additional land is shown as preserved in this area.

The petitioners have suggested that parts of the southeast portion of Phase 2 that do not contain implicitly environmentally sensitive areas could be developed and accessed from the land to the south, rather than cutting across a deep ravine from the northwest. Development of these approximately 5.8 acres would not take place until the parcel to the south is developed and a roadway is extended to this site. Staff does not support

development of the southeast part of Phase 2 and recommends that the entire 13 acre southeast corner be preserved. This area contains several identified karst features, two drainage-ways, steep slopes and woods of varying quality. This area should be preserved because of the difficulty in reaching this area with a road and because it represents an opportunity to preserve a large contiguous area of open space.

**Wetlands:** A wetland determination and delineation was conducted by Earth-Tech. This study found an approximate 2 acre wetland within the creek bottomland between Phase 1 and Phase 2. The petitioners plan to avoid this wetland with their road crossing.

**Road Cross-Section:** In consultation with staff, the petitioners have agreed to a reduced road cross-section in an attempt to better preserve the sensitive areas of the property. This is similar to the approval for the Canterbury Apartments project where the road cross-section was reduced to limit grading and preserve trees. Within Phase 2, the more environmentally sensitive half of the site, the petitioners now propose a road with two 11 foot travel lanes, a two foot grass separation, and two eight foot asphalt sidepaths. Staff recommends that one of these sidepaths be replaced with a sidewalk, as recommended by the Alternative Transportation and Greenways System Plan. Other roads in the development will maintain standard tree plots and the sidepath will continue along all of the “frontage road”.

**Tapp and Weimer Intersection:** The petitioners have estimated that Weimer Road must be shifted between 50 and 75 feet to the west in order for a southern extension of Weimer to be completely on the subject property. Staff estimates this shift to be closer to the lower end of that range and notes that a slight shift in Weimer is already part of the plans for improvements to Tapp. Aligning this intersection may require additional right of way dedication at the northwest corner of Weimer and Tapp.

**Frontage Road Alternatives:** Since the last hearing the petitioners have abandoned their suggestion that the main road through this development cross the creek in the western part of the site and link to McIntyre Drive. Two alternatives are presented here for the required north-south frontage road connecting Fullerton Pike to Bloomfield Road. Staff requests Plan Commission discussion and feedback on these two options. If neither of these options is found to be appropriate, the frontage road could still be meandered to the east to connect directly with the Tapp and Weimer intersection.

- **Alternative A:** The petitioners have relocated the proposed frontage road to the east, just west (upstream) of the delineated wetland. This proposal then takes the road to the north and connects to Tapp at a new intersection between Deborah Dr. and Weimer Rd. Until the Public Investment Corp. (PIC) property to the north is developed, this road alignment would temporarily require vehicles to then turn right onto Tapp and then left onto Weimer to continue north to Bloomfield. However, a long term benefit of this alignment is that the road could be extended across Tapp and through the PIC property. This new road would

allow Weimer to be vacated, move the road out of the floodplain and remove the one-lane bridge and sharp turns in Weimer.

While there are many benefits to this road alignment, there are still some uncertainties. Improvements are already programmed for Tapp as well as the Tapp and Weimer intersection including the equipment for signalization. This alignment is not currently shown on the *Thoroughfare Plan* and it is uncertain whether construction of this road could be required of PIC without an amendment to the plan. This alignment would create a new intersection without funds for signalization. Finally, it is uncertain as to the timeframe of the build-out of the PIC property. For several years the dog-legged alignment would have to function as the frontage road.

- **Alternative B:** The Environmental Commission has recommended a second option for the frontage road that relocates the crossing of the creek east of the delineated wetland (downstream) into the quarried areas on the property. They argue that this is a lower quality part of the stream due to past mining activities. They also state that placing the road in the proposed location will have negative impacts on the wetland due to the removal of critical edge habitat, concentrated stormwater flows and increased sediment loads.

While staff acknowledges that this creek crossing location may have negative impacts to the creek and wetland, the option presented by the Environmental Commission would create an undue burden on the petitioners. This alternative would cause the road to be built on land on the east side of the property, south of the creek, has been disturbed in the past due to quarrying activity. This area includes open quarry pits upward of 30 feet in depth, mounds of debris, the edge of the regulated Clear Creek floodplain and both totally and partially filled quarries. Building a road through this area would be difficult given the uncertain nature of the underlying land and the cost of filling the quarries. In addition, these areas could be preserved as a historic feature of the development.

**Lighting:** Based on comments from the neighbor to the east, the petitioners have agreed to limit the lighting in the development. Lighting fixtures will be a maximum of 15 feet in height tall and directional (i.e. down-lighting). In addition, parking lot lighting will be switched to allow for them to be shut off after business hours. Security lights may remain on after-hours.

**Stormwater:** The petitioners have agreed to incorporate stormwater best management practices into future final plans for lots. This includes, but is not limited to inlet filtration devices, parking lot biofiltration swales and bioretention islands, and planting of native wetland species in stormwater basins, as outlined by the Environmental Commission.

The petitioners have also agreed to work with the existing Southern Indiana Medical park to determine if their stormwater detention system is working correctly. If necessary, additional stormwater could be detained on this site. Staff recommends that

an analysis of the Southern Indiana Medical Park detention system be incorporated into the stormwater and detention plan with future final plans.

**Pedestrian Connections:** The GPP recommends that pedestrian connections to the Clear Creek Trail be emphasized on sites bordering the Clear Creek floodplain. Since this property does not directly abut the trail, it is not possible to provide an immediate connection. Staff recommends that a 15 foot wide pedestrian easement be secured with a future final plat for a lot adjacent to the Clear Creek floodplain. This connection would not be immediately constructed so as to not encourage trespassing on the neighboring parcel.

**Signage:** Since the first hearing, the petitioners have put together a schematic signage proposal. This proposal includes a single multi-tenant monument sign at the development entrance on Tapp with a maximum height of 20 feet and a maximum sign area of 100 square feet per side. This is in line with scenic/gateway corridor signage requirements. Individual lots would also be permitted monument signs that meet scenic/gateway signage requirements. Staff has no objection to this proposal.

**Building height:** The petitioners have committed to requiring that all office buildings in Phase 2 be a minimum of 2 stories in height. Other uses, such as the industrial uses, are excluded because of the difficulties in developing these types of use in two story buildings. This commitment is only for Phase 2, which has the highest level of environmental sensitivity, and will allow for similar square footages with decreased building footprints.

**Setbacks:** The petitioners have also committed to reduced building setbacks along the road. For Phase 2, they have proposed front setbacks of 15 feet from the right-of-way for buildings and 20 feet for parking. All other setbacks will be the same as the Business Park (BP) zoning district. This was suggested in the Environmental Commission memo at the last hearing in an effort to cluster buildings and keep the development as compact as possible.

**Steep slopes:** The petitioners continue to propose preservation of all land beyond the 18% slope line. No disturbance beyond the 18% slope line will be permitted and these areas will be placed in conservancy easements or deeded to an outside land conservation organization. In addition, the use of retaining walls and walk-out basements on lots adjacent to 18% slopes is highly encouraged.

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**CONCLUSIONS:** Staff finds that this proposal, in general, meets the goals and objectives of the GPP. The proposed medical and professional offices, light industrial and accessory commercial uses are consistent with the “employment” designation of the property. However, staff does find that the additional preservation of environmentally sensitive area in the southeast portion of the site is needed. Finally, the proposed site planning restrictions, preliminary plan commitments and the dedication of ground for a future fire station further support this rezoning request.

Staff requests additional comments and discussion from the Plan Commission on the following issues:

- Frontage road alignment
- Possible Thoroughfare Plan amendment
- Preservation of the southeast portion of the site

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**RECOMMENDATION:** Due to the substantial modifications that have been made to this proposal and the unresolved issues involving the frontage road alignment and preservation of the southeast portion of the site, staff recommends forwarding this petition to a third hearing. At the hearing staff will be prepared, however, to put forward conditions of approval if the Plan Commission is satisfied with the petition.

## MEMORANDUM

**TO:** City of Bloomington Plan Commission  
**FROM:** Environmental Commission  
**LIAISON:** Josh Campbell, Senior Environmental Planner  
**DATE:** September 30, 2003  
**SUBJECT:** PUD-35-03 Southern Indiana Medical Park II.

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The Bloomington Environmental Commission (EC) has reviewed the petition and has the following comments and recommendations.

### MISCELLANEOUS:

Approximately 80 acres of this site is heavily wooded. The wooded portion of the site is characterized by steeply wooded ravines (dominated by mature native deciduous species), some irregular terrain (dominated by less mature-native deciduous and common coniferous species), a stream with a wooded riparian corridor, a large wetland area, and several karst features scattered throughout the property. Sensitive areas analyses from the City of Bloomington's Environmental Resource Inventory (COBERI project) rates portions of this property as one of the most environmentally sensitive areas within the City's municipal boundaries.

Part 3: State Road 37/Tapp Road Subarea of the City's Growth Policies Plan states "Site design should take into account and reflect the sensitive nature of this Subarea, especially areas with heavily wooded, steep slopes and karst. Conservation of these areas as greenspace is a required feature, and can significantly enhance the attractiveness of business park development." Furthermore, the Growth Policies Plan states that access and frontage road development "should not negatively impact or intrude on high quality and environmentally sensitive areas on this property."

Taking into account these recently adopted guiding principles, the following recommendations should be considered further to meet City policy and code:

### SILTATION AND EROSION:

No comment at this time.

### STORMWATER MANAGEMENT:

As described, this site is heavily wooded and is characterized by steep slopes and ridges which drain into an unnamed tributary of Clear Creek. Access roads, parking lots and buildings should be designed to minimize impervious surfaces to reduce the potential negative impacts of stormwater runoff.

To do so, the following BMPs are appropriate for further site design guidance: stormwater inlet filtration devices such as interceptor catch basin inserts or stormceptor oil and sediment separator systems should be used in sensitive areas to improve runoff from on-street and off-street parking facilities; construction of biofiltration swales and bioretention islands to mitigate runoff from impervious surfaces (especially in/near parking lots), inclusion of native landscape plantings such as a diversity of grasses, sedges, forbs, shrubs and trees in, and around, smaller stormwater basins to improve stormwater quality and aesthetics.

**Recommendations:**

1. **Stormwater inlets near sensitive areas should use inlet filtration devices.**
2. **All parking lots should incorporate biofiltration swales and bioretention islands into site landscaping plans.**
3. **All proposed stormwater basins should be generously planted with appropriate native tree species, as well as a diverse seed mixture of native grasses, forbs and shrubs.**

**TREE PRESERVATION and OPEN SPACE:**

Approximately 80 acres (80%) of this site is heavily wooded. The highest quality vegetation is located in the southwest portion of the site along the steep slopes and ridge tops, as well as on the steep slopes adjacent to the stream's riparian zone. These areas are characterized by mature native tree species such as a variety of maples, oaks, elms, ashes, hickories and tulip trees, as well as a native understory. The lowest quality vegetation is located in the eastern portion of the site and is due to past mining and clearing activities. The eastern-most portion contains clusters of coniferous trees and highly erodible soil conditions due to the shallow bedrock depth and past clearing (identified as Quarry Area on Map). Immediately adjacent to the quarry area is a transition area where the lower quality vegetation changes to more mature higher quality vegetation (also due to past clearing and logging activities). This transition area contains high and low quality vegetation where there is an abundant regeneration of many hardwood species.

Due to proposed road arrangements, the majority of proposed open space is linear in nature and fragments the highest quality, most environmentally sensitive areas on the site. Although networks of linear corridors provide connectivity and improves species movement, it does not provide larger contiguous patches. It is generally accepted that larger contiguous patches of open space encourage large-healthier populations, support a higher level of species diversity, discourage fragmentation and invasive species, and deter shrinkage/attrition due to barriers and filters created by linear systems and corridors.

The site inventory map provided by the petitioner characterizes environmental features on the site. This inventory should be used to determine what areas are appropriate to protect, what areas should be developed, and what areas require BMPs to mitigate for negative impacts. To reduce habitat fragmentation and protect environmentally sensitive areas on

this site, the proposed frontage road should be relocated east of the wetland area - through the old quarry area which was highly degraded in the past. This will ensure less disturbance of the higher quality wooded slopes, reduce habitat fragmentation, and avoid negative impacts on other environmental sensitive features such as the wooded wetland, marsh, karst features, braided stream channel, and high quality vegetated riparian zone.

In order to help further reduce the habitat fragmentation, the following site design changes should be considered: the cul-de-sac located in the southernmost portion of the site should be removed to better protect this area containing karst features, water resources (2 drainways), steep slopes and portions of quality woods; the overall design and placement of buildings in the wooded portions of the site should be clustered (rather than evenly distributed), subject to reduced densities using multi-storied buildings to meet square footage targets, and have reduced setback requirements to help keep development as compact as possible; and all infrastructure in the wooded areas should be located under roads to further limit disturbance.

Finally, in order to ensure the long term protection of proposed open space for this project, all areas set aside as open space should be placed into a conservation easement.

**Recommendations:**

4. **The frontage road should be relocated to the old quarry area, east of the wetland areas.**
5. **The environmental site inventory map should be used to determine areas appropriate for preservation, development, and areas subjected to mandatory BMPs.**
6. **The cul-de-sac located in the southernmost portion of the site should be removed.**
7. **Buildings in the wooded portions of the site should be clustered and restricted to a reduced density using multi-story buildings to meet square footage targets.**
8. **Buildings in sensitive areas should have reduced setback requirements.**
9. **All proposed infrastructure in sensitive areas should be placed under roads.**
10. **All areas set aside as permanent open space should be placed into conservation easements.**

**ENVIRONMENTAL CONSTRAINTS:**

**KARST**

There are several karst features located on this property. All karst features should be protected by conservation easements in clusters, rather than individually.

**Recommendations:**

11. **Karst features should be protected by conservation easements in clusters rather than individually.**

### STEEP SLOPES (>18%)

Although building on steep slopes is not prohibited by City Code, it is highly discouraged by City policy – especially in sensitive areas as found on this property. This site is characterized by several steep wooded ravines, as well as several steeply sloped hillsides. The EC recommends that encroachment on steep slopes be prohibited (with the exception of the required SR 37 frontage road).

This will help to: protect existing drainways conveying runoff on the site (protect water quality and natural flow rates); better preserve wooded areas in ravines and on hillside (preserve high quality mature tree canopy and prevent habitat fragmentation); and provide larger buffers for clusters of sensitive features (protect large clusters of sensitive features – most notably karst). To further limit slope disturbance and erosion potential, buildings and infrastructure proposed to be located adjacent to steep slopes should be subject to additional design standards (such as walk out basements and retaining walls), as well as stormwater BMPs such as listed in the Stormwater section of this memo.

#### **Recommendations:**

12. **Encroachment on slopes exceeding 18% should be prohibited.**
13. **Buildings and/or infrastructure located adjacent to steep slopes should be subject to additional design standards, as well as additional stormwater BMPs.**

### WATER RESOURCES

As described earlier, a stream bisects this property (an unnamed tributary of the West Fork of Clear Creek running west to east). The highest quality portion of this stream is located in the western portion of the site and contains a wooded wetland, marsh, wooded riparian area, and a meandering stream transitioning to a braided channel with an extensive floodplain. The easternmost portion of the stream that passes through the quarry area is considerably lower in quality – this is due to past mining and clearing activities that have disturbed the entire area.

The petitioner proposes to cross the stream west of the identified wetland areas. This is one of the more environmentally sensitive areas on the site and should be preserved. The EC recommends the stream crossing be relocated to the east of the wetland area, closer to the quarry, where it is much less environmentally sensitive.

#### **Recommendations:**

14. **The frontage road should be relocated to the old quarry area, east of the wetland areas.**

### WETLANDS

There are two contiguous identified wetland areas located along the stream. These are located within the riparian zone of the tributary of Clear Creek that bisects the property. One area is a wooded wetland and the other is a marsh, combining to total

approximately 2 acres. These wetlands provide valuable ecological services including controlling upstream and downstream flooding during storm events, providing critical habitat for wildlife, improving water quality through biofiltration, and providing habitat to help maintain biodiversity.

The frontage road is proposed to be upstream of the wetland areas immediately adjacent to the identified wooded wetland. Placing the road in this location will have negative impacts on the wetlands such as the removal of critical edge habitat that currently protects the wetland from invasive species, wind and sun; changes to the natural stream dynamics resulting in concentrated stormwater and stream channel flows, increased sediment loads and substantial disturbance during construction. The EC recommends these wetland areas be preserved and protected by conservation easements, and the frontage road be placed as far east as possible - through the low quality old quarry area.

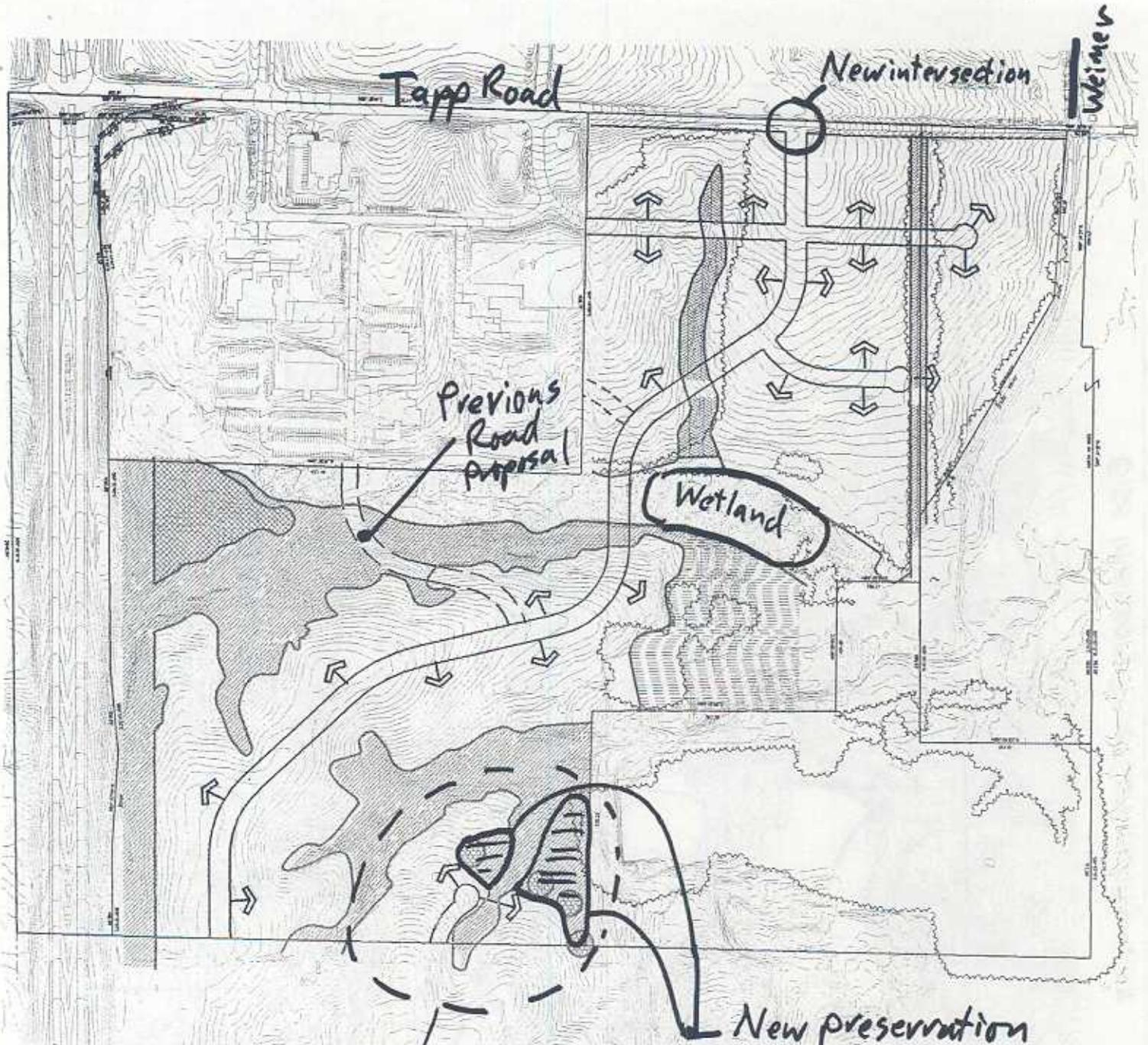
In order to ensure full compliance, as well as avoid unnecessary and late plan amendments, no city permits should be issued prior to City staff receiving copies of all federal, state and local notifications, certifications and permits required for this proposal.

**Recommendations:**

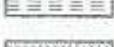
15. **The frontage road should be relocated to the old quarry area, east of the wetland areas.**
16. **Prior to issuance of any city permits, all federal, state and local agencies should be notified, and appropriate permits obtained**

### Specific concessions since first hearing

1. Agree to dedicate a maximum of two acres for a Fire Station/Police Station Facility. This dedication shall be done in the phase one area and shall be on a site of the owners choosing.
2. Agree to a through Street connection from Tapp Road, from a new intersection at the high point between COTA Drive and Weimer Road, and a southerly connection from there to our south property line. The connection to McIntyre Drive remains an alternative only, should the Plan Commission prefer it.
3. Agree to provide a karst inventory, should it be deemed necessary by planning staff. The staff has indicated that this is not necessary at this stage of our proposal.
4. Agree to develop a tree community inventory.
5. Agree to provide a wetlands inventory along the east-west creek and its bottomland area, as directed by the planning staff.
6. Agree to coordinate with the city's consultant on the Tapp Road expansion project to better determine the location and configuration of our new intersection with Tapp Road prior to submitting a development plan for our site.
7. Agree to a phasing plan.
8. Agree to reduced setbacks for parking and buildings in the phase two area of our site to help reduce development impacts and save trees.
9. Agree to buildings with a two-story minimum for office uses in the phase two area of our site.
10. Agree to site lighting controls.
11. Agree to an expanded list of uses as suggested by the planning department.
12. Agree to explore and consider implementation of proven best management practice alternatives for storm water filtration at the development plan stage.
13. Agree to work with the existing medical park to insure that their storm water detention system is operating effectively.
14. Agree to set aside the proposed preservation areas in conservation easements and to consider gifting or dedication of some of these areas to an outside entity.



Protected Areas Legend

-  Over 18% Slopes
-  Stream Bottoms
-  Tree Lines
-  Single Karst Areas
-  Limestone Quarry Area
-  No Development

Outline Plan  
Area of Dispute

New preservation Area's



Smith Neubecker & Associates, Inc.



453 S. Clark Blvd.  
Bloomington, Indiana, 47403  
Telephone: (812) 336-6536

Southern Indiana Medical Park II

Schematic Site Plan

PUD-35-03 (24)

**BLOOMINGTON PLAN COMMISSION  
PRELIMINARY REPORT  
LOCATION: 2401 West Tapp Road**

**CASE NO: PUD-35-03  
DATE: August 11, 2003**

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**PETITIONER:** Kamal Tiwari  
2920 McIntyre Dr., Bloomington

**COUNSEL:** Smith Neubecker and Associates, Inc.  
453 S. Clarizz Blvd., Bloomington

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**REQUEST:** The petitioner is requesting a rezoning of approximately 102 acres from Quarry (Q) to Planned Unit Development (PUD) and preliminary plan approval for office and industrial uses.

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**BACKGROUND:**

**Area:** 102 acres  
**Current Zoning:** Quarry (Q)  
**GPP Designation:** Employment Center  
**Existing Land Use:** vacant, mostly wooded, abandoned quarries  
**Proposed Land Use:** Medical offices, professional offices, light industrial  
**Surrounding Uses:** **North, South** – vacant, mostly wooded, industrial land  
**West** – Single family residential (Across SR 37)  
**East** – Single family residence, Clear Creek Trail  
**Northwest** – Medical offices (Southern Indiana Medical Park)

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**REPORT SUMMARY:** The property in question is an approximately 102 acre parcel located immediately east and south of the existing Southern Indiana Medical Park. It is bounded by W. Tapp Road to the north, State Road 37 to the west, undeveloped industrial PUDs to the north and south and the Clear Creek floodplain to the east. Parts of the property have been logged and quarried in the past and the property is zoned Quarry (Q). The majority of the property along Tapp Road has been cleared, but approximately 80 acres of the site are heavily wooded. The property also contains steeply wooded ravines, a stream with a wooded riparian corridor, a potential wetland area, abandoned quarries (some partially filled) and several scattered karst features.

The petitioner proposes to rezone the property from Q to Planned Unit Development (PUD) and has presented a proposed preliminary plan for approval. This PUD would include a mix of office and industrial uses, several new roads and preservation of 37% of the property due to its environmental sensitivity. This request requires a minimum of two hearing before the Plan Commission and final approval by the Common Council.

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## PUD REVIEW ISSUES:

**GROWTH POLICIES PLAN ANALYSIS:** The GPP designates this 102 acre site as an “employment center.” This designation was placed on the property because of its location adjacent to the Southern Indiana Medical Park and its access to State Road 37. Specifically, staff notes the following passages:

- The Employment Center district should contain a mix of office and industrial uses providing large-scale employment opportunities for the Bloomington community and surrounding region.
- Employment Center land uses should focus on corporate headquarters and industrial uses, which will provide a stable employment base for the greater Bloomington community.
- The commercial uses integrated within an employment center must be at a scale that serves the employment center but does not generate significant additional business from the community at large.
- Development phasing must emphasize the creation of the office and industrial base before the commercial areas are developed to serve them.
- Locations with easy access to State Road 37 should be emphasized in efforts to recruit Employment Center site users. Development of employment center sites shall be consistent with the policies outlined in the State Road 37 Corridor Plan, which is referenced in this document.

In addition to these general policies toward employment areas, the GPP offers specific guidance for the development of this property. The *State Road 37/Tapp Road Subarea*, included in your packet (Exhibit #1), provides specific policy guidance for the development of this property and the property to the south. The subarea includes recommendations concerning land use, urban services and site design. Specifically, staff notes the following passages:

- Medical and corporate office land uses are recommended with light manufacturing and site-serving retail also being permitted. Medical offices are particularly desired east of the Southern Indiana Medical Park, while corporate offices should be considered along the State Road 37 frontage near Fullerton Pike.
- The Master Thoroughfare Plan designates a new north-south Secondary Collector through this Subarea to form a realigned four-way intersection at Weimer Road. This roadway should not negatively impact or intrude on high quality and environmentally sensitive areas on this property.
- If State Road 37 is designated a limited access highway, then further planning should consider the closure of the Tapp Road intersection with State Road 37, along with a full interchange developing at the Fullerton Pike intersection.
- For property fronting State Road 37, site planning controls should be emphasized, including a 360 degree building profile along the highway. The presence of parking lots should be limited along SR 37.

- Maintenance of the existing woodland buffer along sections of State Road 37 is critical. The preferred width of this buffer should be at least 100 feet.
- Pedestrian connections should be emphasized between developments bordering either side of the Clear Creek floodplain. Additional integration of pedestrian connections with the Clear Creek Trail is a required site design element.
- Site design should take into account and reflect the sensitive nature of the Subarea, especially areas with heavy woodland, steep slopes, and karst. Conservation of these areas as greenspace is a required feature, and can significantly enhance the attractiveness of business park development.

Finally, another subarea in the GPP provides guidance to the development of this property. The *State Road 37 Corridor* subarea was derived from a corridor plan created by the Bloomington Economic Development Corporation (BEDC) in the year 2000. Land use policies in this subarea include:

- The primary land use for developments along the corridor should be employment-based, with supporting commercial and residential components only as dictated by the primary employment use.
- Promote developments that encourage mixed uses, with particular emphasis on making any commercial uses properly scaled so that they serve only the major employment uses in the immediate vicinity.

This petition satisfies many of the GPP goals concerning land use, however, it does not address roadway issues sufficiently. The Thoroughfare Plan designates a new north-south Secondary Collector through this property, to align with Weimer and connect Tapp with Fullerton. The proposed roadway is far from reaching these goals and places the road in an area with increased environmentally sensitivity.

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**LAND USE:** The petitioner has proposed a range of uses for the PUD, all of which are in compliance with the Growth Policies plan. The proposed uses are as follows:

- Medical Offices
- Professional Offices
- Light Manufacturing
- Rehabilitative Facilities
- Residential Care Homes
- Convalescent, nursing and rest homes
- Research Laboratories
- Mental Health Facilities
- Clinics for physicians, dentists, or other health care professionals
- Inpatient and Outpatient Care Facilities
- Day Care Facility
- Hotel (limit of one)
- Fire and Police Stations

**Offices:** Medical and professional offices are expected to be the primary land use in this development. The GPP recommends that employment centers contain a mix of office and industrial uses that would provide employment opportunities for the community and the region. The GPP specifically notes that “Medical offices are particularly desired east of the Southern Indiana Medical Park.”

**Light Industrial:** At the request of staff, the petitioner has included light manufacturing uses to the list of permitted uses. Light manufacturing uses are recommended to be permitted by the *State Road 37/Tapp Road Subarea* of the GPP. It may also be desirable to include warehousing, business service and wholesale uses.

**Commercial:** At the request of staff, the petitioner has added hotel and day care uses to the proposal. These uses would be beneficial to the PUD and service employees and medical patients in the area. The GPP recommends that commercial uses be integrated into employment centers at a scale that serves the area but does not generate significant additional business from the community at large. Staff would recommend that the commercial uses be expanded to include personal services, restaurants and retail uses at a small scale that would serve the development so that employees would not have to venture outside the development services.

**Fire and Police Stations:** At the request of staff, the petitioner has added fire and police stations to the proposal. While this area of the city is served by fire protection with acceptable response times, an additional fire station facility would be highly desirable with continued build-out of the southwest quadrant. The need for such a facility has been identified in the GPP and verified by City Fire Department personnel. The biggest issue concerning the location of a future facility is whether it should be located near the Tapp Road or Fullerton Pike intersections with State Road 37. City and State decisions concerning long-term roadway access with State Road 37 will be a significant factor in making this location choice. If the Plan Commission supports the petition in general, staff would recommend requiring dedication of land with this petition for the construction of a future fire station. According to Fire Department staff, approximately 1 ½ to 2 acres would be needed for a station.

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## **INTENSITY OF USES:**

**Preservation areas:** Approximately 80 acres of the 102 acre site are heavily wooded. The property also contains steeply wooded ravines, a stream with a wooded riparian corridor, a potential wetland area, and several scattered karst features. The petitioner proposes to preserve 38 acres, or 37% of the property. These 38 acres include all slopes greater than 18%, the bottom land around the stream, a 100 foot buffer along SR 37, quarried areas, existing tree lines on the northern half of the parcel and an inaccessible part of the western side of the property.

The petitioner has suggested that the southeast corner of the site would be accessed from the land to the south, rather than cutting across a deep ravine from the northwest. Development of this 5.8-acre area would not take place until the parcel to the south is

developed and a roadway is extended to this site. Staff has determined that even with development of the property to the south, a cul-de-sac of nearly half a mile would be required to reach this site. As a result, staff recommends that part of the area be considered for inclusion in the land for preservation.

The petitioner has also proposed that the parts of the property that had been quarried be preserved. While the cost of developing this part of the property would be high, these areas are not intrinsically environmentally sensitive. Staff recommends that the quarried areas on the property not be included within the preservation areas.

Finally, it has not yet been determined who would own and maintain the preserved areas. Staff would recommend that the petitioner consider dedication of some preserved areas to a community land holding organization, such as the Sycamore Land Trust. If this is not feasible, all preserved areas should be placed into conservation easements.

**Building height:** One option to better preserve the high quality wooded area on the property is to require minimum building heights. Staff recommends that the Plan Commission consider requiring that buildings be a minimum of 2-stories in height to allow for increased square footages with decreased building footprints. This idea is supported by the Environmental Commission.

**Setbacks:** The Environmental Commission has also recommended reduced setbacks and building clustering to keep the development as compact as possible. Staff would encourage the petitioner to formulate a setback proposal that would meet these goals before the second hearing.

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## **SITE DESIGN:**

**Weimer Road Extension:** The GPP and the Thoroughfare Plan call for a primary collector “frontage road” to be constructed through this property from the Weimer and Tapp Road intersection to the far southern property line. This road would eventually be extended further south to Fullerton Pike. This road is needed to serve as property access for the parcels along SR 37 once it is upgraded to a controlled access highway. Weimer Road could then provide a direct connection from Fullerton Pike to W. 2nd Street.

The petitioner argues that given development in this area, that access would be better served with an interchange at Tapp and SR 37. The petitioner has provided access from Tapp, through the existing Southern Indiana Medical Park, across a sensitive environmental area and potential wetland, and then south to the property line. This proposal is indirect, very close to the existing Tapp and SR 37 intersection and is more environmentally intrusive than a direct connection from Weimer. The decision on location of interchanges would ultimately be up to the State, but regardless of its location, a direct frontage road system is still necessary through this property. Without the provision of this roadway, staff would recommend that this petition be denied.

**Architecture:** The petitioner has proposed that all buildings along SR 37 have 360 degree architecture. This is consistent with the recommendations of the GPP and the *State Road 37/Tapp Road Subarea*. Prior to the second hearing, the petitioner should further define this commitment.

**State Road 37 Buffer:** The petitioner has proposed a 100 foot wide buffer adjacent to State Road 37. This buffer would maintain existing trees and serve to maintain the scenic quality of the SR 37 corridor. The proposed 100 foot buffer is consistent with the recommendations of the GPP and the *State Road 37/Tapp Road Subarea*.

**Utilities:** A schematic utility plan has been submitted to CBU and found to be acceptable. Water service will be provided off of an existing 20" main in Tapp Road and extended through the property to the southern property line. Existing sanitary sewer mains on the property are undersized. These lines will be replaced and a new, oversized, main constructed to the southern property line. Sewage will flow to the northeast and connect to the Southwest Interceptor near the intersection of Tapp and Weimer.

**Stormwater:** A schematic stormwater plan has been submitted to CBU and is under review. This plan includes stormwater detention within the creek channel. The culvert for the proposed road crossing would be undersized and serve to detain water. It is the understanding of the planning staff that this type of detention is acceptable because it is part of a larger road crossing and culvert. In addition to stormwater detention, the schematic stormwater plan also depicts two stormwater quality basins (SWQ).

The Environmental Commission has recommended that all future stormwater plans include several features to address water quality associated with this project. They recommend that stormwater inlets near sensitive areas use inlet filtration devices and that parking lots incorporate bio-filtration swales and bio-retention islands. Finally, the EC recommended that stormwater basins be planted with appropriate native trees, grasses, forbs and shrubs.

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**TRANSPORTATION IMPACTS:** As part of the supplemental information for this project, a full traffic study was conducted. The study notes that Tapp and Weimer Roads currently operate at reasonable levels of service, with Weimer having some safety problems. The study also found that the added traffic from this project, as well as background traffic growth and growth from other committed projects, will stress the existing roadways. The study found that the programmed road upgrades that are part of the Tapp and Weimer Tax Increment Finance District fiscal plan will accommodate the increasing traffic volumes associated with this project. Following is a summary of major findings and issues for Plan Commission consideration.

**Tapp Road:** The study recommends continued upgrade and expansion of Tapp Road to a five lane configuration. Tapp Road is currently scheduled to be widened to 5 lanes to immediately east of Weimer Road in 2005. It also recommends that a signal be placed at the intersection of Tapp and the future frontage road.

**Weimer Road:** The study recommends that a multiple movement intersection be provided at the intersection of Weimer and Tapp. It also recommends that Weimer Road be improved to remove existing deficiencies, such as the existing bridge and curve restrictions.

**SR 37 and Tapp Road Intersection:** The study recommends that access be maintained to SR 37 at this location. Only if this access is removed does the report recommend that a frontage road be considered. This finding runs counter to the fact that a frontage road connecting Tapp and Weimer to Fullerton Pike has been shown on the City's Thoroughfare Plan since at least 1981. This road is also recommended by the *State Road 37/Tapp Road Subarea* in the GPP and the Bloomington Metropolitan Planning Organization's *Year 2025 Transportation Plan*. Staff finds that this road network will be necessary with or without an interchange at Tapp and SR 37.

**Fiscal Issues:** This property is not part of the Tapp and Weimer Tax Increment Finance District (TIF). TIFs are used to pull the increase in property taxes associated with development into a fund to be used for public improvements within a district. City staff is investigating whether this property should be added to the Tapp and Weimer TIF or whether a new TIF should be created for just this development. While the availability of additional TIF funds would serve to improve the road network in the area, staff recommends that the Plan Commission evaluate this petition without the consideration of TIF funds. Staff will continue to investigate TIF possibilities.

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**ENVIRONMENTAL IMPACTS:** Significant detail is provided on environmental issues in both the Environmental Commission (EC) memo as well as the petitioner's "Outline Plan Statement."

**Tree Preservation and Open Space:** In addition to the proposed preservation area shown as part of this development, the EC supported increased preservation efforts as indicated earlier in this report. This would include the far southeast corner of the property and a two story requirement for buildings. In addition to this, the EC recommended that all utility infrastructure be placed under roads.

**Steep Slopes:** While building on steep slopes is not prohibited by the zoning ordinance, it is discouraged by the GPP. All slopes over 18% are proposed to be preserved by the petitioner, except where road crossings are required. The EC has also recommended that buildings and infrastructure located adjacent to steep slopes be subject to additional design standards as well as requirements to utilize stormwater best management practices.

**Karst:** Two karst features have been identified in the southernmost portion of the property. Several other potential karst have been identified by staff in the middle of the property. The EC recommended that all karst features be identified prior to any approval.

**Water Resources:** An unnamed tributary of Clear Creek runs west to east across the middle of the property. This stream includes wetland and wooded riparian areas in the general location where the petitioner proposes to connect to McIntyre Drive. The EC supported the staff recommendation that the creek crossing take place further to the east to make create a frontage road with Weimer and preserve sensitive area of the waterway.

**Wetlands:** Staff has identified a potential wetland located within the riparian zone of creek that bisects the property. The EC has recommended that a wetland determination and delineation be conducted prior to any approvals for this project.

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**Neighboring Property Owner Concerns:** Staff has had contact with only one adjacent property owner concerning this petition. This neighbor lives to the east of the property, immediately adjacent to the Clear Creek floodplain on Quarry (Q) zoned land. His concerns include drainage and stormwater detention and water quality, obtrusive lighting and the proposed intersection with Tapp and Weimer. Staff anticipates specific comments at the hearing.

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**CONCLUSIONS:** Staff finds that this petition satisfies many of the GPP goals concerning uses and environmental protection in this area. Some points for further Plan Commission discussion and guidance include:

- Should the list of uses be expanded to include additional site serving retail and industrial uses?
- Should the frontage road required by the Thoroughfare Plan be constructed through the middle of the site or through the existing Southern Indiana Medical Park.
- Should two-story buildings be mandated on the wooded areas of the property?
- Has the petitioner provided appropriate preservation of environmentally sensitive areas? Should the abandoned quarry area be set aside, or allowed to develop?
- Should land for a future fire station be dedicated with this rezoning?
- Should additional environmental quality measures be required to better protect the environment, as outlined by the Environmental Commission?

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**RECOMMENDATION:** Staff recommends that this rezoning request be forwarded to the September 8, 2003 Plan Commission meeting.

## MEMORANDUM

**TO:** City of Bloomington Plan Commission  
**FROM:** Environmental Commission  
**LIAISON:** Josh Campbell, Senior Environmental Planner  
**DATE:** August 5, 2003  
**SUBJECT:** PUD-35-03 Kamal Tawari, 2401 West Tapp Road.

The Bloomington Environmental Commission (EC) has reviewed the petition and has the following comments and recommendations.

### MISCELLANEOUS:

Approximately 80 acres of this site is heavily wooded. The wooded portion of the site is characterized by steeply wooded ravines (dominated by mature native deciduous species), some irregular terrain (dominated by less mature-native deciduous and common coniferous species), a stream with a wooded riparian corridor, a wetland area, and several karst features scattered throughout the property. Sensitive areas analyses from the City of Bloomington's Environmental Resource Inventory (COBERI project) rates portions of this property as one of the most environmentally sensitive areas within the City's municipal boundaries.

Part 3: State Road 37/Tapp Road Subarea of the City's Growth Policies Plan states "Site design should take into account and reflect the sensitive nature of this Subarea, especially areas with heavily wooded, steep slopes and karst. Conservation of these areas as greenspace is a required feature, and can significantly enhance the attractiveness of business park development." Furthermore, the Growth Policies Plan states that access and frontage road development "should not negatively impact or intrude on high quality and environmentally sensitive areas on this property."

Taking into account these recently adopted guiding principles, the following recommendations should be considered further to meet City policy and code:

### SILTATION AND EROSION:

No comment at this time.

### STORMWATER MANAGEMENT:

As described, this site is heavily wooded and is characterized by steep slopes and ridges which drain into an unnamed tributary of Clear Creek. Access roads, parking lots and buildings should be designed to minimize impervious surfaces to reduce the potential

EC Memo  
PUD-35-03

(45)

negative impacts of stormwater runoff.

To do so, the following BMPs are appropriate for further site design guidance: stormwater inlet filtration devices such as interceptor catch basin inserts or stormceptor oil and sediment separator systems should be used in sensitive areas to improve runoff from on-street and off-street parking facilities; construction of biofiltration swales and bioretention islands to mitigate runoff from impervious surfaces (especially in/near parking lots), inclusion of native landscape plantings such as a diversity of grasses, sedges, forbs, shrubs and trees in, and around, smaller stormwater basins to improve stormwater quality and aesthetics.

**Recommendations:**

1. **Stormwater inlets near sensitive areas should use inlet filtration devices.**
2. **All parking lots should incorporate biofiltration swales and bioretention islands into site landscaping plans.**
3. **All proposed stormwater basins should be generously planted with appropriate native tree species, as well as a diverse seed mixture of native grasses, forbs and shrubs.**

**TREE PRESERVATION and OPEN SPACE:**

Approximately 80 acres (80%) of this site is heavily wooded. The highest quality vegetation is located in the southwest portion of the site along the steep slopes and ridge tops – most notably the upland areas. These areas are characterized by mature native tree species such as a variety of maples, oaks, elms, ashes, hickories and tulip trees, as well as a native understory. The lowest quality vegetation is located in the eastern portion of the site and is due to past mining and clearing activities. The eastern-most portion contains clusters of coniferous trees and highly erodible soil conditions due to the shallow bedrock depth and past clearing (identified as Quarry Area on Map). Immediately adjacent to the quarry area is a transition area where the lower quality vegetation changes to more mature higher quality vegetation (also due to past clearing and logging activities). This transition area contains high and low quality vegetation where there is an abundant regeneration of many hardwood species.

Due to proposed road arrangements, the majority of proposed open space is linear in nature and fragments the highest quality, most environmentally sensitive areas on the site. Although networks of linear corridors provide connectivity and improves species movement, it does not provide larger contiguous patches. It is generally accepted that larger contiguous patches of open space encourage large-healthier populations, support a higher level of species diversity, discourage fragmentation and invasive species, and deter shrinkage/attrition due to barriers and filters created by linear systems and corridors. To determine the location of the highest quality of vegetation areas a tree community inventory is appropriate. The results of this tree inventory will be necessary in design revisions to protect the best areas.

In order to help further reduce the habitat fragmentation proposed by this petition, the following site design changes should be considered: the cul-de-sac located in the southernmost portion of the site should be removed to better protect this area containing karst features, water resources (2 drainways), steep slopes and high quality woods; the extension of South McIntyre Drive should be removed (and relocate to the eastern portion of the site – quarry area) to preserve one of the more environmentally sensitive lowland areas that contains steep slopes, mature woods, stream, and a high quality vegetated riparian corridor; to further reduce habitat fragmentation and disturbance limits the overall design and placement of buildings in the wooded portions of the site should be clustered (rather than evenly distributed), subject to reduced densities using multi-storied buildings to meet square footage targets, and have reduced setback requirements to help keep development as compact as possible; and all infrastructure in the wooded areas should be located under roads to further limit disturbance.

Finally, in order to ensure the long term protection of proposed open space for this project, all areas set aside as open space should be placed into a conservation easement.

**Recommendations:**

4. **A tree community inventory is appropriate.**
5. **The cul-de-sac located in the southernmost portion of the site should be removed.**
6. **The extension of South McIntyre Drive should be relocated to the eastern portion of the site (quarry area)**
7. **Buildings in the wooded portions of the site should be clustered and restricted to a reduced density using multi-story buildings to meet square footage targets.**
8. **Buildings in sensitive areas should have reduced setback requirements.**
9. **All proposed infrastructure in sensitive areas should be placed under roads.**
10. **All areas set aside as permanent open space should be placed into conservation easements.**

**ENVIRONMENTAL CONSTRAINTS:**

KARST

The submitted environmental review identifies 2 karst features located in the southernmost portion of this property. Upon investigation, several other potential karst have been identified in the eastern and western portions of the property that warrant further investigation. Prior to any approvals, a more thorough karst inventory for this property should be done.

**Recommendations:**

11. **A more thorough karst inventory should be done prior to any approvals for this project.**

### STEEP SLOPES (>18%)

Although building on steep slopes is not prohibited by City Code, it is highly discouraged by City policy – especially in sensitive areas as found on this property. This site is characterized by several steep wooded ravines, as well as several steeply sloped hillsides. The EC recommends that encroachment on steep slopes be prohibited (with the exception of the required SR 37 frontage road).

This will help to: protect existing drainways conveying runoff on the site (protect water quality and natural flow rates); better preserve wooded areas in ravines and on hillside (preserve high quality mature tree canopy and prevent habitat fragmentation); and provide larger buffers for clusters of sensitive features (protect large clusters of sensitive features – most notably karst). To further limit slope disturbance and erosion potential, buildings and infrastructure proposed to be located adjacent to steep slopes should be subject to additional design standards (such as walk out basements and retaining walls), as well as stormwater BMPs such as listed in the Stormwater section of this memo.

#### **Recommendations:**

12. **Encroachment on slopes exceeding 18% should be prohibited.**
13. **Buildings and/or infrastructure located adjacent to steep slopes should be subject to additional design standards, as well as additional stormwater BMPs.**

### WATER RESOURCES

As described earlier, a perennial stream bisects this property (an unnamed tributary of Clear Creek running west to east). The highest quality portion of this stream is located in the western portion of the site and contains a wetland, wooded riparian area, and a meandering stream transitioning to a braided channel with an extensive floodplain. The easternmost portion of the stream that passes through the quarry area is considerably lower in quality – this is due to past mining and clearing activities that have disturbed the entire area.

The petitioner proposes to cross the stream in the western portion of the site connecting to South McIntyre Drive. This is one of the more environmentally sensitive areas on the site and should be preserved. The EC recommends the stream crossing be relocated to the east, closer to the quarry, where it is much less environmentally sensitive.

#### **Recommendations:**

14. **The extension of South McIntyre Drive should be relocated to the eastern portion of the site (quarry area).**

EC Memo

PUD-35-03

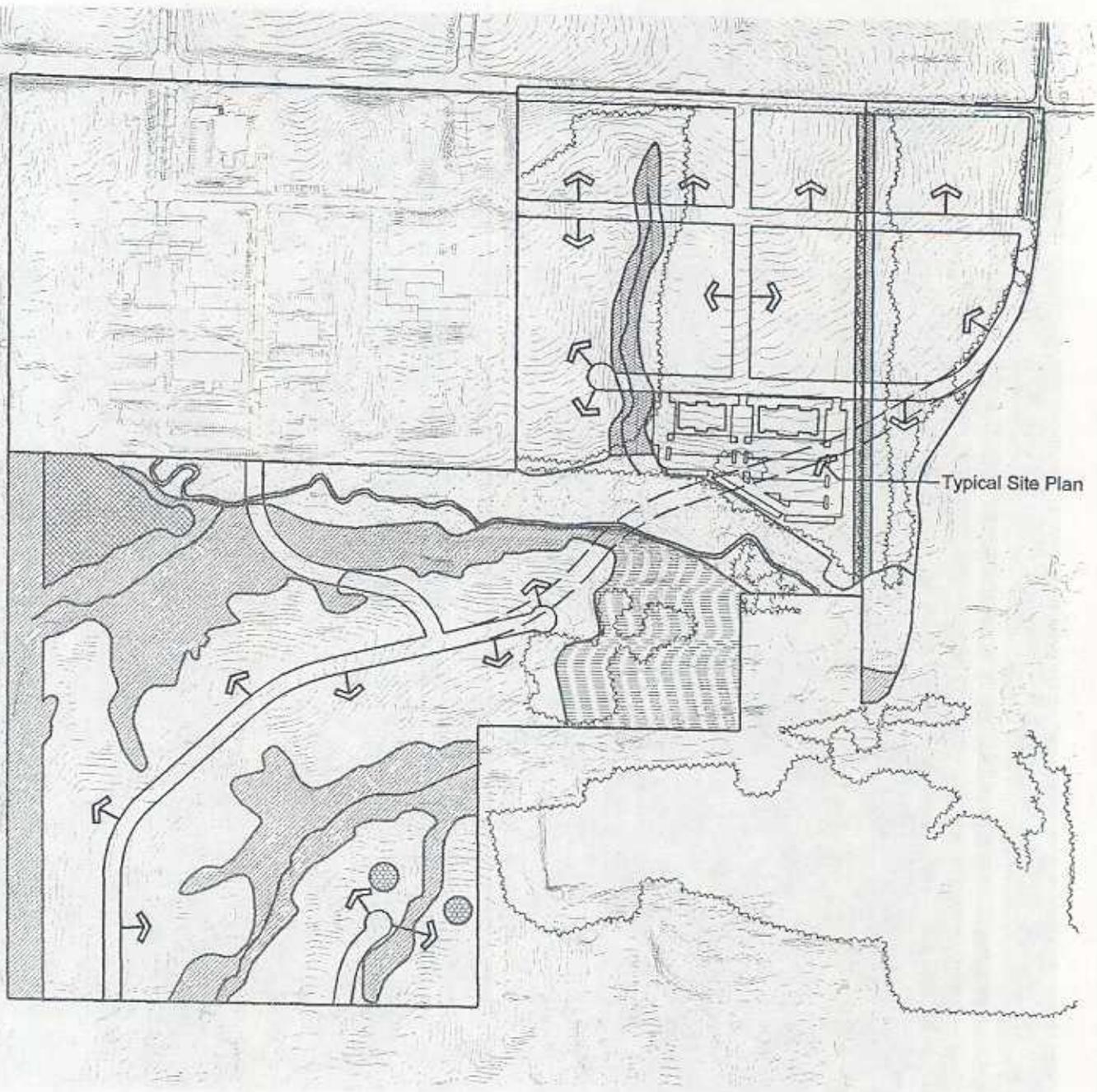
WETLANDS

Based on initial site reconnaissance and preliminary wetland determination, there is a potential jurisdictional wetlands on this property. This area is located within the riparian zone of the tributary of Clear Creek that bisects this property. The EC recommends that a wetland determination and delineation be done to help to better locate the SR 37 frontage road and infrastructure required by the Growth Policies Plan, as well as indicate any potential mitigation measures that may be required.

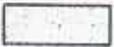
In order to ensure full compliance, as well as avoid unnecessary and late plan amendments, no city permits should be issued prior to City staff receiving copies of all federal, state and local notifications, certifications and permits required for this proposal.

**Recommendations:**

15. **A wetland determination and delineation should be submitted to the City prior to any approvals for this project.**
16. **Prior to issuance of any city permits, all federal, state and local agencies should be notified, and appropriate permits obtained**



Protected Areas Legend

-  Over 18% Slopes
-  Stream Bottoms
-  Tree Lines
-  Single Karst Areas
-  Limestone Quarry Area
-  No Development

*Outline Plan*

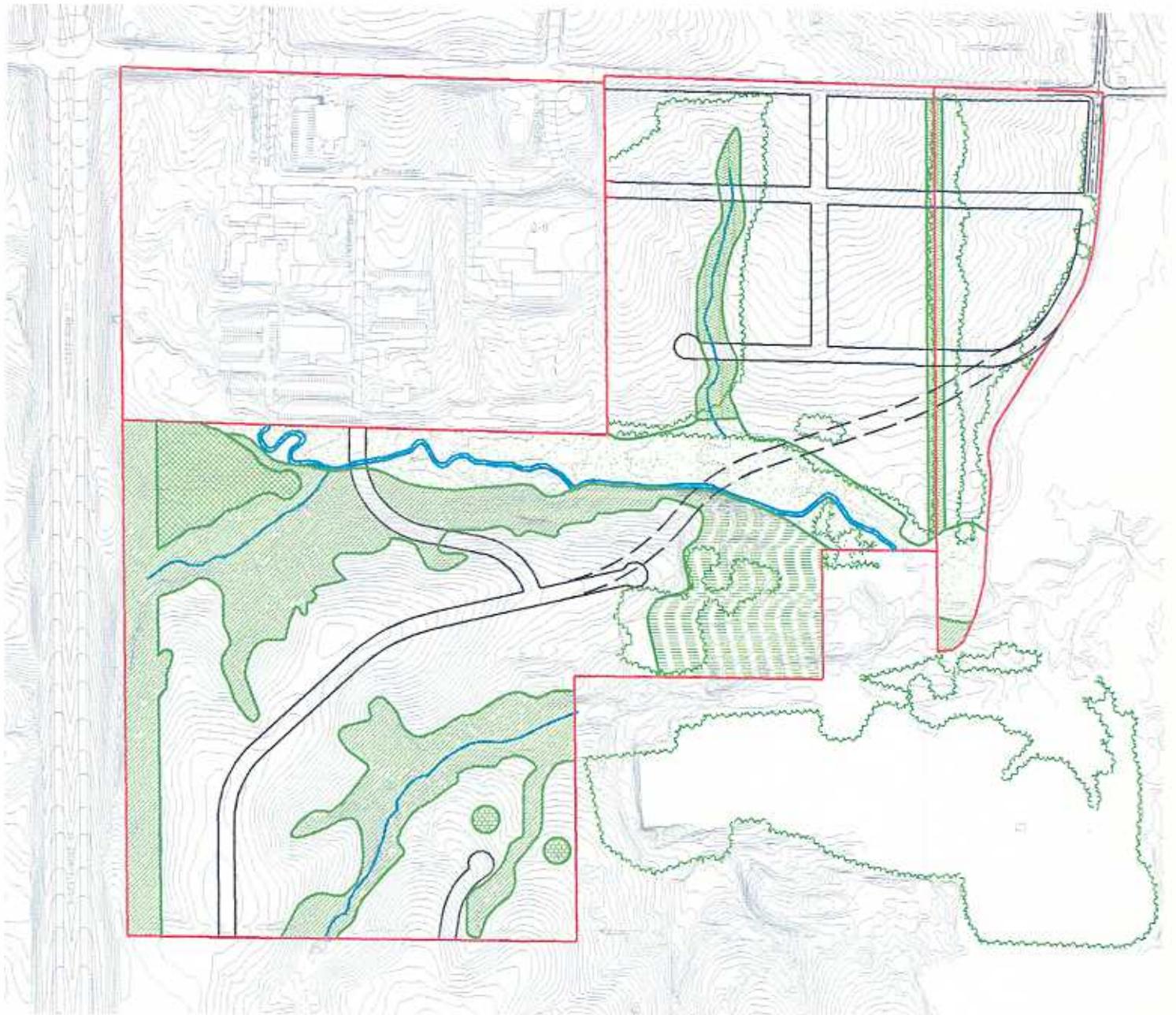


Smith Neubecker & Associates, Inc.



433 S. Clark Blvd.  
Bloomington, Indiana, 47404  
Telephone: (317) 336-0100

*Southern Indiana Medical Park I*



*Environmental Analysis Map*

Protected Areas Legend

-  Over 18% Slopes
-  Stream Bottoms
-  Tree Lines
-  Single Karst Areas
-  Limestone Quarry Area
-  No Development

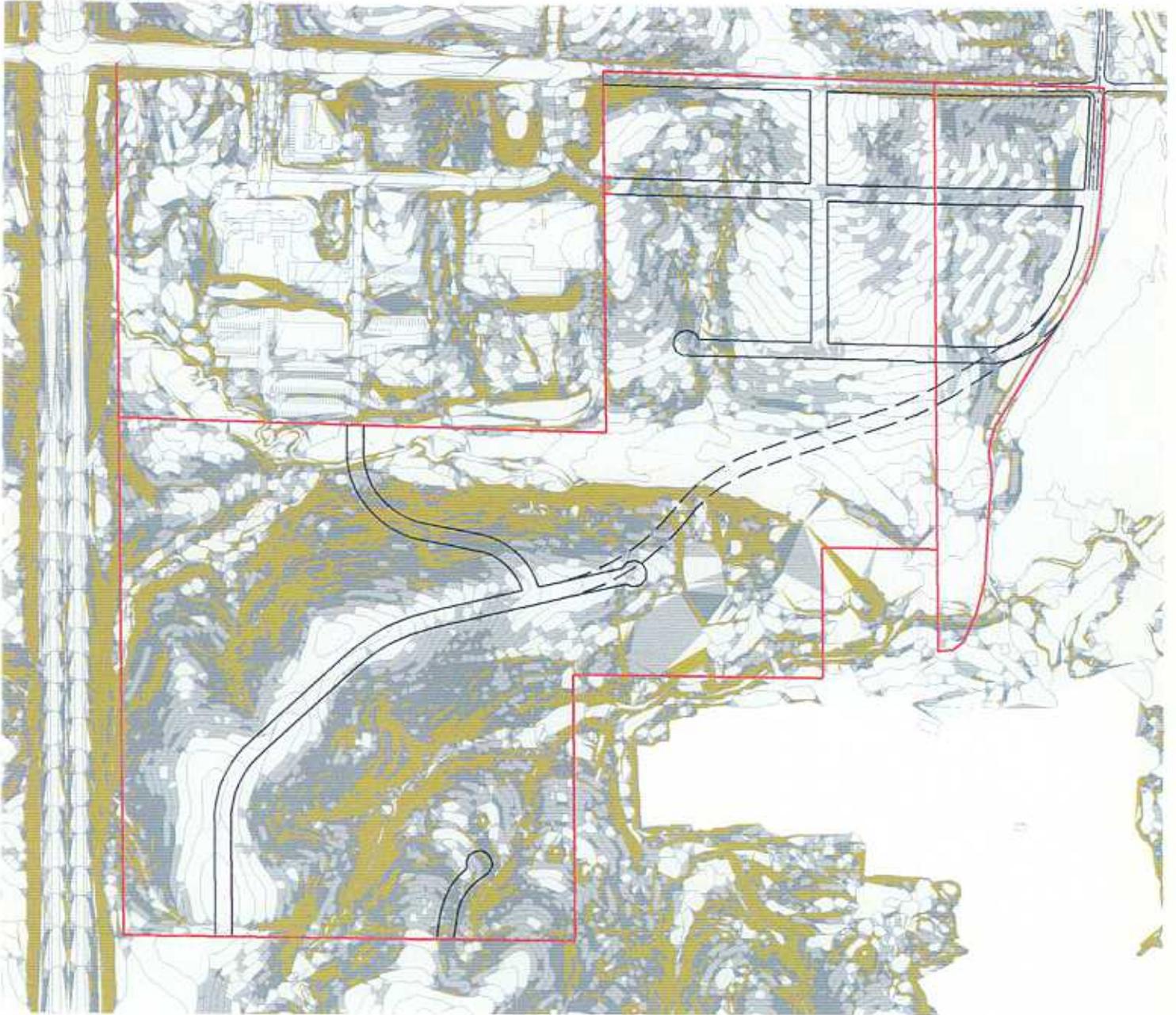


Smith Neubecker & Associates, Inc.



453 E. Clark Blvd.  
Bloomington, Indiana, 47401  
Telephone: (812) 336-6036

*Southern Indiana Medical Park II*



*Slope Analysis Map*

**SLOPE ANALYSIS**

-  Over 18%
-  12% - 18%
-  8% - 12%
-  Under 8%

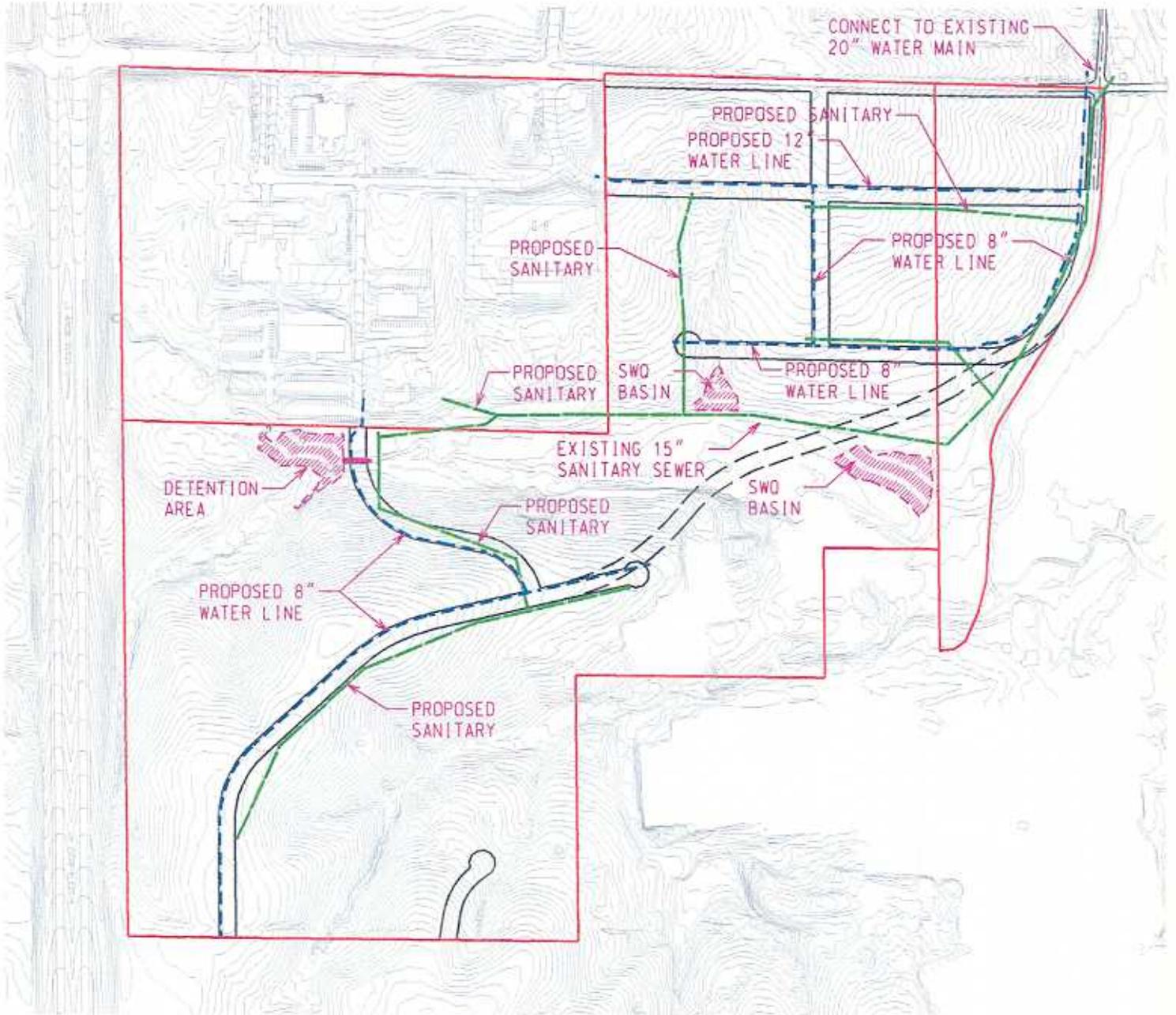


Smith Neubecker & Associates, Inc.



433 S. Clark Blvd.  
Bloomington, Indiana, 47401  
Telephone: (812) 336-6536

*Southern Indiana Medical Park II*



*Schematic Utility Plan*



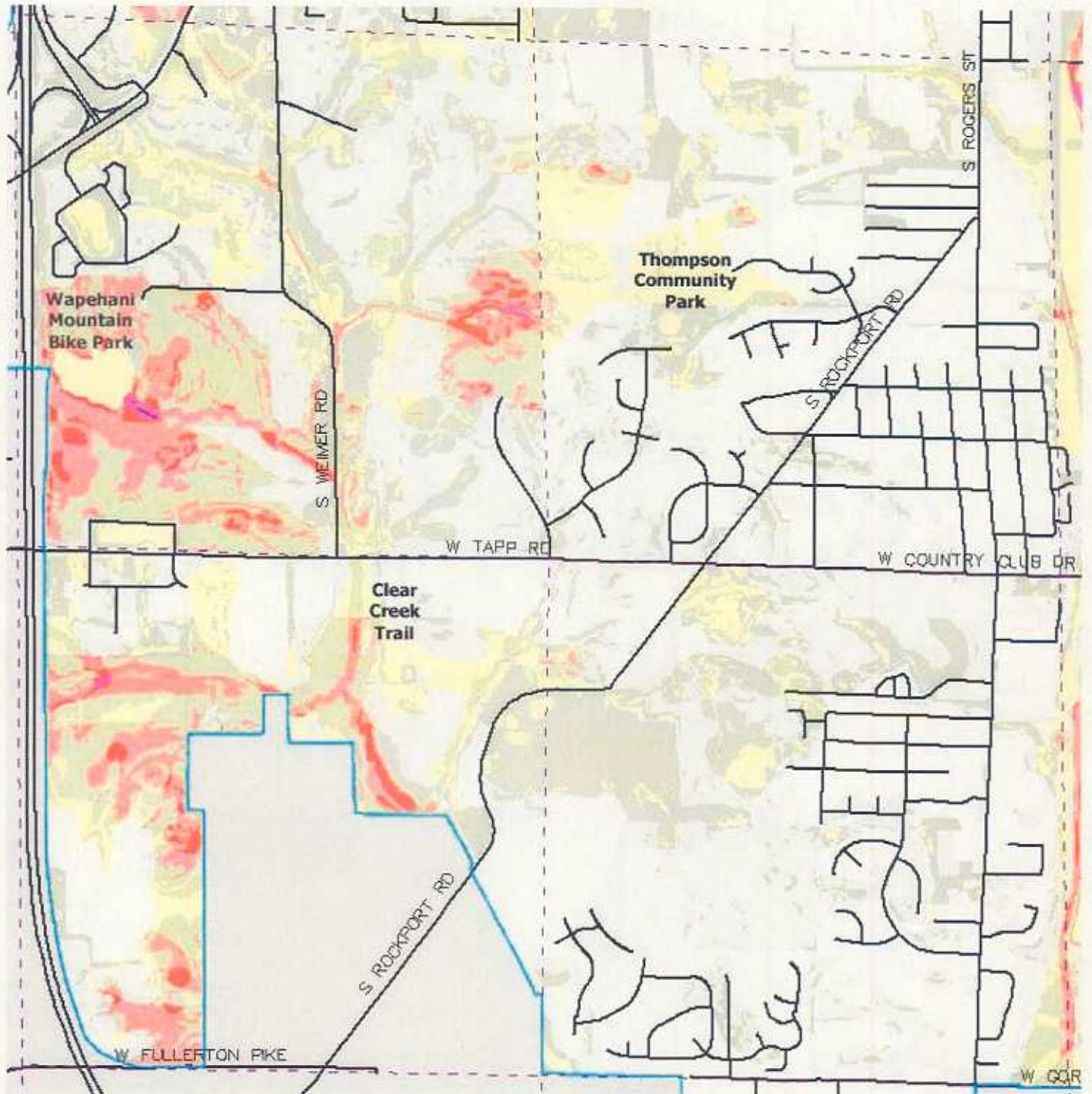
Smith Neubecker & Associates, Inc.



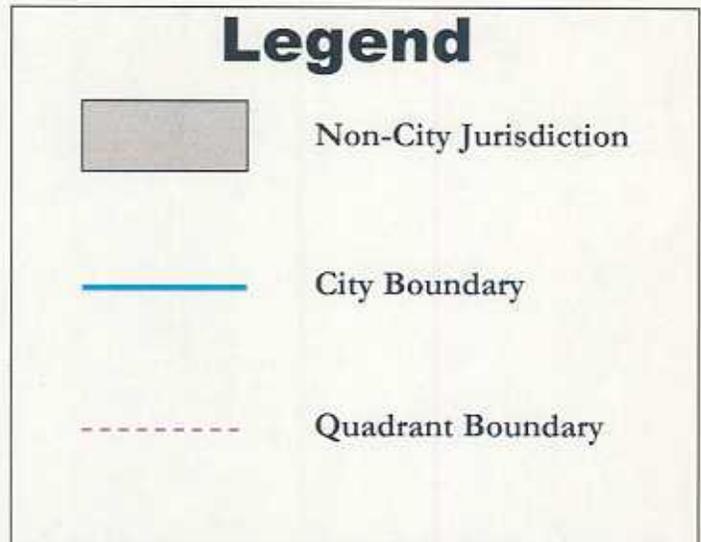
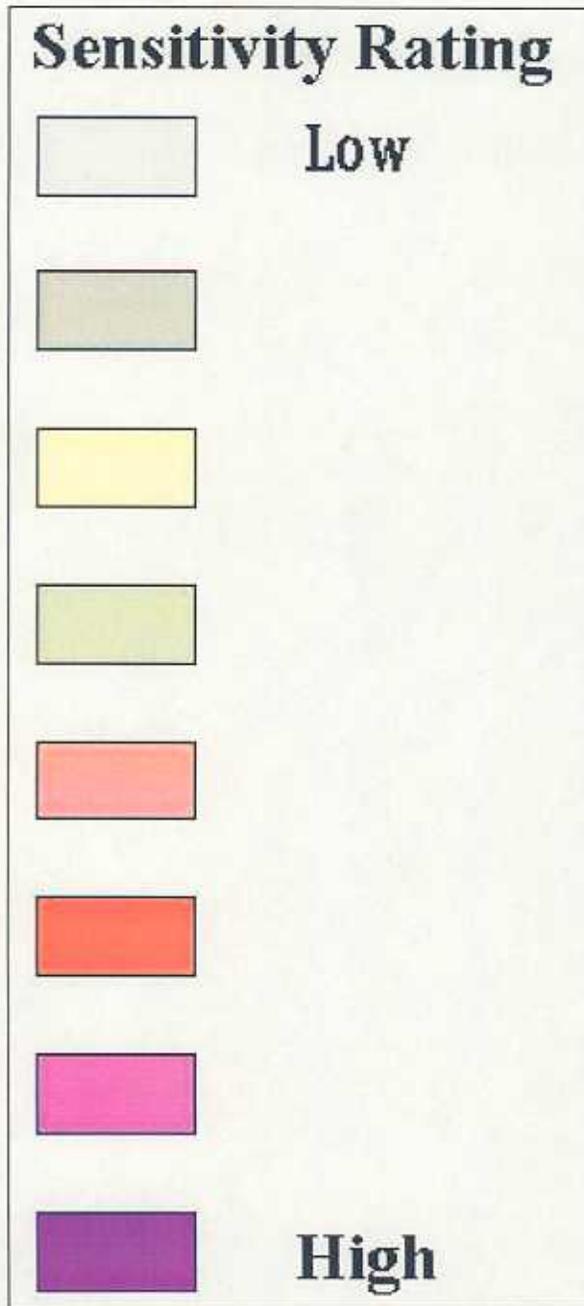
453 S. Clark Blvd.  
 Bloomington, Indiana, 47401  
 Telephone: (317) 336-6536

*Southern Indiana Medical Park II*

Map 7



## ESA Quadrant Map Sensitivity Rating and Legend



**ORDINANCE 03-38**

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED "VEHICLES AND TRAFFIC"  
(Modifying Bryan Park Parking Restrictions; Prohibiting Overnight Parking at Parks and  
Recreation Parking Lots and Authorizing the Towing of Vehicles for Such; and, Expanding  
Shared Parking)**

- WHEREAS, residents attempting to use Bryan Park have found the Henderson Street lots filled with cars parked by those not using the park; and
- WHEREAS, there is overnight storage parking of vehicles in Bryan Park lots including those set aside for Park and Ride users; and
- WHEREAS, most reserved spaces in City lots and garages are vacant between 6:00 p.m. and 7:00 p.m. on weekdays and could be shared with those visiting downtown during those hours; and
- WHEREAS, from time to time it is necessary to revise provisions of the Bloomington Municipal Code to keep it current; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The following shall be appended to the end of Bloomington Municipal Code 15.40.010:

- (19) Lot 20: located on the east side of Henderson Street near its intersection with Allen Street on the west central portion of Bryan Park.
- (20) Lot 21: located on the southeast portion of Bryan Park south of and adjacent to the Bryan Park Pool.
- (21) Lot 22: located on the east side of Woodlawn Avenue between Weatherstone Lane and Southdowns Drive on the southeast edge of Bryan Park.
- (22) Lot 23 located on the east side of Woodlawn Avenue south of Weatherstone Lane and north of Hillside Drive, commonly known as the Carlisle Lot.
- (23) Lot 24 located on the north side 17<sup>th</sup> Street between Walnut Street and College Avenue on the southern edge of Miller Showers Park

SECTION 2. Bloomington Municipal Code Schedule V shall be deleted and replaced by the Schedule V that is attached hereto and made a part thereof this ordinance.

SECTION 3. Section 15.40.025 of the Bloomington Municipal Code shall be amended by deleting it and replacing it with the following:

**15.40.025 Parks and Recreation Parking**

- (a) The following parking restrictions apply to Lot 17, Lot 18, Lot 19, Lot 20 and Lot 24. Unless otherwise specifically stated below, no vehicle shall remain parked in any of these lots in excess of three (3) hours from eight a.m. to five p.m. every day, with the exception of Saturdays, Sundays and city holidays. This parking restriction shall be in effect year round for Lot 17 and Lot 24, and from September 1<sup>st</sup> through May 1<sup>st</sup> for Lot 18, Lot 19 and Lot 20. There shall be no parking permit required or time charges collected for use of the above-specified lots for this three (3) hour time period.
- (b) There shall be no parking in any City Parks and Recreation parking lot between the hours of 11:00 p.m. and 5:00 a.m. with the of exception lots for Griffy Lake where parking shall be allowed during these hours only for persons who are night fishing or participating in a specially scheduled parks department sponsored or approved program.

SECTION 4. The fourth sentence of the first paragraph of Part (a) of the Section 15.40.030 of the Bloomington Municipal Code shall be amended by changing the phrase "seven p.m. (13/5)" to "six p.m. (12/5)" so that the sentence shall read as follows:

One rate shall be for leases in effect Monday through Friday between the hours of six a.m. and seven p.m. (13/5) six p.m. (12/5) and the other rate shall be for leases in effect Sunday through Saturday, twenty-four hours per day (24/7).

SECTION 5. Section 15.40.030(d) shall be amended in the following manner:

(a) The word "an" shall be deleted and the phrase "and nonreserved" shall be inserted after the word "reserved" in the first sentence of the first paragraph so that the sentence shall read as follows:

The full charge for annual reserved and nonreserved parking leases shall be paid in advance.

(b) The last three paragraphs shall be deleted.

SECTION 6. Section 15.40.060 of the Bloomington Municipal Code shall be amended in the following manner:

(a) Part (a) shall be amended such that the word "exception" is changed to "exceptions" and the phrase "Section 15.40.025(b) and" is inserted before "Section 15.40.050(b)" so that it shall read as follows:

(a) Any violation of this chapter, with the exceptions of a violation of Section 15.40.025(b) and Section 15.40.050(b), is a Class D Traffic Violation and subject to the penalty listed in Section 15.64.010(d).

(b) Part (b) shall be amended such that the phrase "Section 15.40.025(b) or" is inserted before "Section 15.40.050(b)" so that it shall read as follows:

(b) Any violation of Section 15.40.025(b) or Section 15.40.050(b) is a Class H Traffic Violation and subject to the penalty listed in Section 15.64.010(i).

SECTION 7. Bloomington Municipal Code 15.48.010(a)(6) shall be amended by deleting the phrase "a Class A" and replacing it with "the proper" so that it shall read as follows:

(6) Any vehicle parked in an annual leased stall in the municipal parking garage without displaying the proper permit for that stall in violation of Section 15.40.030 of this code;

SECTION 8. Bloomington Municipal Code 15.48.010(a) shall be amended by appending the following:

(13) Any vehicle in a City Parks and Recreation parking lot in violation of Bloomington Municipal Code section 15.40.025(b).

SECTION 9. Bloomington Municipal Code 15.64.010(d) shall be amended such that the cite "15.40.025" is changed to "15.40.025(a)".

SECTION 10. Bloomington Municipal Code 15.64.010(i) shall be amended to add "15.40.025(b) Overnight parking in City Parks and Recreation parking lots between 11:00 p.m. and 5:00 a.m." so that it read as follows:

(i) Class H Traffic Violations

Fine: \$50.00

Covers:

15.40.025(b) Overnight parking in City Parks and Recreation parking lots between 11:00 p.m. and 5:00 a.m.

15.40.050(b) Parking in leased stall without a permit

SECTION 11. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid section, sentence, provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 12. The provisions of this ordinance shall be in full force and effect on and after passage by the Common Council of the City of Bloomington, approval by the Mayor and, when required by I.C. 36-4-6-14, publication.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance extends the three hour time limit on parking in the northwestern parking lot on Henderson Street at Bryan Park during the academic year to the parking lot south of it near the playground. It puts the same restriction year around for the parking lot on the southern end of Miller Showers Park. It makes it a violation of the Municipal Code to park a vehicle in City Parks and Recreation lots between 11:00 p.m. and 5:00 a.m., puts a \$50.00 fine on the violation and provides that vehicles may be towed from those lots for such violations. The ordinance changes the time a weekdays-only reserved lease is in effect from 6:00 a.m. – 7:00 p.m. to 6:00 a.m. - 6:00 p.m. It also makes non-substantive changes to the Municipal Code to keep it current.

**SCHEDULE V**

Municipal Lot	Meter rate/ time charge per 30 minutes	Nonreserved space lease per year	Reserved space lease per year Monday through Friday 6:00 a.m. – 6:00 p.m.	Reserved space lease per year 7 days per week 24 hours per day
1 Dunkirk Square lot	\$0.50	\$800	\$1125	\$2250
2 Walnut Center Garage 7 <sup>th</sup> & Walnut	\$0.25	\$400	\$550	\$675
3 4 <sup>th</sup> & Washington lot	\$0.25	\$400	\$550	\$675
5 6 <sup>th</sup> and Lincoln	\$0.25	\$400	\$550	\$675
6 3 <sup>rd</sup> St./BPD lot	\$0.25	\$400	\$550	\$675
7 Regester Parking Garage	\$0.25	\$400	\$550	\$675
9 4th & Walnut St. Parking Garage	\$0.25	\$400	\$550	\$675



**City of Bloomington  
Office of the Mayor**

John Fernandez

To: City Councilmembers  
From: James McNamara  
Date: November 20, 2003  
Subject: Ordinance 03 - 38  
CC: Dan Sherman

Ordinance 03-38 makes several changes to Title 15 of the Bloomington Municipal Code regarding parking. None of these changes involve adjusting parking fines or fees.

Parks parking lot time limits

(Ordinance Sections 1, 3)

Currently three parking lots at Bryan Park —on Henderson St. in the northwest corner of the Park, on Woodlawn Avenue across from the tennis courts, and on Stull Avenue on the northern edge of the Park — have three hour time limits on them. The goal of these time limits is to best assure that the lots are available for actual park users rather having the spaces taken up by campus commuters, nearby residents, their guests and storage parking.

Ordinance 03-38 extends that three hour limit to the other Bryan Park lot on Henderson St. (near Allen Street) and the parking lot on 17<sup>th</sup> St. between Walnut St. and College Avenue on the southern edge of Miller Showers Park. The Bryan Park lot is frequently filled with vehicles, all or most of which do not seem to be associated with Park usage. This prevents park users from parking there. The Miller Showers restriction is anticipatory. That lot will have fewer spaces than it did prior to renovation. It has been used in the past for all manner of parking unrelated to use of the park. The goal of the restriction is to preserve as many of those spaces as possible for park users. The three hour limit on the Bryan Park lot would be in effect between September and May. The Miller Showers limit would be year around.

Overnight parking in Parks lots

(Ordinance Sections 3, 6, 8, 9, 10)

There is evidence of a fair amount of overnight, multi-day storage parking occurring at the PTC Park and Ride lot on Woodlawn Avenue across from the Bryan Park pool. We've received many complaints about this. It is having a spillover effect with regular Park and Ride users forced to park elsewhere, including in other Bryan Park lots.

Ordinance 03-38 would prohibit parking in any Parks and Recreation parking lot between the hours of 11:00 p.m. (when the parks close) and 5:00 a.m. We decided to apply the ban to all Parks lots rather than risk simply moving the storage parking problem around from one lot to another. (There is an exception for using Griffy Lake at night under certain circumstances.) The prohibition corresponds with the hours the parks are closed.

In order to provide maximum disincentive for using these lots for storage parking, Ordinance 03-38 makes parking overnight in these lots a Class H Traffic Violation with a \$50 fine rather than the more typical \$15 fine. (This is the same fine level the Code provides for parking in a reserved space.) It also makes the violation a “towable” offense (as is parking in a reserved space.)

### Shared Parking

(Ordinance Sections 2, 4)

As you may recall, several years ago the City created a new parking “product” that allowed people to lease a parking space for use Monday through Friday between 6:00 a.m. and 7:00 p.m. This was an alternative to leases that reserved spaces 24 hours per day, 7 days per week. The goal was to meet a need for reserved parking but to also make those spaces available to the general public evenings, nights and weekends. This “shared parking” program has been very successful.

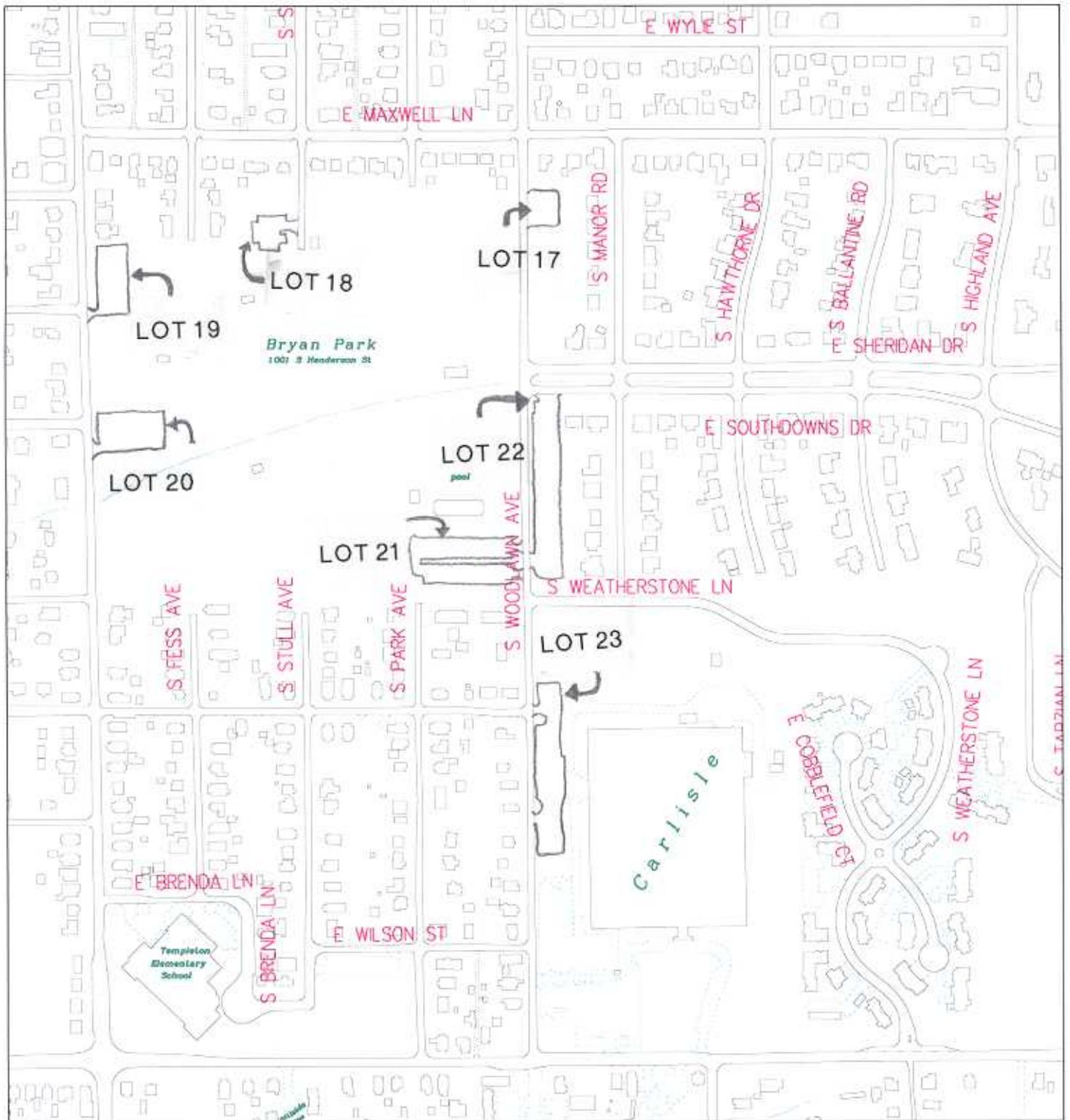
Ordinance 03-38 tweaks that program by reserving these spaces from 6:00 a.m. to 6:00 p.m., rather than 7:00 p.m. It converts what were known as “13/5” leases, to “12/5” leases. This modification is based on our experience with the 13/5 leases. A good example is the parking lot at 6<sup>th</sup> and Lincoln across from Monroe County Public Library. About 15 spaces in this lot — those closest to the library — are reserved 13/5. What we’ve found is that people will come to that lot to park at, say, 6:45 — whether to go to the Library or visit a downtown establishment — and find these spaces empty but unavailable since they are signed as reserved until 7:00 p.m. The 6:00 p.m. to 7:00 p.m. hour is critical to many downtown businesses.

Of course, those with the 12/5 leases can continue to park in their spot after 6:00 p.m. The only difference, if this ordinance passes, is that if they leave their spot after 6:00 p.m. it will not be reserved for them until 7:00 p.m. I have spoken to Jim Murphy with CFC, our largest parking lease customer, about this and he is fine with the change.

### Housekeeping

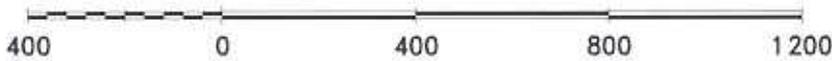
(Ordinance Sections 2, 5, 7)

Ordinance 03-38 also makes several non-substantive changes to the Municipal Code. Section 1 deletes references to parking lots that no longer exist. Sections 3 and 6 delete provisions that were specific to the year 2003. Section 8 deletes reference to a permit that no longer exists.



CITY PARKING LOTS IN AND AROUND BRYAN PARK

By: hershj  
24 Nov 03



For reference only; map information NOT warranted.

City of Bloomington  
Engineering



Scale: 1" = 400'



**CHANGES TO CHAPTER 15.40 AND 15.48 AND 15.64 OF THE BMC  
PROPOSED BY ORD 03-38**

*Note: This version of the code was prepared by the contracting service which updates the municipal code and its accuracy has not been verified by the City Clerk.*

**Bold - New Text**

~~Strikeout~~ - Deleted Text

Chapter 15.40 of the Bloomington Municipal Code

MUNICIPAL PARKING LOTS, GARAGES AND ON-STREET METERED PARKING

Sections:

- 15.40.010 Locations.
- 15.40.020 Applicable times and charges.
- 15.40.025 Bryan Park parking.
- 15.40.030 Parking leases.
- 15.40.040 Parking lots leased by city.
- 15.40.050 Violations.
- 15.40.060 Violation and penalty.

15.40.010 Locations.

The sites for off-street parking lots, which include municipal lots and garages, and on-street metered parking spaces are identified below:

- (1) Lot 1: located at the northwest corner of Fourth and Dunn Streets.
- (2) Lot 2: Walnut Center Parking Garage: located at the northeast corner of Seventh and Walnut Streets.
- (3) Lot 3: located at the northwest corner of Fourth and Washington Streets.
- (4) Lot 5: located at Sixth and Lincoln Streets on Lots 185 and 186 of the city.
- (5) Lot 6: located at the 200 block of East Third Street on part of fractional out-lot 20, and containing not less than twelve parking meters.
- (6) Lot 7: Regester Center Parking Facility: located at the northwest corner of the square bounded on the east by College Avenue, on the north by Seventh Street, on the west by Morton Street and on the south by Sixth Street on in-lots 265 and 266 of the city.
- (7) Lot 9: Fourth and Walnut Street Parking Garage: located at the southwest corner of Walnut and Fourth Streets, on lots 34, 35, 36, and the north one-half of lot 33 in the original plat of the city.
- (8) Lot 10: located at the northeast corner of Third Street and College Avenue, also known as the Convention Center Parking Lot.
- (9) Lot 11: located at the southwest corner of Eighth Street and Morton Street.
- (10) Lot 12: located at the northeast side of the Showers Complex, 401 North Morton Street.
- (11) Lot 13: located at the south portion of the west side of the Showers Complex, 401 North Morton Street.
- (12) Lot 14: located at the north portion of the west side of the Showers Complex, 401 North Morton Street.

(13) Lot 15: located at the east portion of the south side of the city of Bloomington Police Headquarters, 220 East Third Street.

(14) Lot 16: located at the west portion of the south side of the city of Bloomington Police Headquarters, 220 East Third Street.

(15) The location of on-street metered parking spaces shall be as set forth in Schedule U.

SCHEDULE U (*Reformatted and Paraphrased for Ord 03-38*)

On Street Metered Parking

Side of Street	From	To Street
Eastside of Morton Street	8th Street	The alley 135' S. of 8th Street Morton Street
Eastside of Morton Street	9th Street	55' N. of 8th Street
Westside of Morton Street	9th Street	55' N. of 9th Street

(16) Lot 17: located on Woodlawn Avenue on Cummings 1st Lots 191 and 192 of the city east across Woodlawn Avenue from the Bryan Park tennis courts.

(17) Lot 18: located on Stull Avenue on Cummings 1st Lots 45, 46, 47 and 49 of the city on the north portion of Bryan Park.

(18) Lot 19: located on Henderson Street on Cummings 1st Lots 9, 10, 11, 12 and 13 of the city on the northwest portion of Bryan Park.

**Section 1 of Ord 03-17 adds:**

- (19) Lot 20: located on the east side of Henderson Street near its intersection with Allen Street on the west central portion of Bryan Park.**
- (20) Lot 21: located on the southeast portion of Bryan Park south of and adjacent to the Bryan Park Pool.**
- (21) Lot 22: located on the east side of Woodlawn Avenue between Weatherstone Lane and Southdowns Drive on the southeast edge of Bryan Park.**
- (22) Lot 23 located on the east side of Woodlawn Avenue south of Weatherstone Lane and north of Hillside Drive, commonly known as the Carlisle Lot.**
- (23) Lot 24 located on the north side 17<sup>th</sup> Street between Walnut Street and College Avenue on the southern edge of Miller Showers Park**

(Ord. 03-17 § 4, 2003; Ord. 00-46 § 1, 2000; Ord. 99-24 § 2, 1999; Ord. 99-02 § 6, 1999; Ord. 98-52 § 9, 1998; Ord. 96-29 §§ 18, 19, 1996; Ord. 93-73 § 1, 1993; Ord. 91-50 §§ 1, 2, 1991; Ord. 91-12 § 17, 1991; Ord. 86-51 §§ 1, 5, 1986; Ord. 82-1 § 1 (part), 1982).

15.40.020 Applicable times and charges.

(a) The charge for the use of all municipal lots shall be as set forth below in Schedule V. The time charges stated on Schedule V

shall be in effect for all municipal lots between the hours of eight a.m. and five p.m. every day except Saturdays, Sundays and city holidays.

(b) The charge for the use of each on-street metered parking space shall be twenty-five cents per thirty minutes between the hours of eight a.m. and five p.m. every day except Saturdays, Sundays and city holidays.

(c) The board of public works is authorized to alter or modify the hourly charge or method of payment for parking in all municipal parking lots, garages and on-street metered parking spaces in conjunction with special events and promotional activities.

**Section 2 of Ord 03-38 deletes and replaces Schedule V with the effect of striking references to fees and charges for 2003 and lowering the reserved fees for Lot 3 as noted below:**

SCHEDULE V

**SCHEDULE V**

Municipal Lot/Garage	Year	Meter rate/ time charge per 30 minutes	Nonreserved space lease per year	Reserved space lease per year	Reserved space lease per year
				Monday - Friday 6:00 a.m. - <del>7:00</del> 6:00 p.m.	7 days per week 24 hours per day
1 Dunkirk Square	2003	\$0.50	\$800	\$1125	\$2250
	2004	\$0.50	\$800	\$1125	\$2250
2 Walnut Center Garage 7 <sup>th</sup> & Walnut	2003	\$0.25	\$320	\$440	\$540
	2004	\$0.25	\$400	\$550	\$675
3 4 <sup>th</sup> & Washington l	2003	\$0.25	\$320	\$1125	\$2250
	2004	\$0.25	\$400	<del>\$1125</del> \$550	<del>\$2250</del> \$675
5 6 <sup>th</sup> and Lincoln	2003	\$0.25	\$320	\$440	\$540
	2004	\$0.25	\$400	\$550	\$675
6 3 <sup>rd</sup> St./BPD	2003	\$0.25	\$320	\$440	\$540
	2004	\$0.25	\$400	\$550	\$675
7 Register Parking Garage	2003	\$0.25	\$320	\$440	\$540
	2004	\$0.25	\$400	\$550	\$675

4th & Walnut St.	2003	\$0.25	\$320	\$440	\$540
Parking Garage	2004	\$0.25	\$400	\$550	\$675

(Ord. 02-39 §§ 1, 2, 11, 2002; Ord. 00-46 § 2, 2000; Ord. 99-02 § 7, 1999; Ord. 98-52 § 10, 1998; Ord. 97-20 § 1, 1997; Ord. 91-50 § 11, 1991; Ord. 91-4 § 1, 1991; Ord. 86-51 §§ 2, 3, 1986; Ord. 85-28 § 2, 1985; Ord. 82-1 § 1 (part), 1982).

**Section 3 of Ord 03-38 deletes and replaces Section 15.40.025 with the effect of changing the title and first paragraph and adding part (b) as noted below:**

15.40.025 ~~Bryan Park parking.~~ **Parks and Recreation Parking**

(a) The following parking restrictions apply to Lot 17, Lot 18, Lot 19, ~~and Bryan Park lots~~ **Lot 20 and Lot 24**. Unless otherwise specifically stated below, no vehicle shall remain parked in any of these lots in excess of three hours from eight a.m. to five p.m. every day, with the exception of Saturdays, Sundays and city holidays. This parking restriction shall be in effect year-round for Lot 17 **and Lot 24**, and from September 1st through May 1st for Lot 18, ~~and Lot 19, and Lot 20~~. There shall be no parking permit required or time charges collected for use of the above-specified lots for this three- ~~(3)~~ **(3)** hour time period. (Ord. 02-39 § 3, 2002; Ord. 99-24 § 3, 1999).

(b) **There shall be no parking in any City Parks and Recreation parking lot between the hours of 11:00 p.m. and 5:00 a.m. with the of exception lots for Griffy Lake where parking shall be allowed during these hours only for persons who are night fishing or participating in a specially scheduled parks department sponsored or approved program.**

**Section 4 of Ord 03-38 deletes and adds the following text:**

15.40.030 Parking leases.

(a) The city may issue annual reserved parking leases. The annual reserved lease grants parking privileges for a particular parking space in one specific municipal lot or garage. There shall be two rates for the leases. One rate shall be for leases in effect Monday through Friday between the hours of six a.m. and ~~seven p.m. (13/5)~~ **six p.m. (12/5)** and the other rate shall be for leases in effect Sunday through Saturday, twenty-four hours per day (24/7). Reserved leases sold in a municipal lot or garage for downtown residential purposes must be 24/7 leases if available. The charges for such annual parking leases shall be as designated in Schedule V.

Unlimited duplicate lease permits shall be available to lease holders at a charge of five dollars (\$5.00) per lease; each duplicate permit shall allow the lease holder to park an additional designated vehicle in the original lease holder's designated space only. No original or duplicate permit-bearing vehicle may park in any other space or in any other lot, without proper permit or payment of the applicable fee for such space and/or lot. Only vehicles displaying a lease permit or duplicate lease permit for that parking space may park in a leased space. Violators shall be ticketed and may be towed.

The board of public works shall determine the location of annual leased parking spaces.

(b) The city may issue annual nonreserved parking leases. The annual nonreserved parking lease grants parking privileges within a designated and signed area in a specific municipal lot or garage, and that area shall exclude reserved lease spaces and meter only spaces. A nonreserved lease does not grant parking privileges for a particular parking space. Those with nonreserved leases may park in any spot within the designated nonreserved lease area.

(c) All leases, reserved and nonreserved, issued in a given year shall expire at midnight on the December 31 of that year. The method by which a vehicle shall indicate possession of a reserved or nonreserved lease (e.g., hang-tags, permits, decals) shall be in accordance with the direction of the department of public works.

**Section 5 of Ord 03-38 amends Section 15.40.030(d) by adding text in the first sentence of the first paragraph and deleting the remaining paragraphs as indicated below:**

(d) The full charge for ~~an~~ annual reserved **and nonreserved** parking leases shall be paid in advance. Leases purchased in the January of a given year shall pay the full annual charge. After January 31 the charge for annual reserved parking leases shall be prorated to be proportional to time remaining in the calendar year.

~~For the year 2003, payments may be made in quarterly installments for an annual nonreserved lease. The amount to be paid for each quarterly payment shall be the annual charge as specified in Schedule V divided by four, plus a fee equal to five percent of that amount. Those quarterly payments shall be due in the office of the Parking Enforcement Divisions on January 15, 2003, April 1, 2003, July 1, 2003 and October 1, 2003. Any lease that begins in January of 2003 shall be charged the full quarterly amount for the first quarter. Leases beginning on or after February 1 shall have the first installment payment prorated proportional to the time remaining in that given calendar quarter.~~

~~Should payment not be made by the specified due date, the lease is considered broken and void and the lease may be resold at the discretion of the director of the Parking Enforcement Division.~~

~~Beginning with leases for the year 2004, the full charge for an annual nonreserved parking lease shall be paid in advance. Leases purchased in the January of a given year shall pay the full annual charge. After January 31 the charge for annual nonreserved parking leases shall be prorated to be proportional to time remaining in the calendar year.~~

(e) It shall be the duty of the Parking Enforcement Division to issue permits, collect and account for the rents received, and deposit

said moneys to the credit of the city in a special fund provided by law for parking meter receipts. However, receipts collected from leases, permits and parking meters of the municipal parking garage are to be deposited in accordance with the interdepartmental agreement between the redevelopment commission and the board of public works for the operation of the facility.

(f) The board of public works shall negotiate leases for Lots 12 and 13. The permits issued for Lot 13 will be a white permit.

(g) The board of public works shall determine the number of permits that may be issued and the method for their allocation.

(h) Beginning with leases for the year 2004, leaseholders must give the Parking Enforcement Division the name, current address and current phone number of the individual who will be the primary user of each space being leased. This applies to reserved and nonreserved leases. If there is more than one regular user of the same space, who park either at different times of day, different days of the week, or a combination of both, the name, current address and current phone number must be provided for each user. The references in this subsection to multiple users of the same parking space are not meant to apply to the very occasional and sporadic user of a parking space, unless that user is the only user of the space.

(i) Beginning with leases for the year 2004, leaseholders must provide a photocopy of the valid driver's license of the user, or regular users, of each space, or present a valid driver's license or licenses to the Parking Enforcement Division for photocopying.

(j) A holder of parking lease, reserved or nonreserved, may not be resell or sublet the lease to another party for a fee greater than the prorated equivalent price the leaseholder paid to the city of Bloomington for the lease. Should the city have reason to believe that a leaseholder is charging another party more than the person or company paid for it on a prorated basis, then the city may immediately cancel any and all leases held by the leaseholder.

(k) The presence of a price in Schedule V does not necessarily mean that the corresponding parking product (e.g., a lease) is available at that particular location.

(l) The most recent parking charges adopted by ordinance shall remain in effect until modified by a subsequent ordinance. (Ord. 03-17 § 5, 2003; Ord. 02-39 §§ 4--10, 12--14; Ord. 00-46 §§ 4--6, 2000; Ord. 99-02 § 8, 1999; Ord. 98-52 § 11, 1998).

#### 15.40.040 Parking lots leased by city.

Every parking lot leased by and under the control of the city and upon which meters have been properly placed and calibrated shall be subject to the provisions of this chapter in the same manner as if such lot were owned outright by the city. (Ord. 82-1 § 1 (part), 1982).

#### 15.40.050 Violations.

(a) No person shall permit a vehicle to remain in a metered parking space after the time limit shown upon the meter for such space has elapsed or after any restriction on the length of time a vehicle may park in a particular municipal parking lot, garage and/or on-street metered parking space has elapsed.

(b) No person shall park in a leased stall in any city garage or lot without a valid lease for that space. The vehicle shall indicate possession of such a lease in a manner directed by the department of public works.

(c) No person shall park in any city garage or lot in an area designated for nonreserved leases without a valid lease for such spaces as described in this chapter. The vehicle shall indicate possession of such a lease in a manner directed by the department of public works.

(d) No person shall park in any of the lots or garages described in Section 15.40.010 of this chapter unless permitted and authorized as described by the provisions of this chapter or by the department of public works.

(e) No person shall permit a vehicle to remain parked in a backed position in a parking space in any municipal parking lot.

(f) No person shall deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter.

(g) No person shall deposit or cause to be deposited in any parking meter any slug, device or metallic substance or any other substitute for any coin of the United States.

(h) No person shall park a vehicle in any lot or garage described in Section 15.40.010 unless the vehicle indicates permission or authorization to park in that lot or garage in a manner directed by the Department of Public Works. (Ord. 03-17 §§ 6--10, 2003; Ord. 99-02 § 9, 1999; Ord. 96-29 §§ 22--24, 1996; Ord. 86-51 § 5, 1986; Ord. 86-2 § 2, 1986; Ord. 85-28 § 4, 1985; Ord. 84-5 § 5, 1984; Ord. 82-1 § 1 (part), 1982).

**Section 6 of Ord 03-38 deletes and adds the following text:**

15.40.060 Violation and penalty.

(a) Any violation of this chapter, with the ~~exception~~ **exceptions** of a violation of **Section 15.40.025(b)** and Section 15.40.050(b), is a Class D Traffic Violation and subject to the penalty listed in Section 15.64.010(d).

(b) Any violation of **Section 15.40.025(b)** or Section 15.40.050(b) is a Class H Traffic Violation and subject to the penalty listed in Section 15.64.010(i). (Ord. 00-46 § 7, 2000; Ord. 85-28 § 5, 1985; Ord. 82-1 § 1 (part), 1982).

Chapter 15.48

EMERGENCY REMOVAL AND IMPOUNDMENT OF VEHICLES

Sections:

15.48.010 General provisions.  
15.48.020 Emergency removal and impoundment procedure.  
15.48.030 Towing and storage charges.  
15.48.040 Disposal of impounded vehicles.  
15.48.050 Liability for loss or damage.  
15.48.060 Payment of fines.

15.48.010 General provisions.

(a) Vehicles parked in any of the following circumstances are declared public nuisances and shall be subject to the emergency removal and impoundment procedures authorized by this chapter, as well as any fines set by state law or city ordinance:

(1) Any vehicle which constitutes an impediment to the free flow of traffic in the area in which the vehicle is found;

- (2) Any vehicle parked in a fire lane in violation of Section 15.32.160 of this code;
- (3) Any vehicle upon which there is a police department hold;
- (4) Any vehicle whose operator is unable to move such vehicle due to the person's arrest or other incapacity;
- (5) Any vehicle parked in a duly authorized residential parking permit area without permission of the permit holder after complaint to the Bloomington police department, in violation of Chapter 15.36 of this code;

**Section 7 of Ord 03-38 deletes and adds the following text:**

- (6) Any vehicle parked in an annual leased stall in the municipal parking garage without displaying ~~a Class A~~ **the proper** permit for that stall in violation of Section 15.40.030 of this code;
- (7) Any vehicle parked in violation of the snow removal, street repair and street cleaning provisions of Section 15.32.050 of this code;
- (8) Any vehicle which has accumulated five or more unpaid parking tickets in the city within any consecutive twelve-month period, for which parking violation notices were issued but which have not been paid, presented for compromise payment, or slated into a court of competent jurisdiction;
- (9) Any vehicle required to be registered under Indiana Code 9-18-2 which does not have the proper registration or license plates attached, in violation of Indiana Code 9-18-2-43;
- (10) Any vehicle discovered by a police officer in possession of a person other than the owner and the person cannot establish right to possession of that vehicle, as specified in Indiana Code 9-22-1-5 and Section 15.52.030 of this code;
- (11) Any vehicle parked on the east or west side of Hinkle Road, or on its shoulders, between the corner of Hinkle and Headley Roads and a point on Hinkle Road approximately .85 miles north of the corner of Headley and Hinkle Roads, as posted, corresponding and limited to corporate municipal jurisdiction over Hinkle Road;
- (12) Any vehicle illegally parked in Municipal Parking Lot 5 during the hours of six-thirty a.m. through ten a.m. on Saturday mornings during the market season in violation of Bloomington Municipal Code Section 15.32.170. This provision shall be in effect for as long as the market is held at Lot 5.

**Section 8 of Ord 03-38 adds the following text:**

**(13) Any vehicle in a City Parks and Recreation parking lot in violation of Bloomington Municipal Code section 15.40.025(b) .**

(b) When any vehicle is parked in any of the circumstances enumerated in subsection (a) of this section, such fact shall be prima facie evidence that the owner is chargeable for the violation. Ord. 91-50 §§ 5, 6, 1991; Ord. 88-7 § 2, 1988; Ord. 83-23 § 3, 1983; Ord. 82-1 § 1 (part), 1982).

15.48.020 Emergency removal and impoundment procedure.

(a) Any officer of the Bloomington police department discovering a public nuisance as described in Section 15.48.010 shall

cause the vehicle to be removed by an authorized towing service. If the owner or operator appears at the site of the violation before the vehicle is removed and executes a written promise to appear in court, then the vehicle shall be released.

(b) Impounded vehicles shall be released without payment of the towing and storage charges upon order of the Bloomington police department or the judge of a court of competent jurisdiction, or upon the owner's executing a written promise to appear in court. (Ord. 82-1 § 1 (part), 1982).

#### 15.48.030 Towing and storage charges.

The maximum amount that an authorized towing service may charge for hooking up, towing or removing a vehicle under this chapter may not exceed fifty-five dollars during the day, and sixty-five dollars during the night, except where special treatment may be required. Special treatment, including dollying, may not exceed an additional twenty-five (25) dollars. For purposes of this chapter, "day" includes the hours between seven a.m. and six p.m., Monday through Saturday, and "night" includes the hours between six p.m. and seven a.m. Monday through Friday, and six p.m. Saturday evening through seven a.m. Monday morning. Motorcycles are not included in the above mentioned maximums; because of their special handling, the maximum charge at any time for a motorcycle may not exceed fifty dollars.

The maximum amount that the service may charge for an arrival on the scene in response to a request by a police officer is twenty dollars during the day, and twenty-five dollars during the night hours.

Should the owner/operator wish to retrieve the vehicle from the service during night hours, in addition to any towing and storage charges, an amount not to exceed fifteen dollars may be charged. The maximum amount that may be charged for storage of wrecked vehicles shall not exceed fifteen dollars per day, and the maximum amount that may be charged for storage of all other vehicles shall not exceed ten dollars per day. (Ord. 01-33 § 1, 2001; Ord. 96-43 § 1, 1996; Ord. 93-01 § 1, 1993; Ord. 88-43 § 1, 1988; Ord. 82-1 § 1 (part), 1982).

#### 15.48.040 Disposal of impounded vehicles.

Impounded vehicles shall be disposed of in accordance with the provisions of Chapter 15.52 of this code and Indiana Code 9-22-1-5. (Ord. 91-50 § 7, 1991; Ord. 82-1 § 1 (part), 1982).

#### 15.48.050 Liability for loss or damage.

Neither the owner, lessee, or occupant of the property from which a vehicle is removed, nor the police department or authorized towing service is liable for loss or damage to the vehicle during its removal or storage. (Ord. 82-1 § 1 (part), 1982).

#### 15.48.060 Payment of fines.

The owner of the impounded vehicle shall be responsible for paying any applicable fine. (Ord. 82-1 § 1 (part), 1982).

### ***Note Intervening Sections of Title 15 have been Omitted***

#### 15.64.010 Violations and penalties.

The penalties for the classes of traffic violations referred to in this title are as follows:

- (a) Class A Traffic Violations (Speeding)

Fine: 1-15 mph over speed limit: court costs  
plus \$10 fine;  
16-20 mph: court costs plus \$19 fine;  
21-25 mph: court costs plus \$34 fine;  
26 mph and over: court costs plus \$59 fine.

Covers: 15.24.020 Violating city speed limits  
15.24.030 School speed zones  
15.24.040 Park and playground speed zones

(b) Class B Traffic Violations (Miscellaneous)

Fine: \$100

Covers: 15.32.160(d) Failure to erect fire lane signs  
15.56.070 Failure of bike rental to license,  
indemnify  
15.56.100(d) Failure of bike rental to assure  
possession of helmet by person under the age of eighteen

(c) Class C Traffic Violations (Potentially dangerous  
violations)

Fine: \$50

Covers: 15.12.010 Running stop sign  
15.12.020 Running yield sign  
15.12.030 Running traffic light  
15.16.010 Wrong way on one-way  
& 15.16.020 street or alley  
15.20.020 Violating restricted turn on red  
15.28.020 Failure to follow estab-  
& 15.28.030 lished truck route  
15.32.050 Parking in violation of snow removal  
ordinance  
15.32.060 Parking equipment/ machinery in street  
15.32.070 Parking large vehicles beyond 2 hours  
15.32.150 Accessible parking for person with  
physical disabilities  
15.32.160 Emergency vehicle lanes  
15.34.040 Parking illegally in an accessible  
parking space for persons with disabilities  
15.60.010 Soliciting in roadway  
15.60.020 Driving illegally in park  
15.60.040 Driving on sidewalk

**Section 9 of Ord 03-38 deletes and adds the following text:**

(d) Class D Traffic Violations (most parking violations)

Fine: \$15.00, \$13.00 (depending upon when paid)

Covers: 15.32.010 Parking adjacent to yellow curb  
15.32.020 Parking in alley beyond limit  
15.32.030 Violating angle parking

15.32.040 Parking car in  
street for washing, repairing

15.32.080 Parking in no parking zone

15.32.090 Parking beyond time limit

15.32.100 Parking beyond loading zone limit

15.32.110 Parking in bus zone

15.32.120 Parking in official vehicle zone

15.32.130 Parking near intersections

15.32.140 Obstructing traffic

15.32.170 Parking in Municipal Lot # 11 during  
Farmer's Market

15.32.180 Parking facing traffic

15.36.100 Parking in resident-only space

15.37.150 Parking in residential permit area

15.38.060 Public employee parking

~~15.40.025~~ **15.40.025 (a)** Parking beyond time restrictions

15.40.050 (a), (c), (d), (e), (f), (g), (h)  
Backing in and overtime parking in  
municipal parking lots, garages and on-  
street metered parking spaces; defacing  
parking meters; depositing slugs in  
meters; and unauthorized parking in a  
municipal lot or garage

15.64.040 Parking on sidewalk

(1) The fine for Class D Traffic Violations shall be fifteen dollars, if paid within seven calendar days. The fine shall automatically increase to thirty dollars if not paid within seven calendar days.

(2) Provided, however, that a person may appeal the issuance of the traffic violation citation by appearing in person in one of two departments of the city, located at 401 North Morton Street, within seven days immediately following the issuance of the traffic violation citation and during the hours specified below. The city clerk or designee shall hear all of appeals of Class D traffic violations and violations of the Neighborhood Residential Permit Parking Program (Section 15.37.150). The city clerk or designee shall conduct informal hearings, which may be reconvened from time to time. The informal hearings shall be conducted between the hours of nine a.m. and four p.m. in the office of city clerk on all days except Saturdays, Sundays, and city holidays. The director of parking enforcement or designee shall receive a written appeal in the parking enforcement office during normal business hours on all days except Saturday, Sunday, and city holidays. These officers and designees shall have the authority to declare the citation null and void or valid. If the citation is declared to be null and void, then the citation shall be dismissed from further prosecution; and, if the citation is declared valid, then the citation shall be due and payable as determined by the officer or designee. The decision of the officer or designee is final, subject to judicial determination during prosecution.

(3) For purposes of this section, an individual may challenge the traffic violation section, provided that she/he is the registered owner of the vehicle or his/her attorney, and/or was responsible for the vehicle at the time of issuance of the citation, or his/her attorney.

(e) Class E Traffic Violations (Miscellaneous minor offenses)

Fine: \$3

Covers: 15.56.030 Unregistered bikes  
15.56.060 Removing license decal from bicycle  
15.56.090 Bike path violations  
15.60.050 Jaywalking

(f) Class C Infraction under State Law

15.32.150 Illegal parking in space reserved for  
handicapped

(g) Class F Traffic Violation

Fine: \$20.00

Covers: 15.37.150 Permit displayed on an ineligible motor  
vehicle (plate non-match)  
15.56.020(b) Disregarding certain traffic  
control devices without a permit.  
15.56.100(a) Failure to wear protective bicycle  
helmet by person under the age of eighteen  
15.56.100(b) Improper seating on bicycle by  
person under the age of eighteen  
15.56.100(c) Permitting child under the age of  
eighteen to violate 15.56.100(a) or (b)

(h) Class G Traffic Violations (Bicycle safety violations)

Fine: \$10.00

Covers: 15.56.025 Prohibition of coasters, skateboards, and  
roller skates  
15.56.100 (a), (b), and (c)  
Bicycle helmet and restraining seat use

**Section 10 of Ord 03-38 adds the following text:**

(i) Class H Traffic Violations

Fine: \$50.00

Covers: **15.40.025(b) Overnight parking in City Parks and  
Recreation parking lots between 11:00 p.m  
and 5:00 a.m.**

15.40.050(b) Parking in leased stall without a permit

(Ord. 03-17 §§ 11--15, 2003; Ord. 00-46 §§ 8, 9, 2000; Ord. 00-16 §§ 6  
-- 9, 2000; Ord. 99-24 § 4, 1999; Ord. 99-02 § 10, 1999; Ord. 98-52 §§  
12, 13, 1998; Ord. 98-40 § 7, 1998; Ord. 97-36 §§ 32, 33, 1997; Ord.  
96-07 § 5, 1996; Ord. 92-06 § 4, 1992; Ord 91-67 §§ 5, 6, 1991; Ord.  
91-4 § 2, 1991; Ord. 90-42 § 5, 1990; Ord. 90-37 § 10, 1990; amended in  
7/90 supplement; Ord. 88-36 §§ 1, 3, 1988; Ord. 87-16 § 3, 1987; Ord.  
86-11 § 1, 1986; Ord. 85-28 § 8, 1985; Ord. 83-61 § 3, 1983; Ord. 82-76  
§ 1, 1982).

**ORDINANCE 03-39**

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
"ADMINISTRATION AND PERSONNEL"**

**Re: Amending Section 2.22.030 in Order to Conform the Schedule of Credited Paid Time  
Off and Residency Requirements to Current Practice**

WHEREAS, the charts indicating levels of credited paid time off beyond the first year of employment with the City are inconsistent with the Personnel Manual and the original intent of the policy; and

WHEREAS, whereas from time to time it is necessary to modify the Bloomington Municipal Code to keep it current with existing polices and practices;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The chart, indicating benefit time credited for regular full time employees, in Chapter 2.22.030(4)(a)(i) of the Bloomington Municipal Code shall be deleted and replaced with the chart below:

<b>CHART 1</b>	<b>MONTH OF HIRE</b>	<b>HOURS CREDITED</b>	<b>CHART 2</b>	<b>CALENDAR YEAR OF EMPLOYMENT</b>	<b>HOURS CREDITED</b>
<b>FOR FULL TIME EMPLOYEES IN THEIR 1st CALENDAR YEAR OF EMPLOYMENT</b>	<b>January</b>	56	<b>FOR FULL TIME EMPLOYEES IN AT LEAST THEIR 2<sup>ND</sup> YEAR OF EMPLOYMENT</b>	<b>2</b>	96
	<b>February</b>	51		<b>3</b>	96
	<b>March</b>	46		<b>4</b>	96
	<b>April</b>	41		<b>5</b>	96
	<b>May</b>	36		<b>6</b>	104
	<b>June</b>	31		<b>7</b>	112
	<b>July</b>	26		<b>8</b>	120
	<b>August</b>	21		<b>9</b>	128
	<b>September</b>	16		<b>10</b>	144
	<b>October</b>	16		<b>11</b>	160
	<b>November</b>	16		<b>12 and greater</b>	176
	<b>December</b>	16			

SECTION II. The chart, indicating benefit time credited for regular full time employees working from 35 to 39 hours per week, in Chapter 2.22.030(4)(a)(ii) of the Bloomington Municipal Code shall be deleted and replaced with the chart below:

<b>FIRST YEAR Month of Hire</b>	<b>HOURS WORKED PER WEEK</b>				
	<b>39</b>	<b>38</b>	<b>37</b>	<b>36</b>	<b>35</b>
<b>January</b>	55	53	52	50	49
<b>February</b>	50	48	47	46	45
<b>March</b>	45	44	43	41	40
<b>April</b>	40	39	38	37	36
<b>May</b>	35	34	33	32	32
<b>June</b>	30	29	29	28	27
<b>July</b>	25	25	24	23	23
<b>August</b>	20	20	19	19	18
<b>September</b>	16	16	15	14	14
<b>October</b>	16	16	15	14	14
<b>November</b>	16	16	15	14	14
<b>December</b>	16	16	15	14	14

YEARS	HOURS WORKED PER WEEK				
	39	38	37	36	35
2	94	91	89	86	84
3	94	91	89	86	84
4	94	91	89	86	84
5	94	91	89	86	84
6	101	99	96	94	91
7	109	106	104	101	98
8	117	114	111	108	105
9	125	122	118	115	112
10	140	137	133	130	126
11	156	152	148	144	140
12 and greater	172	167	163	158	154

SECTION III. The chart, indicating benefit time credited for regular part-time employees, in Chapter 2.22.030(4)(a)(iii) of the Bloomington Municipal Code shall be deleted and replaced with the chart below:

FIRST YEAR Month of Hire	HOURS WORKED PER WEEK														
	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
January	48	46	45	43	42	41	39	38	36	35	34	32	31	29	28
February	43	42	41	40	38	37	36	34	33	32	31	29	28	27	26
March	39	38	37	36	35	33	32	31	30	29	28	26	25	24	23
April	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21
May	31	30	29	28	27	26	25	24	23	23	22	21	20	19	18
June	26	26	25	24	23	22	22	21	20	19	19	18	17	16	16
July	22	21	21	20	20	19	18	18	17	16	16	15	14	14	13
August	18	17	17	16	16	15	15	14	14	13	13	12	12	11	11
September	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
October	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
November	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
December	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8

YEARS	HOURS WORKED PER WEEK														
	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
2	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
3	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
4	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
5	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
6	88	86	83	81	78	75	73	70	68	65	62	60	57	55	52
7	95	92	90	87	84	81	78	76	73	70	67	64	62	59	56
8	102	99	96	93	90	87	84	81	78	75	72	69	66	63	60
9	109	106	102	99	96	93	90	86	83	80	77	74	70	67	64
10	122	119	115	112	108	104	101	97	94	90	86	83	79	76	72
11	136	132	128	124	120	116	112	108	104	100	96	92	88	84	80
12 and greater	150	145	141	136	132	128	123	119	114	110	106	101	97	92	88

SECTION IV. Existing language in Bloomington Municipal Code 2.22.030 (7) shall be deleted and replaced with the following:

(7) Residency. Residency requirements for employees are those mandated by Indiana law, including but not limited to Article 6, Section 6 of the Indiana Constitution (if and to the extent it may be applicable to certain City officers) and, for members of the police and fire departments, Indiana Code Section 36-8-4-2.

SECTION V. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION VI. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends Chapter 2.22.030 of the Bloomington Municipal Code in order to conform the charts indicating credited Paid Time Off and the residency requirements to current practice.

## Memorandum

To: City Council members  
From: Daniel Grundmann, ES Director  
CC: Dan Sherman, Council Attorney  
James McNamara, Deputy Mayor  
Trish Bernens, City Attorney  
Date: 11/26/2003  
Re: Proposed Bloomington Municipal Code, Title 2 Amendment (Ordinance 03-39)

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This proposed ordinance amends Title 2 Section 2 of the Bloomington Municipal code to make the code consistent with standard practice in two ways.

First, it replaces the existing charts for credited Paid Time Off (PTO) with the versions that exist in the City of Bloomington Personnel Manual. The charts in the manual illustrate the schedule that we have actually used since moving to PTO in 1999, and reflect the original intent of the policy. In the charts currently embedded in the BMC, the schedule indicates that employees earn 104 hours of credited PTO on January 1 of their fifth calendar year of employment. Upon recent review of Title 2 we discovered this inconsistency with existing policy which we believe to be an inadvertent error created when the chart was designed for the BMC. It has never been our practiced policy, nor was it the original intent of the policy makers. The policy is to credit employees with 104 hours *after* five years of employment, or in their sixth calendar year.

Additionally, we have corrected, for consistency with the personnel policy, the amount of credited time off attributed to employees in their first year working 38 hours per week hired September through December. The existing number is 15, which we propose be changed to 16.

We also recently discovered an additional inconsistency with long-standing practice that we would like to make consistent at this time. Since, at latest, the middle 1980's we have used residency requirements for City employees that mirror those required by Indiana Code and the Indiana Constitution. We would like the BMC to explicitly reflect that practice and have proposed a language change accordingly.

Please feel free to contact me with any questions.

## **Chapter 2.22 of the Bloomington Municipal Code as Amended by Ordinance 03-39**

### Chapter 2.22 EMPLOYEE SERVICES DEPARTMENT

Sections:

2.22.000 Establishment.

2.22.010 Appointment of Director.

2.22.020 Employee services policies.

2.22.030 Employee policies.

2.22.040 Definitions.

2.22.000 Establishment.

*Portions of BMC 2.22, not changed by Ordinance 03-39, have been omitted.*

2.22.010 Appointment of Director.

*Portions of BMC 2.22, not changed by Ordinance 03-39, have been omitted.*

2.22.020 Employee services policies.

The employee services department shall maintain policies and practices that allow the strategic management of the city's human resources, allow the city to recruit and develop the highest quality individuals from a diversity of backgrounds, motivate employees to achieve their fullest potential in performing the public's business, and help employees to lead healthy, complete lives. (Ord. 97-04 §§ 1 (part), 5, 1997).

2.22.030 Employee policies.

The administration of certain employee services matters shall be governed by the following policies:

(1) Mileage and Travel Allowance.

Portions of BMC 2.22, not related to Ordinance 03-39, have been omitted.

(2) Vacations--Union-Eligible Employees.

Portions of BMC 2.22, not related to Ordinance 03-39, have been omitted.

(3) Sick Leave and Sick Bank.

Portions of BMC 2.22, not related to Ordinance 03-39, have been omitted.

(4) Paid Time Off--Non Union-eligible Employees. This policy shall apply to all regular full-time (RFT) and regular part-time with benefits (RPB) employees other than those who are union-eligible (as defined herein) or are sworn police or firefighter personnel. This policy replaces the former paid benefit time categories of vacation, personal business days, and birthday with a single category of paid benefit time called paid time off (PTO).

(a) Credited Paid Time Off. Paid time off shall be credited upon hire and thereafter on January 1st of each year in the following maximum amounts:

(i) Regular full-time employees, other than department heads, who are scheduled to work forty hours per week shall be credited with PTO in accordance with the following chart:

CHART 1	MONTH OF HIRE	HOURS CREDITED	CHART 2	CALENDAR YEAR OF EMPLOYMENT	HOURS CREDITED
FOR FULL TIME EMPLOYEES IN THEIR 1st CALENDAR YEAR OF EMPLOYMENT	January	56	FOR FULL TIME EMPLOYEES IN AT LEAST THEIR 2 <sup>ND</sup> YEAR OF EMPLOYMENT	2	96
	February	51		3	96

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	March	46		4	96
	April	41		5	<u>96</u> <del>104</del>
	May	36		6	<u>104</u> <del>112</del>
	June	31		7	<u>112</u> <del>120</del>
	July	26		8	<u>120</u> <del>128</del>
	August	21		9	<u>128</u> <del>144</del>
	September	16		10	<u>144</u> <del>160</del>
	October	16		11	<u>160</u> <del>176</del>
	November	16		<del>11</del> <u>12</u> and greater	176
	December	16			

(ii) Regular full-time employees, other than department heads, who are scheduled to work between thirty-five and thirty-nine hours per week inclusive, shall be credited with PTO in accordance with the following chart:

FIRST YEAR	HOURS WORKED PER WEEK				
	39	38	37	36	35
Month of Hire	39	38	37	36	35
January	55	53	52	50	49
February	50	48	47	46	45
March	45	44	43	41	40
April	40	39	38	37	36
May	35	34	33	32	32
June	30	29	29	28	27
July	25	25	24	23	23
August	20	20	19	19	18
September	16	<del>15</del> <u>16</u>	15	14	14
October	16	<del>15</del> <u>16</u>	15	14	14
November	16	<del>15</del> <u>16</u>	15	14	14
December	16	<del>15</del> <u>16</u>	15	14	14

YEARS	HOURS WORKED PER WEEK				
	39	38	37	36	35
2	94	91	89	86	84
3	94	91	89	86	84
4	94	91	89	86	84
5	<del>101</del> <u>94</u>	<del>99</del> <u>91</u>	<del>96</del> <u>89</u>	<del>94</del> <u>86</u>	<del>91</del> <u>84</u>
6	<del>109</del> <u>101</u>	<del>106</del> <u>99</u>	<del>104</del> <u>96</u>	<del>101</del> <u>94</u>	<del>98</del> <u>91</u>
7	<del>117</del> <u>109</u>	<del>114</del> <u>106</u>	<del>111</del> <u>104</u>	<del>108</del> <u>101</u>	<del>105</del> <u>98</u>
8	<del>125</del> <u>117</u>	<del>122</del> <u>114</u>	<del>118</del> <u>111</u>	<del>115</del> <u>108</u>	<del>112</del> <u>105</u>
9	<del>140</del> <u>125</u>	<del>137</del> <u>122</u>	<del>133</del> <u>118</u>	<del>130</del> <u>115</u>	<del>126</del> <u>112</u>
10	<del>156</del> <u>140</u>	<del>152</del> <u>137</u>	<del>148</del> <u>133</u>	<del>144</del> <u>130</u>	<del>140</del> <u>126</u>
11	<del>172</del> <u>156</u>	<del>167</del> <u>152</u>	<del>163</del> <u>148</u>	<del>158</del> <u>144</u>	<del>154</del> <u>140</u>
<u>12</u> <del>11</del> and greater	172	167	163	158	154

(iii) Regular part-time with benefits employees shall be credited with PTO in accordance with the following chart:

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FIRST YEAR	HOURS WORKED PER WEEK														
	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
January	48	46	45	43	42	41	39	38	36	35	34	32	31	29	28
February	43	42	41	40	38	37	36	34	33	32	31	29	28	27	26
March	39	38	37	36	35	33	32	31	30	29	28	26	25	24	23
April	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21
May	31	30	29	28	27	26	25	24	23	23	22	21	20	19	18
June	26	26	25	24	23	22	22	21	20	19	19	18	17	16	16
July	22	21	21	20	20	19	18	18	17	16	16	15	14	14	13
August	18	17	17	16	16	15	15	14	14	13	13	12	12	11	11
September	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
October	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
November	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
December	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8

YEARS	HOURS WORKED PER WEEK														
	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
2	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
3	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
4	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
5	<del>88</del> <b>82</b>	<del>86</del> <b>79</b>	<del>83</del> <b>77</b>	<del>84</del> <b>74</b>	<del>78</del> <b>72</b>	<del>75</del> <b>70</b>	<del>73</del> <b>67</b>	<del>70</del> <b>65</b>	<del>68</del> <b>62</b>	<del>65</del> <b>60</b>	<del>62</del> <b>58</b>	<del>60</del> <b>55</b>	<del>57</del> <b>53</b>	<del>55</del> <b>50</b>	<del>52</del> <b>48</b>
6	<del>95</del> <b>88</b>	<del>92</del> <b>86</b>	<del>90</del> <b>83</b>	<del>87</del> <b>81</b>	<del>84</del> <b>78</b>	<del>81</del> <b>75</b>	<del>78</del> <b>73</b>	<del>76</del> <b>70</b>	<del>73</del> <b>68</b>	<del>70</del> <b>65</b>	<del>67</del> <b>62</b>	<del>64</del> <b>60</b>	<del>62</del> <b>57</b>	<del>59</del> <b>55</b>	<del>56</del> <b>52</b>
7	<del>102</del> <b>95</b>	<del>99</del> <b>92</b>	<del>96</del> <b>90</b>	<del>93</del> <b>87</b>	<del>90</del> <b>84</b>	<del>87</del> <b>81</b>	<del>84</del> <b>78</b>	<del>81</del> <b>76</b>	<del>78</del> <b>73</b>	<del>75</del> <b>70</b>	<del>72</del> <b>67</b>	<del>69</del> <b>64</b>	<del>66</del> <b>62</b>	<del>63</del> <b>59</b>	<del>60</del> <b>56</b>
8	<del>109</del> <b>102</b>	<del>106</del> <b>99</b>	<del>102</del> <b>96</b>	<del>99</del> <b>93</b>	<del>96</del> <b>90</b>	<del>93</del> <b>87</b>	<del>90</del> <b>84</b>	<del>86</del> <b>81</b>	<del>83</del> <b>78</b>	<del>80</del> <b>75</b>	<del>77</del> <b>72</b>	<del>74</del> <b>69</b>	<del>70</del> <b>66</b>	<del>67</del> <b>63</b>	<del>64</del> <b>60</b>
9	<del>122</del> <b>109</b>	<del>119</del> <b>106</b>	<del>115</del> <b>102</b>	<del>112</del> <b>99</b>	<del>108</del> <b>96</b>	<del>104</del> <b>93</b>	<del>101</del> <b>90</b>	<del>97</del> <b>86</b>	<del>94</del> <b>83</b>	<del>90</del> <b>80</b>	<del>86</del> <b>77</b>	<del>83</del> <b>74</b>	<del>79</del> <b>70</b>	<del>76</del> <b>67</b>	<del>72</del> <b>64</b>
10	<del>136</del> <b>122</b>	<del>132</del> <b>119</b>	<del>128</del> <b>115</b>	<del>124</del> <b>112</b>	<del>120</del> <b>108</b>	<del>116</del> <b>104</b>	<del>112</del> <b>101</b>	<del>108</del> <b>97</b>	<del>104</del> <b>94</b>	<del>100</del> <b>90</b>	<del>96</del> <b>86</b>	<del>92</del> <b>83</b>	<del>88</del> <b>79</b>	<del>84</del> <b>76</b>	<del>80</del> <b>72</b>
11	<del>150</del> <b>136</b>	<del>145</del> <b>132</b>	<del>141</del> <b>128</b>	<del>136</del> <b>124</b>	<del>132</del> <b>120</b>	<del>128</del> <b>116</b>	<del>123</del> <b>112</b>	<del>119</del> <b>108</b>	<del>114</del> <b>104</b>	<del>110</del> <b>100</b>	<del>106</del> <b>96</b>	<del>101</del> <b>92</b>	<del>97</del> <b>88</b>	<del>92</del> <b>84</b>	<del>88</del> <b>80</b>
++ 12 and greater	150	145	141	136	132	128	123	119	114	110	106	101	97	92	88

(iv) Department Heads. PTO will be credited in the amount of one hundred seventy-six hours per year each January 1st, subject to probation in the year of hire in the discretion of the mayor.

Portions of BMC 2.22, not changed by Ordinance 03-39, have been omitted.

(5) Other Paid Benefit Time.

Portions of BMC 2.22, not changed by Ordinance 03-39, have been omitted.

(6) Modifications and Additions.

Portions of BMC 2.22, not changed by Ordinance 03-39, have been omitted.

**(7) Residency. Residency requirements for employees are those mandated by Indiana law, including but not limited to Article 6, Section 6 of the Indiana Constitution (if and to the extent it may be applicable to certain City officers) and, for members of the police and fire departments, Indiana Code Section 36-8-4-2.**

(7) County Residency. After June 1, 1978, any person who accepts permanent full-time or permanent part-time employment with the city must have her/his principal place of residence within the limits of the county.

Exceptions:

(a) This subsection shall not apply to persons who have specialized skills or training if there is no suitable applicant for the position residing within the limits of the county, and the appropriate elected official or his designee approves. "Specialized skills or training" means advanced education or exceptional experience in a specific field of work that is

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~~necessary for employment in that field. The employment of such persons shall be reviewed by the common council on a quarterly basis during the employee's probationary period.~~

~~(b) This subsection shall not apply to members of the police and fire forces of the city, who are governed by the provisions of Indiana Code Section 36-8-4-2.~~

~~(c) This subsection shall not apply to those employees who are hired for programs or services that extend beyond the county line, or where federal or state regulations require that they be from a specific location.~~

~~(d) This subsection shall not apply to those persons who were nonresident employees of the city prior to June 1, 1978. (Ord. 00-02 § 1, 2000; Ord. 99-50 §§ 1-10, 1999; Ord. 97-04 §§ 1 (part), 4, 1997; Ord. 92-41 §§ 1-5, 1992; Ord. 83-6 § 2 (part), 1983).~~

**ORDINANCE 03-40**

**TO AMEND ORDINANCES WHICH FIXED THE SALARIES OF APPOINTED OFFICERS AND EMPLOYEES OF THE CIVIL CITY (ORDINANCE 03-20) AND UTILITIES (ORDINANCE 03-21) DEPARTMENTS FOR THE YEAR 2004**

**Re: Civilian Positions in the Fire, Community and Family Resources, Parks and Recreation, and the Accounting (Utilities) Departments**

WHEREAS, the Job Evaluation Committee recently reviewed several job descriptions with substantive revisions reflecting changes in the positions, and

WHEREAS, those revisions resulted in establishing new grades for four of the positions reviewed, and

WHEREAS, the Parks and Recreation Department would like to eliminate three Golf Course positions and add two Golf Course positions that received preliminary review in Employee Services, and

WHEREAS, the Fire and Utilities Departments each would like to change a job title;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 1 of Ordinance 03-20 (Civil City) shall be amended by deleting the following lines regarding job title, grade, and pay minimum and maximum as indicated below:

Department	Job Title	Grade	Minimum	Maximum
Community and Family Resources	Program Assistant - BVN	5	\$27,127	\$42,429
Community and Family Resources	Program Assistant II – Special Projects	5	\$27,127	\$42,429
Parks	Operations and Development Division Director	9	\$33,954	\$63,057
Parks	Golf Course Specialist (2)	4	\$23,877	\$37,346
Fire	Secretary	3	\$22,674	\$34,010

SECTION II. Section 1 of Ordinance 03-20 (Civil City) shall be amended by adding the following lines which either change the job titles or the grades and pay ranges as indicated below:

Department	Job Title	Grade	Minimum	Maximum
Community and Family Resources	Program Assistant - BVN	6	\$29,831	\$48,672
Community and Family Resources	Program Assistant II – Special Projects	6	\$29,831	\$48,672
Parks	Operations and Development Division Director	10	\$35,615	\$69,135
Parks	Golf Facilities Manager	7	\$31,021	\$52,819
Parks	Golf Programs Coordinator	6	\$29,831	\$48,672
Fire	Office Manager	3	\$22,674	\$34,010

SECTION III. Section II E of Ordinance 03-20 shall be amended by deleting the following lines regarding job title, and pay minimum and maximum as indicated below:

Job Title	Minimum	Maximum
Golf Course Manager	\$31,021	\$52,819

SECTION IV. Section 1 of Ordinance 03-21 (Utilities) shall be amended by deleting the following lines regarding job title, grade, and pay minimum and maximum as indicated below:

Department	Job Title	Grade	Minimum	Maximum
Customer Relations	Lead Customer Relations Representative	4	\$23,877	\$37,346
Accounting and Finance	Assistant Accounts Payable Clerk	1	\$19,082	\$28,868

SECTION V. Section 1 of Ordinance 03-21 (Utilities) shall be amended by adding the following lines which either change the job title or the grade and pay range as indicated below:

Department	Job Title	Grade	Minimum	Maximum
Customer Relations	Customer Relations Coordinator	4	\$23,877	\$37,346
Accounting and Finance	Assistant Accounts Payable Clerk	2	\$20,804	\$31,205

SECTION VI. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION VII. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
CHRIS GAAL, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends the City of Bloomington Civil City Salary Ordinance (Ordinance 03-20) and the Utilities Salary Ordinance (Ordinance 03-21) for 2004. These amendments change the title of the Fire *Secretary to Office Manager* and the title of the Utilities *Lead Customer Relations Representative to Customer Relations Coordinator*. They also raise the grade of the *Operations and Development Division Director* in Parks and Recreation (from 9 to 10); the *Program Assistant – BVN* and *Program Assistant II - Special Projects* in Community and Family Resources (from 5 to 6); and *Assistant Accounts Payable Clerk* in Utilities (from 1 to 2). Additionally, the amendments eliminate a *Golf Course Manager* and two *Golf Course Specialist* positions and replace them with a *Golf Facilities Manager* and *Golf Programs Coordinator* position.

## Memorandum

To: City Council members  
From: Daniel Grundmann, ES Director  
CC: Dan Sherman, Council Attorney  
Date: 11/26/2003  
Re: Proposed Salary Ordinance Amendment (Ordinance 03-40)

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The Job Evaluation Committee recently met and reviewed ten positions. Of those ten positions, four are recommended for a change in grade. Additionally, we would like to change titles for positions in Utilities and the Fire Department, and reduce the number of Golf Course positions in the salary ordinance.

The following proposed changes to amend Ordinance 03-20 and Ordinance 03-21 are submitted for your review and approval.

### Community and Family Resources Department

The Community and Family Resources Department has four program assistant positions. The position descriptions were recently revised and three of them were submitted to the Job Evaluation Committee. Two of the positions, *Program Assistant – BVN* and *Program Assistant II – Special Projects* realized increases in two categories of criteria — complexity and independent judgement and consequences of error. Those increases drove the recommendation for a grade change from the current grade 5 to grade 6. The third program assistant position reviewed by the committee remained at its current level of grade 6. No additional appropriation is required to accommodate the change in grade.

### Fire Department

The Fire Department would like to change the title of the *Secretary* position to *Office Manager*.

## Utilities Department

The Utilities Department requests two changes to the salary ordinance. The first is a change in title only for the current position of *Lead Customer Relations Representative* to *Customer Relations Coordinator*.

The second is a result of the Job Evaluation Committee's review of the *Assistant Accounts Payable Clerk* position description. This position has increased in complexity, as the incumbent is now responsible for reviewing project claims for both project closing and State Revolving Loan eligibility. Those changes drove the recommendation for a grade change from the current grade 1 to grade 2. No additional appropriation is required to accommodate the change in grade.

## Parks and Recreation Department

The Job Evaluation Committee reviewed the position description for Operations and Development Division Director. The scope of project and contract management responsibilities, along with the strategic focus of this position resulted in significant change to the position's point-factor value. The Job Evaluation Committee determined that there are increases in two categories of criteria — complexity and independent judgement and consequences of error. Those increases drove the recommendation for a grade change from the current grade 9 to grade 10. No additional appropriation is required to accommodate the change in grade.

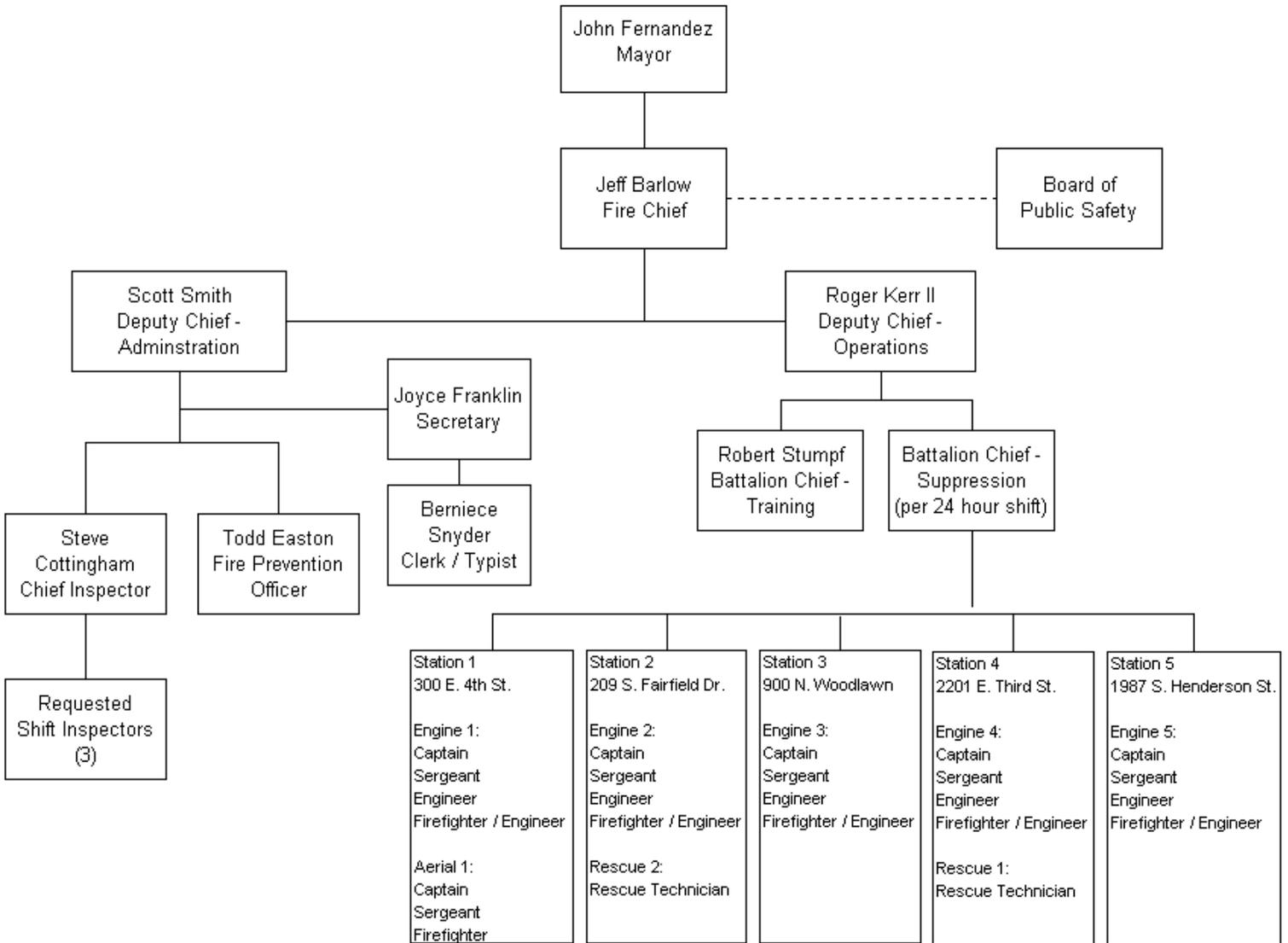
Additionally, we would like to eliminate three existing Golf Course positions and replace them with two new positions. We are changing the operations model to emulate that of other existing, successful divisions in Parks and Recreation. Currently, in addition to the duties associated with managing the golf course, the Golf Course Manager runs a pro shop for which he maintains inventory and realizes profit. The sales of the golf equipment along with teaching golf lessons for supplemental personal income, for both the Manager and Specialist positions, is completed while acting as a City employee. This system creates a structural disincentive for golf course employees to act in the best interests of the City as pursuing interests in competition with managing operations can increase their income.

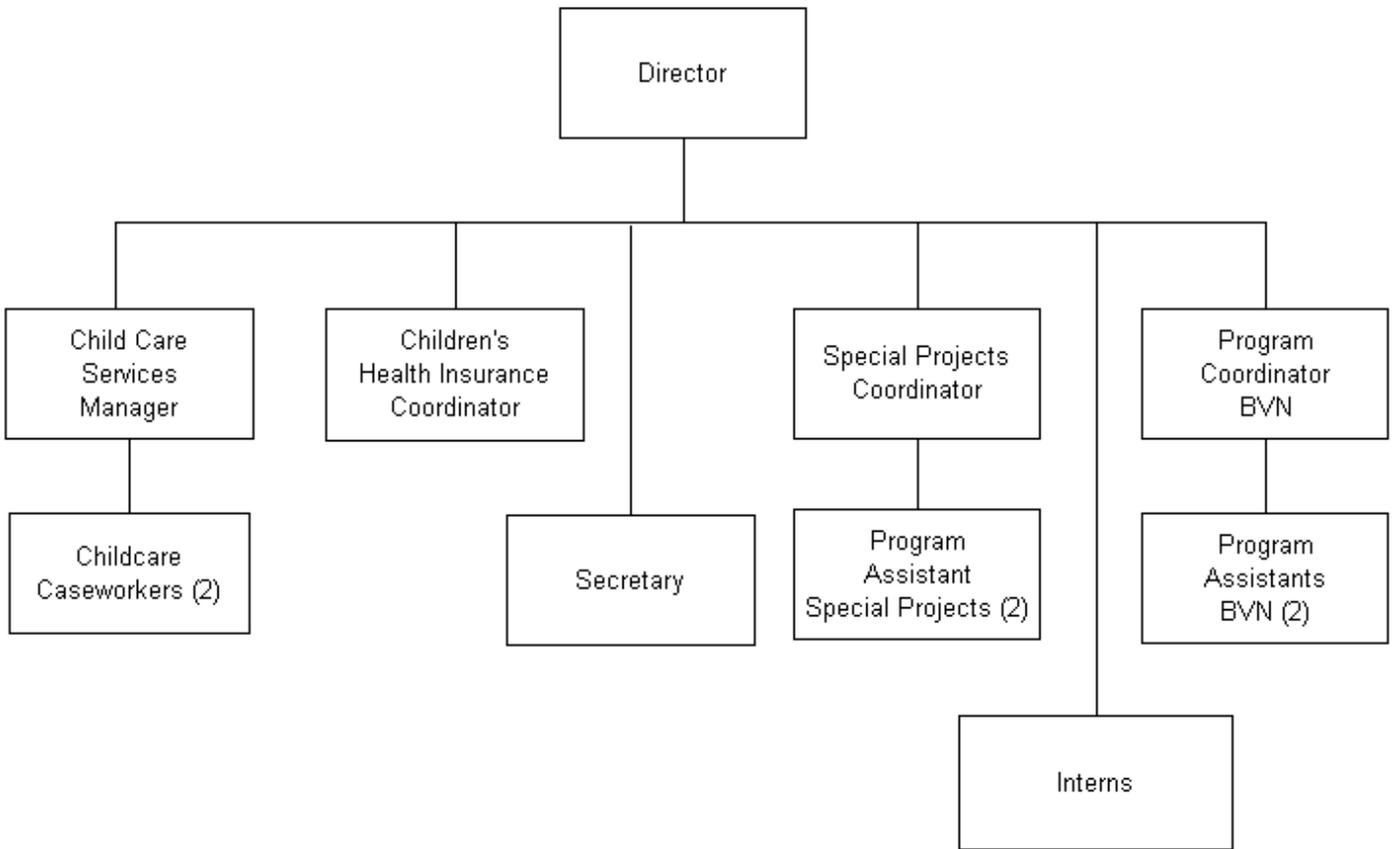
The decision around timing was driven by one overarching goal with several related considerations. Due to the length of processes involved in amending the salary ordinance, job posting, selection, hiring, and training, it is crucial that we take full advantage of the slow time at the golf course so that we can have the new structure up and operating when the Spring golf season hits, or as soon as possible thereafter. By delaying the decision until after the new year we would not be able to achieve that goal. In that case we would likely be delaying what we see as a necessary structural change by a full year as it is prudent to avoid management change in peak season due to the additional drain on resources it would create. Going through transition when there is little business at the course will not have a significant impact on golfers or the other City employee's and their commitments. If we enter the transition any later, it would not only potentially affect the golf course operations and the citizens who use

the facility, but it would likely impact other Parks operations as it would require a transfer of resources (i.e. Sports and Fitness Director's time and energy) during the peak seasons of those activities (e.g. Twin Lakes and the pools). Furthermore, moving forward at this time enables us to give the two individuals in the Specialist positions nearly two months notice that the positions they hold may be eliminated.

Because we anticipate a savings of approximately \$25,000 in compensation, no additional appropriation is required.

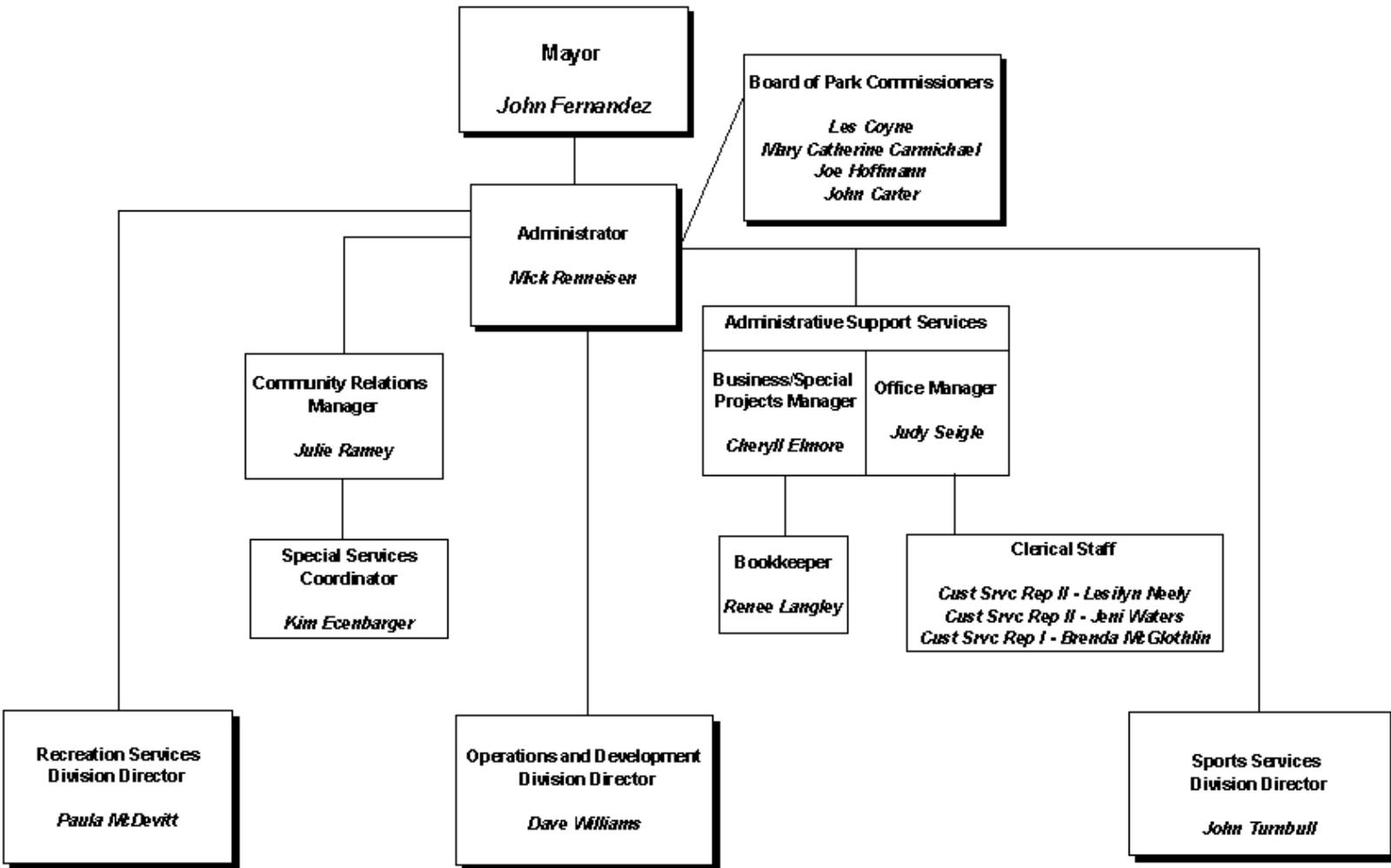
Please feel free to contact me with any questions.





# CITY OF BLOOMINGTON PARKS AND RECREATION

## ADMINISTRATION



In the Council Chambers of the Showers City Hall on Wednesday, September 17, 2003 at 7:30 pm with Council President Gaal presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
September 17, 2003

Roll Call: Banach, Diekhoff, Ruff, Pizzo, Gaal, Rollo, Cole, Sabbagh, Mayer

ROLL CALL

Council President Gaal gave the Agenda Summation

AGENDA SUMMATION

The minutes of September 3, 2003 were approved by a voice vote.

APPROVAL OF MINUTES

Ruff reported that the Living Wage Coalition in Bloomington held a forum and information sharing session for the public on Monday, September 15, 2003 entitled "An Introduction to the Living Wage." He said that he, Jen Kern from the Association of Community Organizations for Reform Now (ACORN), Toby Strout from Middle Way House and Father Dan Atkins from St. Paul's Catholic Center spoke along with a low wage worker. Ruff said the audience was favorable to a living wage ordinance as pointed out by Councilmember Sabbagh that night. Ruff said this, along with some of the resolutions considered by the council this year didn't always draw an audience from an opposing view, or even those folks who have questions. He encouraged folks to participate in a thorough community exchange by being engaged in both sides of issues. He said he hoped the fact that there weren't more Council Members there indicated that there was a comfort level with the issue and support for it in the future.

MESSAGES FROM  
COUNCILMEMBERS

Tim Mayer recognized the death of Governor Frank O'Bannon and said he would be missed. Mayer said he had the opportunity to meet the governor several times on the campaign trail, and also when O'Bannon came to Bloomington on governmental visits. Mayer mentioned the passing of Danny Bynum and noted with fondness his office supply store that Mayer frequented. Mayer commended the Engineering and Street Departments for their work at 10<sup>th</sup> and Morton. He said the street realignment, paving, new curbs, brick and utilities work had totally improved the intersection. Mayer also noted that Lotus Fest would kick off on Wednesday, September 24, 2003.

Mayer submitted a Disclosure of a Potential Conflict of Interest saying that his employer, Inari Information Services, Inc., was pursuing a competitive bid contract to design a report for the Housing and Neighborhood Development Department. The disclosure indicated that Mayer would not receive commission or profits from this work.

- Disclosure of Interest from Councilmember Timothy Mayer

It was moved and seconded to accept this conflict of interest disclosure statement. The motion was approved by a voice vote.

- Action On Acceptance Of Disclosure

Sabbagh said that the Living Wage forum Ruff spoke of was interesting. He expressed his condolences to the family of Governor O'Bannon and said he had given a good part of his life to the State of Indiana. He said his goodness and congeniality would be missed. Sabbagh said that the community had also lost Mr. Earls who started the Smithville Telephone Company and extended his condolences to the family.

Rollo said he thought the recent Living Wage Forum was an excellent gathering of persons who had expertise in the field of social welfare, and indicated that Councilmember Ruff did a very good presentation there. Rollo reported on information from the City of Bloomington's engineering department on two construction projects in his district. He

said the College Mall project was progressing, adding that donated gingko trees would be placed in the median which will then be mulched and planted with bulbs. He added that this would occur after paving and curbing had taken place and that citizens should see the completion of this project by the middle of October.

Rollo reported that the stormwater and sidewalk project on Ruby Lane would be finished prior to Thanksgiving.

Rollo commented that considering the city's implementation of complex and necessary projects such as the College Mall Road project, he was intrigued with a recently reported study by the Center for Urban Policy and the Environment at IUPUI that stated that Bloomington and other cities were not spending enough on infrastructure. Rollo added the report noted that Bloomington has plenty of "residential built investment" but suffers from a comparative deficiency in public spending on infrastructure. He added that development is outpacing infrastructure. He said that this was a concern for policy makers and that it behooved the council, as they review and vote on development proposals, to be careful not to risk adding to this burden for the community. He said it was, perhaps, better for developers to internalize costs of development so that they are not unfairly borne by the public, but rather are reflected in the investment by those profiting from the development. He said this approach was sound public policy and that we owed it to the citizens of the community to preserve our quality of life. Rollo said the study concluded by stating that while the report was not cause for panic, that these were early warning signs that the quality of life could be damaged in the long term.

Gaal noted that a moment of silent reflection was held during the last council session when Governor O'Bannon fell ill, and that the week before he died, O'Bannon was in Bloomington with the Dalai Llama to participate in a meeting to encourage compassion and peace in our world. Gaal noted that this was a unique Bloomington connection for O'Bannon and his family. He asked citizens to keep both O'Bannon's family and new Governor Kernan in their thoughts.

Gaal noted events in the community:

- Lotus Festival
- Living Wage Forum with Jen Kern from ACORN. Gaal said he had had the opportunity to meet with Kern during her visit.
- The 30<sup>th</sup> anniversary celebration of CFC, INC. with a civic engagement retrospective video on investment and regeneration of the downtown made possible by the generosity of Bill and Gayle Cook. He listed a few of these examples.
- A celebration to welcome IU President Adam Herbert to Bloomington. Gaal said that Herbert wants to be engaged as a partner with the community.
- Greater Bloomington Chamber of Commerce Annual Meeting. He congratulated new president Denise Lessow, and also congratulated two city elected officials, John Fernandez and Tony Pizzo, who were honored at the luncheon. He said this indicates the Chamber is reaching out beyond its membership into the community, and while we may not agree with the chamber, we have been able to find common ground. He cited the organizations backing of the smoking ordinance as an example.

Gaal said the Bloomington Economic Development Corporation was an issue that the council had struggled with for four years. He said he believed that progress had been made to both broaden participation in the group and the definition of economic development. He stressed that the council worked together to do this by gaining representation for themselves as well as representation for labor and environment. He

claimed that this was a broadening of community participation in the BEDC. He added that we need to find common ground in redeveloping commercial space vs. using greenspace outside the city. He said he looked forward to the new administration's continuance of broad representation from the community on economic development discussions as this was in the best interest of Bloomington.

Messages from Council Members  
(cont'd)

Deputy Mayor James McNamara read a proclamation by the mayor declaring September "National Alcohol and Drug Addiction Recovery Month."

MESSAGE FROM THE MAYOR

Brian O'Neill, Amethyst House board member and member of the Indiana Addictions Issues Coalition thanked the mayor for the proclamation and the council for allowing the proclamation to be read. He briefly spoke about addictions and encouraging folks to seek treatment.

COMMITTEE REPORTS

There were no committee reports.

PUBLIC INPUT

Tracie Wilson, a citizen who lives on Smith and Jackson, said she received a notice from Parks and Recreation that the city would be removing a tree from an area in front of her house. She said she spoke to Lee Huss, the urban forester, who said he believed the tree was damaged by construction last year. When asking Huss if it could just not be trimmed by removing damaged branches he told her that it was not cost effective. Wilson asked if cost effectiveness should be the policy that determines which trees should be saved. She said that the character of the neighborhood was held in some of the older and larger trees in the area. She asked that there be another assessment of this tree, and asked for any assistance or advice the council could offer.

It was moved and seconded that Rick Dietz be appointed to the Telecommunications Council. The appointment was approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

There was no legislation for second reading.

LEGISLATION FOR SECOND READING

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Appropriation Ordinance 03-09 To Specially Appropriate from the Risk Management Fund and from the Cumulative Capital Improvements (Rate) Fund Expenditures not Otherwise Appropriated (Appropriating Monies For Worker's Compensation Expenses and for Insurance Premiums from the Risk Management Fund and Monies Received for Intersection Improvements at East Third Street and Clarizz Boulevard from the CCI (Rate) Fund)

Appropriation Ordinance 03-09

Ordinance 03-26 To Amend Chapter 2.23 of the Bloomington Municipal Code Entitled "Community and Family Resources Department" in order to Reauthorize the Commission on the Status of Black Males

Ordinance 03-26

Before Ordinance 03-27 was read into the record, it was moved and seconded that the council accept the withdrawal of Ordinance 03-27 with the understanding that the petitioner was waiving all rights flowing from final action of the Plan Commission in favor of their petition.

Ordinance 03-27 To Amend the Bloomington Zoning Maps from RS4.5 to PUD and to Approve the Preliminary Plan for the Bryan Park Place Planned Unit Development – RE: 1330 S. Dunn Street (S. Dunn Street, LLC, Petitioners)

Gaal explained that the petitioner wished to withdraw the item. He asked that questions regarding the withdrawal of the item be directed to the council attorney.

Dan Sherman, Council Attorney/Administrator explained that according to state law (I.C. 36-7-4-608) and local code, rezoning petitions that come forward from the Plan Commission with a positive recommendation generally go into effect 90 days after their certification to the council unless the council takes final action either in the form of adopting or rejecting the ordinance.

MOTION TO ACCEPT  
WITHDRAWAL

The motion to accept the withdrawal of Ordinance 03-27 received a roll call vote of Ayes: 9, Nays: 0.

There was no public comment at this time.

PUBLIC INPUT

The meeting was adjourned at 8:19 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Gaal, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

Unapproved

In the Council Chambers of the Showers City Hall on Wednesday, October 8, 2003 at 7:30 pm with Council President Gaal presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
October 8, 2003

Roll Call: Banach, Diekhoff, Ruff, Pizzo, Gaal, Rollo, Cole, Sabbagh, Mayer

ROLL CALL

Council President Gaal gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Banach said his brief report was "Go Cubs!"

MESSAGES FROM  
COUNCILMEMBERS

Andy Ruff read part of a statement letter from Indiana State Senator Lawrence Borst, Greenwood (R D-36), Chair of the State Senate Finance Committee:

The Department of Transportation (INDOT) has centered the I-69 debate on geographic and demographic issues such as route selection. INDOT has led the public to believe the issue is not one whether or not the road will be built, but which route should be chosen. INDOT has created an illusion that when the final alignment is chosen, the project can be funded and built in a reasonable time frame. By ignoring the cost, unfair expectations have been created that will present fiscal and public relation challenges for the next governor. This administration is determining where to build the road and essentially leaving it to the next administration to figure out how to pay for it. The public needs to be better informed so that expectations can be lowered to a more realistic level. According to INDOT the project cost is now estimated at \$1.7 billion dollars and it would take 8-14 years to complete. However, in order to gain public acceptance it is common to add interchanges and other features that drive up the final cost. Even accepting the \$1.7 Billion dollar estimate, one can calculate it would require about \$160M per year to complete the project over 14 years with 3% annual inflation. It is difficult to see how INDOT could afford such a cost. INDOT estimates that it needs more than \$500M per year for routine rehabilitation just to preserve the existing highway system. This leaves about \$200M for expansion projects like I-69. In 2006, INDOT's annual construction program will drop back down to \$500M unless the general assembly raises taxes or user fees and authorizes additional borrowing. To fund I-69, INDOT would have to pledge all of its expansion funds, a quarter of its entire construction budget, to I-69 every year for fourteen years to complete the project. Even if there were no big expansion projects under development, it is unlikely that much money could be dedicated to a single project for such a prolonged period. There would be no expansion projects, added travel lanes, new road constructions, major improvements, etc., funded anywhere else in the state for 14 years.

INDOT has said 80% of the I-69 costs will come from federal funds; however, there is no federal categorical funding for such projects. INDOT could probably qualify much of its existing federal road funding for I-69, however that would not increase total federal road funding for Indiana, it would only draw federal funds away from other projects.

In Indiana, decisions about road funding tend to be isolated from other funding decisions for things like education and public health. However, I-69 is arguably the biggest fiscal issue facing the state at this time. Because of the extreme costs, this project should be evaluated in the context of funding for other worthy programs.

Some clearly favor alternative C3, the preferred route, over the I-70/US 41 alternative. But the \$800M additional cost for C3 is significant. The question is not "Is the state better off with I-70/US41 at \$900M or Alternative C3 at \$1.7 Billion?" The appropriate question is "if the state can afford new spending totaling \$1.7 Billion, are we better off spending all \$1.7 Billion on C3 or would the state be better off spending \$900M on I-70/US41 and spending the remaining \$800M on economic development or education?" Which scenario benefits the state most?

Ultimately there are limits on the amount of funds government can take from taxpayers. It is a mistake to assume that dollars spent on this project will have no impact on availability of dollars for other important priorities. Taxpayers including those in Evansville, will lose state education and health care dollars if the state chooses to concentrate its resources and spend \$1.7B on I-69 or any new highway project.

Mayer mentioned the Cubs game and said his wife was in the conference room and would bring in updates of the score. He jokingly told Banach that the Public Works board had authorized bids for de-icing salt for the city, but had not put out a bid for sand.

Mayer said he had attended the Southern Indiana Regional Development Project meeting in West Baden that morning. He said Tom Roznowski, citizen of Bloomington, had presented a program on Terre Haute in 1926 and its relationship to economic development today. He noted the

beauty of the fall was at its peak.

Sabbagh talked about his affection for the Cubs and listed old players who he remembered. He said he wished the Cubs well, even though this was probably not an appropriate comment for a council meeting.

Gaal urged folks to take time out of their busy schedules to enjoy the fall weather and scenery.

He offered a special welcome to the members of the Delta Sigma Theta sorority who were present for the meeting. He said a reception prior to the meeting allowed members to meet with council members and learn about each others' activities and goals.

There were no messages.

There were no committee reports.

Danyale Ellis, President of Delta Sigma Theta Alumnae Chapter gave the following statement:

The members of the Bloomington Alumnae Chapter of Delta Sigma Theta Sorority, Inc. bring you greetings. We are appreciative of and thankful for your time and consideration for allowing us to meet and speak with you this evening. In addition we are grateful for the coordinating efforts of Regina Moore, City Clerk and Sue Wanzer, Deputy Clerk.

Delta Sigma Theta Sorority, Inc. was founded on January 13, 1913 by twenty-two collegiate women at Howard University. The founders believed in sisterhood, scholarship and service. With the arrival of the New Year, our organization celebrated our 90<sup>th</sup> anniversary. We have grown from one chapter and 22 members to over 900 chapters and 200,000 members.

The Bloomington Alumnae Chapter was chartered on May 18, 1978. After a decrease in the number of African-American women in the Bloomington community the chapter was deactivated. We returned to the city on February 9, 2002. We stand before you today as a group of educated black women who believe in sisterhood, scholarship and service to the city of Bloomington and Monroe County. Our members represent a number of professions which include, but are not limited to, education, business, health care, graduate and professional students. Our charge to the Common Council today is to encourage and empower the Board of School Trustees of the Monroe County Community School Corporation to increase the number of certified African American teachers. According to a central office staff member of the MCCSC, currently there are approximately seven African American teachers out of approximately 711. These teachers represent less than 1%. However, according to the Indiana Department of Education, the minority enrollment represents 15% of the total enrollment. Specifically, within the next 5 years we would like to see the percentage of certified African-American teachers to increase from less than 1% to 5% and within the next 10 years to increase to 10%. We believe that a larger number of African-American teachers and administrators would make a major impact on not just African-American students (who in the 2003-2003 academic year scored significantly lower than their counterparts on all areas of the I-Step), but the entire enrollment population.

We want the city council to know that we take education seriously and will begin the Dr. Betty Shabazz Delta Academy this month. The academy will meet monthly and give girls of color, ages 11-14, an opportunity to gain skills in the area of math, science, and technology. Once again, we want to thank the members of the council and the City Clerk's office for this opportunity and we look forward to another Delta Day at City Hall in 2004.

George Brooks said he wished to dispel myths that have been put forth by the Chamber of Commerce regarding a proposal of a Living Wage Ordinance for Bloomington. He said the belief that a Living Wage Ordinance would only hurt low wage workers is based on the false belief that low wage workers are uneducated or low skilled and do not merit better pay. He said many have good skills, and that public policy derived from such myths will be deleterious to society. He spoke of the jobs that were created today being of such a nature that workers were not allowed to use enough autonomy to exhibit their full range of creativity and skills. He said that hierarchy has de-skilled the worksite to drive wages down for higher profits, that corporate policies regarding the workforce drive wages down, choosing lower productive workers to save money, and asked that corporations be kept responsible by asking those who are seeking subsidies pay their workers enough money to live. He said that was the socially responsible thing to do.

## MESSAGES FROM COUNCILMEMBERS (cont'd)

## MESSAGE FROM THE MAYOR

## COMMITTEE REPORTS

## PUBLIC INPUT

PUBLIC COMMENT (cont'd)

Barry Lessow brought council members a report on the recent community needs assessment - SCAN. He highlighted issues and needs in the community from an analysis of interviews with 300 randomly selected households and 125 community leaders.

He noted that part of the report included a data supplement with informational statistics regarding Monroe County and Bloomington, adding that this is all available on the web. He noted, too, that there was a summary of the entire report available.

Lessow thanked the Housing and Neighborhood Development and Community and Family Resources Departments for lending their staff and expertise to the project. He said the report identified gaps in the community, opportunities for collaboration on common scheduling for not-for-profits, needs for future funding, and needs for stability for basic services. Lessow said this report should be able to help grantwriters to more persuasively convey needs for their proposal funding, and that general community members should be interested in the report, also.

Gaal thanked Lessow for heading this important project, saying that the council had based decisions on the priorities from the previous report.

Cole asked about the top needs, and Lessow said education, jobs, and access issues were themes throughout the entire report.

Mike Carmin, local attorney, spoke in favor of the Wayfarer Sign program. He noted that the antique mall and farmers' market were private businesses that reaped benefits by being noted on the signs. He said he liked the indication of what this might mean for the sign ordinance. He said that although promised by a former planning director, a comprehensive review of the sign ordinance had never occurred. He said that the Wayfarer signs should trigger such a review now. He said he'd heard discussions regarding the signs which noted the importance of attractive signage in attracting tourism dollars and economic development. He said it was true also for every business in existence in the town, particularly the small ones. He noted an irony that the University Plaza sign could barely be seen while the Wayfarer signs were in full view. He asked that the theory behind the signs be extended to our businesses and called for an immediate review of the sign ordinance separately from the zoning ordinance reviews.

Mayer asked if the speaker would please identify the party for whom he was speaking, but Mr. Carmin had immediately left the meeting room after his comments.

There were no appointments.

BOARD AND COMMISSION APPOINTMENTS

There was no legislation for second reading.

LEGISLATION FOR SECOND READING

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Appropriation Ordinance 03-10 To Specially Appropriate from the Telecommunications Non-Reverting Fund (infrastructure) Expenditures Not Otherwise Appropriated (Appropriating funds for maintenance and repair of the City's fiber optic assets)

Appropriation Ordinance 03-10

Ordinance 03-28 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Certain Stop, Yield, and Signalized Intersections, Restricted Turns on a Red Light, Parking Zones, and Cross Walks

Ordinance 03-28

Ordinance 03-29 To Amend Ordinance 96-31 Which Established a Telecommunications Non-Reverting Fund (Telecom Fund) (Allowing the Infrastructure Portion of the Fund to Be Used For the Maintenance and Repair of the City’s Telecommunications Infrastructure)

Ordinance 03-29

There was no public comment at the end of this meeting.

PUBLIC INPUT

The meeting was adjourned at 8:20 p.m.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Gaal, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

Unapproved

In the Council Chambers of the Showers City Hall on Wednesday, November 12, 2003 at 7:30 pm with Council President Gaal presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
November 12, 2003

Roll Call: Banach, Diekhoff, Ruff, Pizzo, Gaal, Rollo, Cole, Sabbagh, Mayer

ROLL CALL

Council President Gaal gave the Agenda Summation.

AGENDA SUMMATION

Gaal also said that a mass of remembrance would be held for former mayor and congressman Frank McCloskey on Saturday, November 15, 2003 at 1 pm at St. Paul's Church. He added that a celebration of McCloskey's life would follow at 3 pm at the Buskirk-Chumley Theatre.

LEGISLATION FOR SECOND  
READING

It was moved and seconded that the Ordinance 03-30 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Ordinance 03-30 be adopted.

Ordinance 03-30 To Establish the Unemployment Compensation Non-Reverting Fund for Civil City (Non-Utility) Departments

Daniel Grundmann, Director of Employee Services, explained that a municipality was an "unreimbursed employer," one which would directly reimburse the state when an unemployment claim was made. This is unlike a private sector employer that pays into an unemployment insurance fund on a continual basis. He said that budgeting for unemployment uses predictive elements to come up with numbers for line 124, Category 1. He added that if smaller departments would have an employee leave and collect unemployment, they probably wouldn't be able to pay the unemployment benefit for more than a month with our present system.

Grundmann said that this legislation would allow the city to do predictive budgeting for this category. He said .3% of the compensation budgets from city departments along with 2.5% from the Parks and Street department would be added together. He said that by pooling this money into a non-reverting fund at the beginning of each year, it would become a big pool of dollars for all departments to use. He said if a smaller department needed funds for this purpose, the fund would be less vulnerable than funding this purpose itself. Grundmann said he didn't anticipate that additional money would need to be added to the fund.

Mayer asked about this line in future departmental budgets, whereby Grundmann said it would appear the same as it did this year. He said the transfers would be made at the beginning of each year when each department would transfer the appropriate amount from their line to the proposed fund.

Ordinance 03-30 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the Ordinance 03-31 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Ordinance 03-31 be adopted.

Ordinance 03-31 To Amend  
Ordinance 01-19 Which Established  
the Rainy Day Fund

Tom Guevara, Controller, said this ordinance would modify the existing rainy day fund ordinance. He recalled that Bloomington was the first city in the state to take advantage of the opportunity created by passage of enabling legislation in the General Assembly. He said that \$1.643M

had been deposited in the fund, equal to 7.75% of general fund revenues. He said this was a good amount to have set aside for fiscal emergencies. He said that the last session of the General Assembly modified the Rainy Day fund in two separate pieces of legislation. First, is that the city needs to state the source of revenues from which the Rainy Day Fund will derive its revenue. He said that any dormant fund that has had its revenue derived from property taxes must deposit its funds into the general fund or the rainy day fund by order of the council. Most of the funds from which we use property taxes are for more general purposes. Supplemental distribution of county option income tax now, according to state law, must be deposited into the rainy day fund.

New state laws also dictate that deposits must be made after the end of the fiscal year, but before March 1 of the subsequent year. He said this was compressing the time frame regarding the close of books after the year end.

He said that the other stricture was that the city may not transfer more than 10% of the annual budget in any given year. He added that this probably would not be a problem, since with our \$50M+ budget this scenario would be unlikely to occur.

Still required is the identification of purposes for which the money must be used, and also the council must pass an appropriation ordinance to disburse monies from this fund.

Mayer asked if money from both the state and county could be deposited into the fund. Guevara said as long as the funds were derived in whole or in part from property taxes, they could be deposited into the Rainy Day fund. Mayer asked if the distribution of monies from the county would be timely with a March deadline for transfers. Guevara said that was just the timeframe for making transfers, and that the money flow begins in April and continues on a monthly basis for the rest of the year. Supplemental distributions must be deposited in the Rainy Day fund.

Rollo asked if there was a targeted balance for the fund. Guevara said from 10-15% of the general fund would be the target. Cole asked if any money had been used from the fund. Guevara said that there had only been deposits into the fund, and that the proceeds were being invested.

Cole asked Guevara to outline the benefits of the fund. Guevara said it was more than a savings account: It helped with cash flow, and helped with conditions of finance to improve credit rating which in turn would lower interest costs. He said lending institutions and the general public would consider the fact that these funds would be kept clearly segregated in a separate fund to be better fiscal management.

Rollo asked if the reassessment error could have been covered by the rainy day fund. Guevara gave the amounts the error probably would have cost the city and the balance of the fund that would have covered such loss.

Ordinance 03-31 received a roll call vote of Ayes: 9, Nays: 0.

The meeting was adjourned at 7:55 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Gaal, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington