

CITY OF BLOOMINGTON
PARKING COMMISSION
REGULAR MEETING PACKET
NOVEMBER 2018

Thursday, November 29, 2018
Hooker Conference Room
5:30 PM — 7:30 PM

Next Regular Meeting: December 13 Hooker Room, City Hall, 5:30 — 7:00 PM

Packet Related Material

Meeting Agenda

Proposed changes to Title 15 Ordinance 18-XX (Staff)

Parking Resolution 18-02 – 4th Street and Trade's District Garages

- RDC Packets
- TCO Estimate
- Correspondence with Council

Parking Resolution 18-03 – To Amend the Commission's ByLaws

- Strikeout version of ByLaws as adopted 3/27/18

Parking Resolution 18-04 – Trades District Parking Plan –

- Report from Amir Farshchi

Parking Resolution 18-05 – Evolve Parking Plan

- Report from Beth Rosenbarger/Liz Carter
- Map of area

Parking Resolution 18-06 – West 6th Street Parking Plan

- Report from Beth Rosenbarger/Liz Carter
- Maps of area

Parking Resolution 18-07 – Schedule of 2019 Meetings

- Recap of meeting day/time, location, and duration survey

Parking Resolution 18-08 – To Recommend Guidelines for Neighborhood Zones

Updates on BCC Ordinance 18-11

- Memo from Raye Ann Cox of Parking Enforcement
- Comments submitted by the public

Conflict of Interest Disclosure

Holiday Invite

MEMO

From: Jim Blickensdorf
To: Parking Commissioners
Date: November 25, 2018
Re: **November Meeting Agenda**

I. Discussion of Topics Not the Subject of Resolutions

Proposed Changes to Title 15

Staff has prepared a Title 15 Ordinance originating from Traffic Commission. This Ordinance is scheduled for the December 5/12/19 cycle. The majority of the ordinance deals with Traffic and Parking controls, however, the following parking issues are included in the draft ordinance language and were not recommended by the commission:

- ▶ Sections 14/15: All outstanding debts must be paid prior to the issuance of a residential zone or all-zone permit.
- ▶ Section 16: Authorizes the garage manager to charge a daily rate of no-more-than 410 per day.
- ▶ Section 16: Authorizes the garage manager to issue 5/12 non-reserved permits for any twelve hour period, rather than 6a-6p as specified by Ordinance 18-11.

II. Discussion of Resolutions for First Reading and Discussion

Parking Resolution 18-02 – Fourth Street and Trade’s District Garages

Council will revisit the issue of bonds for the Fourth Street and Trade’s District garages again on December 5th. I’ve attached excerpts from the RDC’s October packets that include the original resolution and amended bond resolution that was forwarded to Council.

Please also find memos from Cm. Volan that outline the true costs of the garages. Although we normally take two meetings to adopt a resolution, our by-laws permit consideration in one meeting by unanimous consent.

Cm. Volan has asked that the meeting be scheduled for two hours, so that we can have a full discussion of the garage issue as well as introduce the other items on the agenda.

Parking Resolution 18-03 – To Amend the Commission's By-Laws

Resolution 18-02 proposes the following changes to our by-laws:

- ▶ Corrects I.8, Failure to Appoint, to conform with state law.
- ▶ Clarifies the phrase “serving Members” by changing the language to “duly appointed Members.”
- ▶ Replaces “she/he” with “they”
- ▶ Proposes that resolutions be adopted in one reading, except for by-law changes which still require two reading

Parking Resolution 18-04 – Trades District Parking Plan

Amir has summarized ESD’s request for regulation in the Trade’s district. The plan calls for the installation of seven multi-space meters, seven single-space meters installed in ADA spaces, signage and installation for a total of \$65,000.

This amount was not anticipated in 2019 budget request and would require an additional appropriation.

Parking Resolution 18-05 – Evolve Parking Plan

P&T seeks the commission’s input on on-street parking adjacent to and required by the Evolve development located at 17th & Dunn. The developer has asked for time-controlled parking enforcement, loading zones, and dedicated spaces for their leasing office.

The Commission should thoughtfully consider the developers request in the context of the draft Transportation plan, Desman study, and the framework we’ve established which values sharability and turnover of spaces. The commission recognizes parking as an important public asset that should be allocated equitably to support the economic and social health the whole community. The city’s Comprehensive Plan promotes alternate modes and transit, and the commission’s authorizing legislation requires the commission to work towards that goal.

Allocating public, on-street parking spaces to a for-profit entity would establish a dangerous precedent. The developer controls substantial off-street parking, and could choose to allocate spaces in their garage for prospective tenants. Resolution 18-05 recognizes the need for parking controls in the area of 18th and North Dunn, and proposes high-security, covered bicycle parking in the angled parking in lieu of reserved spaces for the developer’s leasing office.

A letter from staff seeking guidance and site plans for the Evolve development are attached.

Parking Resolution 18-06 – West 6th Street Parking Plan

Ms. Benham, a resident of West 6th Street, petitions P&T to remove “no parking” restrictions on West 6th Street. She states that she has no off-street parking available, and P&T confirms that only 2 blocks of West 6th Street are controlled in this manner.

Liz Carter of P&T has attached a memo indicating support for this change. I ask for unanimous consent to consider this resolution in one meeting so that it can be included in staff’s December Title 15 omnibus.

Staff report, a letter from Ms. Benham, and maps of the location are attached.

Parking Resolution 18-07 – Schedule of 2019 Meetings

I’ve included the raw data from the online survey, with the exception of emails/phone numbers. The commission roster will be distributed at the meeting. 77% of respondents indicated a preference for the status quo, limiting meetings to no-more-than 90 minutes, and holding work sessions only as/if required.

The schedule of 2019 meetings is attached and may be amended during our discussion.

Parking Resolution 18-08 – To Specify Guidelines to Create or Extend Neighborhood Zone Boundaries

No formal process to create or extend the boundaries of a NZ exist in the city code. We are well aware of the costs of signing, enforcing and educating residents. The attached guidelines are best-practices from representative cities and will serve as a starting point for our discussion, as we formalize the process.

Updates on BCC Ordinance 18-11

A memo from Raye Ann Cox of Parking Enforcement outlines the work she’s doing to prepare for the January 1 implementation of 18-11.

Comments submitted by the public

Since Council adopted 18-11, members of the public have continued to send comments to city offices and members of council. For the record and for your consideration, I am attaching the comments forwarded to me via email.

Conflict of Interest Disclosure

I'm including a copy of my conflict of interest form submitted to legal and council, and disclosing the conflict to the commission. If you believe you have a conflict of interest or need to declare, please contact Barbara McKinney at City Legal via mckinneb@bloomington.in.gov.

Commission Schedule and Parking Festivus

Our regular December meeting will be moved to December 13th at 5:30 pm. Following a brief meeting, I invite you to reconvene with your partner at Grazie for light apps and drinks . No feats of strength or hurling of insults, please. Special prize awarded to the commissioner with the ugliest holiday sweater.

Our first January meeting will be on January 10th in the Hooker Room.

CITY OF BLOOMINGTON

PARKING COMMISSION

REGULAR MEETING AGENDA

November 29, 2018, 5:30 PM — 7:30 PM

Hooker Room, City Hall

- I. Call to Order
- II. Reports from Commissioners & City Offices
- III. Public Comment
- IV. Discussion of Topics Not the Subject of Resolutions
 - A. Proposed Changes to Title 15
- V. Discussion of Resolutions for First Reading and Discussion
 - A. **Parking Resolution 18-02** – *To Report to Council Recommendations on the 4th Street and Trade's District Garages*
 - B. **Parking Resolution 18-03** – *To Amend the Commission's By-Laws*
 - C. **Parking Resolution 18-04** – *Trades District Parking Plan*
 - D. **Parking Resolution 18-05** – *Evolve Parking Plan*
 - E. **Parking Resolution 18-06** – *West 6th Street Parking Plan*
 - F. **Parking Resolution 18-07** – *Schedule of 2019 Meetings*
 - G. **Parking Resolution 18-08** – *To Specify Guidelines to Create or Extend Neighborhood Zone Boundaries*
- VI. Member Announcements
- VII. Commission Schedule
- VIII. Adjournment

Auxiliary aids for people with disabilities are available upon request with advance notice.
Please call **(812) 349-3429** or e-mail human.rights@bloomington.in.gov.

Next Regular Meeting: December 13, 5:30 PM; Deadline for regular meeting packet material is December 4

MEMO

TO: City of Bloomington Common Council

From: Scott Robinson, Assistant Director, Planning and Transportation

Barbara E. McKinney, Assistant City Attorney

DATE: 11/9/2018

RE: Ordinance 18-____, Updates to Title 15 of the Bloomington Municipal Code

The attached ordinance contains changes to Title 15 of the Bloomington Municipal Code that have been recommended by Planning and Transportation staff, the Traffic Commission and Parking Enforcement staff, with input and review from the Legal Department.

The first change is to amend BMC 15.08.040 to change the duration of temporary, experimental or emergency traffic regulations from 90 days to 180 days. This will give Planning and Transportation staff more time to evaluate the merits of temporary changes. This change also expands the time frame for staff to make recommendations to the common council for changes in traffic regulations from 60 days to 180 days. This will give staff more time to prepare amendments to the BMC.

The ordinance also proposes a number of changes concerning stop intersections, traffic calming locations, speed limits, angle parking, limited parking and no parking zones, bus zones and on-street metered parking, including the following:

--Amending Schedules A and B of BMC 15.12.010 to make additions and deletions to stop and multi-stop intersections;

--Amending Schedule I of BMC 15.2.020 to add or edit increased or decreased speed limits in several locations;

--Amending Schedule J-1 of BMC 15.26.040 to add several traffic calming locations;

--Amending Schedule L of BMC 15.32.030 to add an additional angle parking location;

--Amending Schedule M of BMC 15.32.080 to add, edit or delete a number of no parking zones;

--Amending Schedule N of BMC 15.32.090 to add two limited parking zones;

--Amending Schedule P of BMC 15.32.110 to add an additional bus zone; and
--Amending Schedule U of BMC 15.40.010 to add on street metered parking in the Trades District.

The ordinance proposes eliminating the current language of 15.32.150, "Accessible Parking for Persons with Physical Disabilities." Instead of having a schedule of accessible parking spaces in the BMC, with each change to the schedule having to be approved by the Common Council, the ordinance proposes allowing the Transportation and Traffic Engineer or his or her designee to designate accessible parking spaces on public streets and in City parking facilities. The Transportation and Traffic Engineer will designate accessible parking spaces in accordance with the Americans with Disabilities Act, as amended, and with the Public Rights of Way Accessibility Guidelines, as amended. This change will allow the City to respond more quickly to requests for accessible parking or changing circumstances.

The ordinance proposes changes to 15.37.040 and 15.37.190, providing that applicants for residential neighborhood parking permits or for all-zone permits will be denied permits if they owe outstanding debts to the City, including for parking violations. This change will help the City collect on outstanding debts.

And finally, the ordinance proposed three changes to 15.40.020. One allows the new parking services director, instead of the board of public works, to modify the hourly parking charges in municipal lots and garages in conjunction with special events and promotional activities. It also allows the parking services director to impose a daily rate of no more than \$10.00 a day for parking when equipment is non-functional. This will allow parking garages to continue to function when equipment is not working. And finally, it changes the current time period for nonreserved monthly parking permits from 6 a.m. to 6 p.m. to any 12-hour period. This will allow people who work second shifts to buy 12-hour passes instead of 24/7 passes.

These changes would go into effect after passage by the Common Council, approval by the mayor, any required publication and any other promulgation if necessary.

ORDINANCE 18-

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED "VEHICLES AND TRAFFIC"**

WHEREAS, the Traffic Commission and City staff from the Planning and Transportation, Parking Enforcement and Legal departments and from the City Clerk’s office recommend certain changes be made in Title 15 of the Bloomington Municipal Code entitled “Vehicles and Traffic,”

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

SECTION 1. Section 15.08.040, “Temporary, experimental or emergency traffic regulations” shall be amended by changing the reference to ninety days in 15.08.040(a) to one hundred and eighty days and by changing the reference to sixty days in 15.08.040(b) to one hundred and twenty days.

SECTION 2. Section 15.12.010, Schedule A, “Stop Intersections” shall be amended to add and delete the following:

Additions to Schedule A

| TRAFFIC ON | SHALL STOP FOR TRAFFIC ON |
|----------------|---------------------------|
| Clark Street | Seventh Street |
| Wylie Street | Hawthorne Drive |
| Tenth Street | Rogers Street |
| Trades Street | Rogers Street |
| Trades Street | Madison Street |
| Madison Street | Tenth Street |
| Madison Street | Eleventh Street |

Deletion to Schedule A

| TRAFFIC ON | SHALL STOP FOR TRAFFIC ON |
|-----------------|---------------------------|
| Hawthorne Drive | Wylie Street |

SECTION 3. Section 15.12.010, Schedule B, “Multi-Stop Intersections” shall be amended to delete the following:

Deletion to Schedule B

| MULTI-STOP INTERSECTIONS | |
|-------------------------------|-------|
| Clark Street & Seventh Street | 4-way |

SECTION 4. Chapter 15.24.020, Schedule I, “Increased or Decreased Speed Limits” shall be amended to add or edit the following:

Addition to Schedule I

| STREET | FROM | TO | POSTED SPEED |
|----------------|--------------------|------------------|--------------|
| College Avenue | Dodds Street | Eleventh Street | 20 |
| College Avenue | Seventeenth Street | SR 45/46 | 40 |
| Walnut Street | Seventeenth Street | Blue Ridge Drive | 40 |
| Walnut Street | Dodds Street | Eleventh Street | 20 |
| Tenth Street | Rogers Street | Morton Street | 20 |
| Tenth Street | Walnut Street | 45/46 Bypass | 30 |
| Madison Street | Tenth Street | Eleventh Street | 20 |
| Trades Street | Rogers Street | Madison Street | 20 |

SECTION 5. Chapter 15.26.040, “Traffic calming locations” shall be amended by adding the following:

Addition to schedule J-1

| STREET | FROM | TO | TYPE OF DEVICE |
|--------------|-------------------|------------------|------------------------------------|
| Allen Street | Washington Street | Lincoln Street | Speed Cushion and Street Narrowing |
| Allen Street | Lincoln Street | Grant Street | Speed Cushion and Street Narrowing |
| Allen Street | Grant Street | Palmer Avenue | Speed Cushions (2) |
| Allen Street | Palmer Avenue | Dunn Street | Speed Cushions (2) |
| Allen Street | Dunn Street | Henderson Street | Street Narrowing |

Section 6. Chapter 15.32.030, “Angle Parking,” shall be amended by adding the following:

Addition to Schedule L

| ANGLE PARKING | | | | |
|---------------|-------------|------------------------------|----------------|------------|
| STREET | FROM | TO | SIDE OF STREET | ANGLE TYPE |
| Eighteenth | Dunn Street | 100 feet west of Dunn Street | South | Pull-in |

SECTION 7. Chapter 15.32.080, Schedule M, “No Parking Zones” shall be amended to add and/or edit the following:

Additions and/or edits to Schedule M

| STREET | FROM | TO | SIDE OF STREET | TIME OF RESTRICTION |
|-------------------|---------------------------------|---|----------------|---------------------|
| Eleventh Street | Morton Street | 40° feet east of Eleventh Street | North | Anytime |
| Rogers Street | Third Street | Thirteenth Street | East | Anytime |
| Martha Street | SR 45/46 | Dead End | West/South | Anytime |
| Washington Street | Grimes Lane | Dixie Street | East | Anytime |
| Washington Street | Dixie Street | First Street | West | Anytime |
| Washington Street | First Street | Fourth Street | East | Anytime |
| Forrest Avenue | Tenth Street | Dead End | East/West | Anytime |
| Southern Drive | Walnut Street | 450°feet east of Walnut Street | South | Anytime |
| Washington Street | 19 th Street | 100 feet north of 20 th Street | East | Anytime |
| Sixth Street | Maple Street | 40° feet west of Maple Street | North | Anytime |
| Walnut Grove | Eleventh Street | Seventeenth Street | East/West | Anytime |
| Eighteenth Street | 150 feet east of Lincoln Street | Lincoln Street | North/South | Anytime |
| Grant Street | Eighteenth Street | Nineteenth Street | East | Anytime |

SECTION 8. Chapter 15.32.080, Schedule M, “No Parking Zones” shall be amended by deleting the following:

Deletions to Schedule M

| NO PARKING ZONES | | | | |
|------------------|-----------------|----------------------------|----------------|---------------------|
| STREET | FROM | TO | SIDE OF STREET | TIME OF RESTRICTION |
| Rogers Street | Kirkwood Avenue | Sixth Street | East | Anytime |
| Rogers Street | Third Street | 145’ North of Third Street | East | Anytime |
| Twelfth Street | Illinois Street | Monroe Street | South | Anytime |
| Washington | Second Street | 1 st driveway | West | Anytime |

| | | | | |
|-------------------|--------------|----------------------------|------|---------|
| Street | | North of Second Street | | |
| Washington Street | Smith Avenue | 125° South of Smith Avenue | West | Anytime |

SECTION 9. Chapter 15.32.090, “Limited Parking Zones” shall be amended by adding the following:

Amendment to Schedule N

| LIMITED PARKING ZONES | | | | |
|-----------------------|-------------------------|-----------------------------|----------------|------------|
| STREET | FROM | TO | SIDE OF STREET | LIMIT |
| Cottage Grove Avenue | Woodlawn Avenue | 75’ East of Woodlawn Avenue | North | 15 Min (6) |
| Washington Street | 80’ N. of Second Street | 200’ N. of Smith Avenue | West | 2 Hr. (2) |

SECTION 10. Section 15.32.110, Schedule P, “Bus Zones” shall be amended by adding the following:

Addition to Schedule P

| STREET | FROM | TO | SIDE OF STREET | TIME OF RESTRICTION |
|-------------------|---------------|-----------|----------------|---------------------|
| Washington Street | Second Street | 80’ North | West | All time |

SECTION 11. Chapter 15.40.010, “Locations” Schedule U, On Street Metered Parking, shall be amended by adding the following:

Addition to Schedule U

| STREET | FROM | TO | SIDE OF STREET | |
|----------------|---------------|-----------------|----------------|--|
| Tenth Street | Rogers Street | Morton Street | North/South | |
| Trades Street | Rogers Street | Madison Street | North/South | |
| Madison Street | Tenth Street | Eleventh Street | East/West | |

SECTION 12. Chapter 15.32.150, “Accessible Parking for Persons with Physical Disabilities” shall be deleted in its entirety and replaced with the following:

The Transportation and Traffic engineer or his/her designee shall designate accessible parking spaces for persons with physical disabilities on public streets and in municipal parking facilities. All such accessible parking shall be in compliance with regulations pursuant to the Americans with Disabilities Act, as amended, and with the Public Rights of Way Accessibility Guidelines, as amended. For metered or marked parking, the minimum requirement is one accessible parking space per 25 for every block face (all sides of a city block).

All accessible parking spaces within the two-hour limit parking zones, on-street metered areas, and City parking lots shall be limited to four (4) hours.

SECTION 13. Chapter 15.34.020 (b), “Parking for Person with Physical Disabilities Required” shall be amended by deleting the reference to Schedule S.

SECTION 14. Chapter 15.37.040, entitled “Eligibility” (for Residential Neighborhood Permit Parking) shall be amended by adding the following:

No Residential/Neighborhood Parking Permit will be issued until all outstanding debts related to the vehicle associated with the permit or with the vehicle’s owner owed to the City or any of its agencies have been paid. This includes, but is not limited to, all outstanding penalties for parking violations.

SECTION 15. Chapter 15.37.190, entitled “All-zone permits” shall be amended adding a new

section to 15.37.190 (c), as follows:

(4) The applicant has outstanding debts related to the vehicle associated with the permit or with the vehicle's owner owed to the City. This includes, but is not limited to, outstanding penalties for parking violations.

SECTION 16. Chapter 15.40.020, entitled "Applicable times and charges" shall be amended by deleting 15.40.020 (c) and replacing it with the following:

(c) The parking services director is authorized to alter or modify the hourly charge or method of payment for parking in all municipal parking lots and garages in conjunction with special events and promotional activities. The parking services director is also authorized to charge a daily rate of no more than \$10.00 per day of parking on days in which the equipment is non-functional.

The second column of Schedule V of Chapter 14.40.020, "Nonreserved permit per month" shall be amended by deleting the current times and replacing it with the following:

Admission 7 Days per Week Any 12-hour Period Per Day

SECTION 17. If any section, sentence or provision of this ordinance, or application thereof to any person, or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application 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 18. This ordinance shall be in effect after its passage by the Common Council and approval by the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2018.

-

DOROTHY GRANGER, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2018.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2018.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance amends Title 15, Vehicles and Traffic, of the Bloomington Municipal Code. It changes the current provisions allowing the transportation and traffic engineer or chief of police to make temporary, experimental or emergency traffic regulations for ninety days to 180 days, and the time for such changes to be recommended to the common council from sixty days to one hundred and twenty days.

It implements several changes in stop intersections, multi-stop intersection, speed limits, parking limits, traffic calming locations and bus zones. These changes have been implemented on a temporary basis pursuant to 90-day orders and have been shown to be effective.

The Ordinance changes the current practice of obtaining Common Council approval for each change in accessible parking. Instead, the Transportation and Traffic engineer, or his or her designee, will approve those changes in accordance with Americans with Disabilities Act regulations and with the Public Rights of Way Accessibility Guidelines, as amended.

This Ordinance denies Residential Neighborhood Parking Permits and All-Zone permits to applicants who have outstanding debts to the City.

And finally, it makes several changes to BMC 14.40.020, including authorizing the parking services director instead of the board of public works to modify parking fees for special events and to charge a daily rate of no more than \$10.00 a day for parking when equipment is not working, and to allow people with non-reserved monthly permits to park for any 12-hour period per day instead of the current 6 a.m. to 6 p.m. time period.

CITY OF BLOOMINGTON
PARKING COMMISSION

Parking Resolution 18-02

**To Report to Council Recommendations on the
Fourth Street Garage and Trade's District Garage**

WHEREAS, the City of Bloomington Common Council in November of 2016 adopted Ordinance 16-22 ("Ordinance") amending Title 2 of the Bloomington Municipal Code; and

WHEREAS, the ordinance created the Bloomington Parking Commission, whose primary purpose is to develop, implement, maintain and promote a comprehensive policy on parking that takes in account the entirety of, and furthers the objectives of, the city's comprehensive plan; and

WHEREAS, the Ordinance also directs the Commission to coordinate parking activities, to carry on educational activities in parking matters, to supervise the preparation and publication of parking reports, to receive comments and concerns having to do with parking matters, and to recommend to the common council and to appropriate city officials ways and means for achieving the city's comprehensive plan objectives through the administration of parking policies and enforcement of parking regulations; and

WHEREAS, the Commission has estimated the total cost of ownership which includes principle, interest and operating expense;

NOW THEREFORE BE IT RESOLVED that the Members of the Bloomington Parking Commission hereby authorize and direct members of the Executive Committee to report to the Common Council

1. The sentiment of the commission and results of the discussion, generally.
2. A recommendation on the Fourth Street Garage.
3. A recommendation on the construction of a Trade's District Garage.

#

APPROVED this ____ day of _____, 20 ____, by the Parking Commission, at a regular meeting of the Bloomington Parking Commission at which a quorum was present and voted.

We the below-signed, do hereby certify that the above is a true and correct copy of the resolution.

X _____
Chair, Parking Commission
Jim Blickensdorf, Council Appointee

X _____
Secretary, Parking Commission
Stephen Volan, Council Member

###

To: Jim Blickensdorf <jim@grazieitaliano.com>

Subject: Quote from budget packet on 4th St Garage

"Q112) Volan: You say the 4th St Garage may no longer be parked in January or February 2019. How was that time chosen -- can the garage not last until May? How will you provide parking while the garage is unavailable -- in the lot by the convention center?

A: Parkers will be placed at the Morton and Walnut Street Garages and the gsurface lots at and around the Convention Center, upon agreement with the Monroe County Commissioners.

A January start date is important for the overall project to begin. The best time for concrete pouring is from April-October. Moreover, actual demolition of the garages may not begin wuntil March-April as salvage and planning may be done in the months of January and February. Should garage closure begin in May, construction would not begin on the facility until June-July. This is only 3-4 months of actual consstruction time available due to weather conditions.

The garage is also in such a state of disrepair that significant reports must be made to extend the life of the garage, even by a few months, effectively closing the garage in January."

Response?

Stephen Volan

Member, District VI, Common Council

City of Bloomington, Indiana

+1 812 349 3409

Subject: Re: Comments on Res 18-24: why we should bond only the 4th St. Garage at this time
Date: Monday, October 29, 2018 at 4:42:20 AM Eastern Daylight Time
From: Stephen Volan
To: David Rollo
CC: Allison Chopra, Andy Ruff, Chris Sturbaum, Dorothy Granger, Isabel Piedmont, Jim Sims, Susan Sandberg, Dan Sherman, Stacy Jane Rhoads, Jeffrey Underwood

Colleagues -- Dave's request has me doing some math regarding the proposed parking garages. Here are my results.

#

WOULD TWO NEW GARAGES BE COST-EFFECTIVE?

1. Could Operating Revenues Cover the Current Annual Cost of Ownership (ACO) of Our Garages?

In 2016, the 1219 spaces in the three garages of our system (4th, Morton, Walnut) overall brought net operating revenue of \$403,300 (see 2016 Parking Commission Report (PCR) p. 35, "Program Balance"). Divided by 1219 spaces, the average space brought in \$331 in 2016. We'll use this figure later.

This does not count capital costs. The total project cost of the Walnut and Morton garages combined I estimate at \$19.45 million (2016 PCR, p. 38-39). Rather than thinking about our lease payments, which are being made over 30 years, let us consider the total expense of these spaces for 50 years. The total capital cost of those two garages is \$389,000 a year for 50 years.

These payments are being made by the TIF, but in theory, without TIF dollars our garage system just barely broke even in 2016, making total net revenues of about \$14,000. Pretty good on the surface.

However, this doesn't include 4th St. While it's "paid off," it's not really; we deferred maintenance on it and we'll have to pay a goodly sum to keep it open as is. Taking the administration's estimate of \$3.1 million to keep it open for 15 years, it's another \$207,000 a year.

The garage system, as it was before 2019, assuming a 50-year lifespan per garage, loses \$193,000 a year. It is being subsidized by TIF dollars.

2. Could Operating Revenues Cover the ACO of a Garage System with a Replacement 4th St Garage and a New Trades Garage?

I don't know how the TIF improves interest rates. I'm just looking at the packet, where Philippa Guthrie's memo says:

These two projects are estimated to cost approximately \$28 million. The cost of the 4th Street Garage is approximately \$16.2 million, in addition to \$750,000 for demolition, and other costs and fees. The Trades District Garage will cost approximately \$10.8 million, with an additional \$225,000 to cover costs and fees.

This bond issue will not exceed \$29.5 million and have a 22-year term with a maximum 6.00% interest rate. The bonds will be financed with revenue from the parking facilities and by TIF revenue as needed. The call date for the bonds will be no earlier than five years from the date of issuance.

a. Worst-case scenario: \$29.5M @ 6% interest = \$58.1M Total Project Cost over 50 years = \$1.162M a year

Let's assume that we have to fund the max amount at the max interest rate. The principal is \$29.5 million. Interest at 6% over 22 years adds another \$23.6 million, for \$53.1 million total. Each structured parking space we build would thus cost \$53,100. That does not include maintenance, exactly the kind that wasn't done on the current 4th St garage. Here's what DESMAN recommended, on p. 26 of their study:

It is not the City's current practice to set aside funds for necessary future capital repairs to the parking facilities or replacement of parking equipment. If, as DESMAN typically recommends, the City were to set aside \$100 per garage space, per year and \$25 per surface lot and on-street metered space, per year to fund these future costs, approximately \$165,000 per year would need to be set aside by the City.

\$100 per space times 1000 spaces is \$100,000, times 50 years is \$5 million. We're talking about \$58.1 million, or \$58,100 per space. Just to pay off the capital expenses, each space needs to bring in an average of \$1162 per year for 50 years.

b. Best-case scenario: \$25.675M @ 4.5% interest = \$45.5M Total Project Cost over 50 years = \$910K a year
It looks from the packet that they're expecting to spend less and get an interest rate of 4.5%. Over 22 years, \$25.675 million at 4.5% interest adds \$14.8 million. Add \$5 million in maintenance. Total cost of ownership of the facility is at least \$45.5 million, or \$45,500 per space. Just to pay off the capital expenses, each space needs to bring in an average of \$910 per year for 50 years.

c. Projected net operating revenue at 2016 rates = \$618K a year

There would be 867 spaces remaining in two garages, and 1000 new spaces at 4th and Trades. Let's say that each garage space, old or new, continues to generate \$331 a year in net operating revenue. Total annual net operating revenue would be $1867 \times \$331 = \$618K$.

d. Total annual cost of ownership: \$1.299M a year

The old garages (Morton, Walnut) still have a total ACO of \$389K a year. The new garages (4th, Trades), assuming the best-case scenario above, will have a total ACO of \$910K a year. That's \$1.299 million a year, assuming the garages all last 50 years.

3. How Would New Revenues from Ord 18-11 Improve the Bottom Line?

The fiscal impact of Ord 18-11 on garages is discussed in the Sept. 5 City Council Packet, On p. 226, Jim Blickensdorf estimates the increase in annual revenue at \$376K ("assuming 0 hours free," he wrote -- obviously not the case, but let's go with it for now). That figure assumed 1219 garage spaces, the current total, or \$309 per space per year in increased revenue.

But we will be taking down 352 and building 1000. Based on 1867 spaces, we can assume the increase in annual revenue across the whole garage system will be about \$577K.

CONCLUSIONS

We know from this analysis that **with the new permit rates, a 15-year, \$3.1 million repair of 4th St would result in an annual garage-system surplus of \$183K.**

Assuming garages that will last 50 years (and spreading the total project cost of each new garage over 50 years instead of 30 or 22), taking the \$618K of revenue pre-2019, increasing it by \$577K after the new garages are built, annual net operating revenue would be \$1.195 million. Total ACO would be \$1.299 million. **New garages as proposed would create an annual garage-system deficit of \$104K.** While Ord 18-11 has a cost-of-living escalator for permit rates, it's offset by operating expenses that will increase by the same cost of living. We could only kick the replacement of 4th St down the road 15 years.

In short, under the best-case scenario, for the garage system to be entirely self-liquidating so as to eliminate TIF subsidy, **if we build these garages, to eliminate the garage-system deficit our rates would need to go up another 9% right now, and we'd have to eliminate the one-hour-free parking altogether.** Costs per space are much higher than we guessed; interest rates are high too. If interest on these bonds goes higher than 4.5%, if costs run over, if revenues don't match these estimates, the deficit would be worse. This does not even consider whether increasing parking capacity so much has sustainability costs (induced car traffic and pollution, higher and better uses of land), or whether we want to use our bonding capacity to build other things instead of garages.

###

I would appreciate it if someone checked my work.

Best regards == Steve

Stephen Volan
Member, District VI, Common Council
City of Bloomington, Indiana
+1 812 349 3409

On Mon, Oct 29, 2018 at 1:12 AM Dave Rollo <rollod@bloomington.in.gov> wrote:

Steve,

What would the rate be if we were to pay for the Trades Park garage by revenues alone?

I assume that having the TIF as a backup provides us with better interest rates - correct?

-Dave

On Sun, Oct 28, 2018 at 3:08 PM Stephen Volan <volans@bloomington.in.gov> wrote:

All — Apparently my comments on 18-24 didn't make the packet. Here is some background on why I'm filing an amendment to remove the Trades District garage. Happy Sunday. == Steve

----- Forwarded message -----

From: **Stephen Volan** <volans@bloomington.in.gov>

Date: Fri, Oct 26, 2018 at 07:03

Subject: Comments on Res 18-24: why we should bond only the 4th St. Garage at this time

To: Dan Sherman <shermamd@bloomington.in.gov>, Stacy Jane Rhoads <rhoadss@bloomington.in.gov>

Colleagues -- I support the redevelopment of the 4th St. garage, if for no other reason than it provides an opportunity to return Walnut Street between 3rd and 4th to a true urban street through first-floor retail, just like our other two garages. However, I have asked for an amendment to be drawn up for Res. 18-24, cutting the Trades District garage out of the bond. I do not support bonding for a garage there at this time, for the many reasons below.

1. Data was misstated and exaggerated

The presentation of the proposal misrepresents and selectively reads the Desman study. For starters, data cited was backwards: 1500 spaces is the expectation of demand in the Trades District and 1200 near the Convention Center, not the other way around as Mr. Crowley or Mr. Wason said. The administration on Wednesday verbally summarized this "need" as "2700 spaces," lumping them together, and in so doing, claiming an undue urgency for the Trades District garage by associating it with the urgency to replace the 4th Street garage.

Regarding the 1200 spaces "needed" near the Convention Center, neither Council nor the RDC were told that Desman expects (Sec. 6.2.2) only 700 net new parking spaces there, that 500 were already available. And it doesn't take into account for how many of those will be provided by the new 4th St. Garage.

2. Estimate of cost of a structured parking space has mysteriously shrunk

The amount the administration had been estimating as the cost of a structured parking space was \$27,000. (I know this because it was their figure I cited less than a week ago to draw up the initial Reasonable Condition 5 to Ord 18-14, the Century Village PUD, which had structured parking that I want to see cut.) In their presentation Wednesday, the administration's estimate per garage space was now \$24,000. Where did these numbers come from, and why did it change?

3. Assertions of "demand" were misstated as "need"

The administration specifically claims a "need" for 1500 spaces to justify building 400 spaces in the Trades District now. The Desman study uses this phrase (emphases mine): "demand once fully developed (as much as 1500 spaces)" (p. 28). Desman says on the same page, "Of course, as the development progresses, there will be ample opportunity to revisit the parking needs [sic] based on the characteristics of the on-site tenants and the amount of private parking being provided on-site." Desman throughout its study recommends the city manage demand for parking. Demand is different than need -- we expect people to pay for the things they demand.

4. The Parking Commission was not consulted

While the 4th Street Garage problem has been discussed by the Parking Commission before the administration brought it up, a Trades District Garage bond has not been contemplated by or presented to the Commission. Even though this bond is three times larger than the three trails-

bond proposals, the Commission was not consulted at all.

5. Expense of bonding the Trades garage separately is the equivalent of only 8 new spaces

Let those who would build come and present their plans for private parking -- what we ask every other developer to do. Let us then ask what they will do to actively decrease demand for car travel. It doesn't have to go to zero, but we also don't have to be the providers of a gold-plated space for every employee of this zone. (It was supposed to be a live-work zone for at least some employees.)

The cost of issuing a bond for a Trades District garage separately is 8 to 9 parking spaces (at \$27,000/space). Before borrowing the money to build 400 spaces now -- when there won't be anything else there "needing" it until at least four years from now -- it's absolutely worth it to wait to figure out what the actual "need" will be.

6. Construction of garages by the city is mentioned nowhere in the Comprehensive Plan

The Comp Plan does not say the city needs to build parking to attract development. It does not say that the city should be building garages. Nowhere in the chart that describes the programs the city should undertake regarding transportation (on p. 124) does it say that structured parking is a necessity to be built by anyone.

That same chart recommends these two programs: "Regularly examine parking demand, utilization, and alternatives in the Downtown area and City-wide... Develop a Parking Management Program for the Downtown area that supports downtown businesses while encouraging a walkable, urban core." (Comp Plan p. 124) Where is that plan?

7. No plan to manage transportation demand

The administration is attempting to increase capacity in an area before developers have decided how much parking they will build privately. If anything, developers are demanding that the city build the parking for them. Desman clearly recommends a different course of action (emphases mine):

Section 6.3: "As downtown Bloomington continues to develop, the City should have a definitive policy regarding the provision of parking." (Desman p. 29)

"1.e. Over the long-term, if the City continues the policy of providing most of the parking downtown, there may be a need for additional facilities, unless demand for parking is reduced. There are a number of transportation demand management techniques which may be used to reduce parking demand in downtown Bloomington." (Desman p. 29)

The administration has come with this sudden proposal while having yet to write a plan to reduce demand for parking in the Trades District. This is what a TDM policy would look like (emphases mine):

Multi-modal transportation planning is an essential component of Transportation Demand Management (TDM). Many communities including Bloomington and the Indiana University-Bloomington campus pursue TDM, which is the application of strategies and policies to reduce travel demand, or to redistribute this demand in space or in time. Managing demand can be a cost-effective and environmentally friendly alternative to increasing capacity, both for vehicle movement (traffic lanes and streets), and for parking. (Comp Plan p. 68)

8. Use cheaper methods short-term to gauge demand

"Land dedicated to parking should be minimized by building, preferring multi-story parking garages to surface parking lots, and by encouraging active transportation (bicycling and walking)." (Comp Plan p. 86)

While this clause appears to prioritize garages over lots, this preference does not apply in a greenfield. If the demand for parking must be addressed by the city, in the short term let us create gravel or paved lots first, and establish a downtown shuttle to allow cheaper parking farther afield. Both would be substantially cheaper than this garage.

9. Determine what parking developers will build first

A more efficient way to build the parking is to let the companies build their own as they need it, as Desman notes the residential projects in this area are doing, and Tasus will be doing with a surface lot when it opens.

Given the uncertainties over design of the parcels, the number of on-site spaces being provided and the timing of the various pieces of the development, we have assumed that the TASUS development would be completed by 2020 and then one third of the remaining development would be completed and occupied every other year. (Desman p. 28)

Desman notes that 500 spaces is an estimate for 150,000 SF and 30,000 SF of retail. These private spaces should be subject to maximums, not minimums. What is the administration planning to do to require corporate occupants of the Trades District to implement their own management of transportation demand? If it will take 18-24 months to demolish and rebuild the 4th St garage, it won't take any longer to build one in the Trades District new. This gives the administration until 2020 to research and develop a more detailed plan for one, and still hit their would-be target, but after doing more thorough consulting, they'll find the result will be less or no "need" for city-built structured parking.

10. Parking should pay for itself or it generates unsustainable outcomes

We should build no new garages that cannot pay for themselves through revenues alone. TIF revenue for garages would be a subsidy for parking, period. It goes against the principles on which the Parking Commission was founded, and on which Ordinance 18-11 was just passed. Our goal should be to build no new publicly-owned parking, and to limit the amount of parking that can be privately built.

Conclusion

The proposal for the Trades District garage is premature, and its presentation in this rushed manner, with vague data and empty claims of

"need," goes against the recommendations of Desman, the policies of the Comp Plan, and the best interests of the city. Proposing a new garage before writing a TDM plan is an irresponsible use of borrowed capital dollars.

That a garage might be built as convertible space is not a good enough reason to build it -- if this is truly a "Bicentennial Bond," as the Mayor has liked to style it, these dollars should be going to build buildings that will last 200 years, not 50. This may be "economic" development, but building structured parking that induces private vehicle miles traveled is in no way "sustainable" development anywhere.

###

Stephen Volan
Member, District VI, Common Council
City of Bloomington, Indiana
+1 812 349 3409

--

Stephen Volan
Member, District VI, Common Council
City of Bloomington, Indiana
+1 812 349 3409

| | 7th Street | Morton |
|--------------------|------------|-----------|
| princ | 5.60 | 7.31 |
| int rate | 6.98% | 5.77% |
| term | 30 | 30 |
| interest | 11.73 | 12.65 |
| total | 17.33 | 19.96 |
| annual dev contrib | 0.10 | |
| total | 3.00 | |
| other | 0.49 | |
| net | 14.82 | 19.96 |
| spaces | 366 | 521 |
| CPS | \$ 40,492 | \$ 38,319 |
| 50 yr maint | 3.10 | 4.41 |
| Total | 17.92 | 24.37 |
| CPS | \$ 48,950 | \$ 46,777 |

Maintenance Costs

| Year | Maintenance Cost | 7th Street Costs | Morton Street Costs |
|------|------------------|------------------|---------------------|
| 1 | \$ 100 | \$ 36,600 | \$ 52,100 |
| 2 | \$ 102 | \$ 37,332 | \$ 53,142 |
| 3 | \$ 104 | \$ 38,079 | \$ 54,205 |
| 4 | \$ 106 | \$ 38,840 | \$ 55,289 |
| 5 | \$ 108 | \$ 39,617 | \$ 56,395 |
| 6 | \$ 110 | \$ 40,409 | \$ 57,523 |
| 7 | \$ 113 | \$ 41,218 | \$ 58,673 |
| 8 | \$ 115 | \$ 42,042 | \$ 59,847 |
| 9 | \$ 117 | \$ 42,883 | \$ 61,043 |
| 10 | \$ 120 | \$ 43,740 | \$ 62,264 |
| 11 | \$ 122 | \$ 44,615 | \$ 63,510 |

| | | | | | | |
|-------|----|-----|----|-----------|----|-----------|
| 12 | \$ | 124 | \$ | 45,507 | \$ | 64,780 |
| 13 | \$ | 127 | \$ | 46,418 | \$ | 66,075 |
| 14 | \$ | 129 | \$ | 47,346 | \$ | 67,397 |
| 15 | \$ | 132 | \$ | 48,293 | \$ | 68,745 |
| 16 | \$ | 135 | \$ | 49,259 | \$ | 70,120 |
| 17 | \$ | 137 | \$ | 50,244 | \$ | 71,522 |
| 18 | \$ | 140 | \$ | 51,249 | \$ | 72,953 |
| 19 | \$ | 143 | \$ | 52,274 | \$ | 74,412 |
| 20 | \$ | 146 | \$ | 53,319 | \$ | 75,900 |
| 21 | \$ | 149 | \$ | 54,386 | \$ | 77,418 |
| 22 | \$ | 152 | \$ | 55,473 | \$ | 78,966 |
| 23 | \$ | 155 | \$ | 56,583 | \$ | 80,546 |
| 24 | \$ | 158 | \$ | 57,715 | \$ | 82,156 |
| 25 | \$ | 161 | \$ | 58,869 | \$ | 83,800 |
| 26 | \$ | 164 | \$ | 60,046 | \$ | 85,476 |
| 27 | \$ | 167 | \$ | 61,247 | \$ | 87,185 |
| 28 | \$ | 171 | \$ | 62,472 | \$ | 88,929 |
| 29 | \$ | 174 | \$ | 63,721 | \$ | 90,707 |
| 30 | \$ | 178 | \$ | 64,996 | \$ | 92,522 |
| 31 | \$ | 181 | \$ | 66,296 | \$ | 94,372 |
| 32 | \$ | 185 | \$ | 67,622 | \$ | 96,259 |
| 33 | \$ | 188 | \$ | 68,974 | \$ | 98,185 |
| 34 | \$ | 192 | \$ | 70,354 | \$ | 100,148 |
| 35 | \$ | 196 | \$ | 71,761 | \$ | 102,151 |
| 36 | \$ | 200 | \$ | 73,196 | \$ | 104,194 |
| 37 | \$ | 204 | \$ | 74,660 | \$ | 106,278 |
| 38 | \$ | 208 | \$ | 76,153 | \$ | 108,404 |
| 39 | \$ | 212 | \$ | 77,676 | \$ | 110,572 |
| 40 | \$ | 216 | \$ | 79,230 | \$ | 112,783 |
| 41 | \$ | 221 | \$ | 80,814 | \$ | 115,039 |
| 42 | \$ | 225 | \$ | 82,431 | \$ | 117,340 |
| 43 | \$ | 230 | \$ | 84,079 | \$ | 119,686 |
| 44 | \$ | 234 | \$ | 85,761 | \$ | 122,080 |
| 45 | \$ | 239 | \$ | 87,476 | \$ | 124,522 |
| 46 | \$ | 244 | \$ | 89,225 | \$ | 127,012 |
| 47 | \$ | 249 | \$ | 91,010 | \$ | 129,552 |
| 48 | \$ | 254 | \$ | 92,830 | \$ | 132,143 |
| 49 | \$ | 259 | \$ | 94,687 | \$ | 134,786 |
| 50 | \$ | 264 | \$ | 96,581 | \$ | 137,482 |
| Total | | | \$ | 3,095,606 | \$ | 4,406,587 |

4th Sreet TCO

| Spaces | | 600.00 | \$/SPace | | \$ 24,000.00 | Interest Rate | | 5% | |
|---------|--------------|--------|-------------|------------------|-----------------|------------------|----------------|--------|---------------|
| Year | OpEx | | Maintenance | Principle | Interest | Total | Cost Per Space | | |
| 1 | \$ 691.00 | \$ | 100.00 | \$396,657.30 | \$648,000.00 | 1,519,257.30 | 2,532.10 | | |
| 2 | \$ 704.82 | \$ | 100.00 | \$414,506.88 | \$630,150.42 | 1,527,549.30 | 2,545.92 | | |
| 3 | \$ 718.92 | \$ | 100.00 | \$433,159.69 | \$611,497.61 | 1,536,007.14 | 2,560.01 | | |
| 4 | \$ 764.83 | \$ | 100.00 | \$452,651.88 | \$592,005.43 | 1,563,555.30 | 2,605.93 | | |
| 5 | \$ 780.13 | \$ | 100.00 | \$473,021.21 | \$571,636.09 | 1,572,733.26 | 2,621.22 | | |
| 6 | \$ 795.73 | \$ | 100.00 | \$494,307.17 | \$550,350.14 | 1,582,094.78 | 2,636.82 | | |
| 7 | \$ 811.64 | \$ | 100.00 | \$516,550.99 | \$528,106.31 | 1,591,643.53 | 2,652.74 | | |
| 8 | \$ 827.88 | \$ | 100.00 | \$539,795.78 | \$504,861.52 | 1,601,383.26 | 2,668.97 | | |
| 9 | \$ 844.43 | \$ | 100.00 | \$564,086.59 | \$480,570.71 | 1,611,317.78 | 2,685.53 | | |
| 10 | \$ 861.32 | \$ | 100.00 | \$589,470.49 | \$455,186.81 | 1,621,450.99 | 2,702.42 | | |
| 11 | \$ 878.55 | \$ | 100.00 | \$615,996.66 | \$428,660.64 | 1,631,786.86 | 2,719.64 | | |
| 12 | \$ 896.12 | \$ | 100.00 | \$643,716.51 | \$400,940.79 | 1,642,329.45 | 2,737.22 | | |
| 13 | \$ 914.04 | \$ | 100.00 | \$672,683.76 | \$371,973.55 | 1,653,082.89 | 2,755.14 | | |
| 14 | \$ 932.32 | \$ | 100.00 | \$702,954.52 | \$341,702.78 | 1,664,051.40 | 2,773.42 | | |
| 15 | \$ 950.97 | \$ | 100.00 | \$734,587.48 | \$310,069.82 | 1,675,239.29 | 2,792.07 | | |
| 16 | \$ 969.99 | \$ | 100.00 | \$767,643.91 | \$277,013.39 | 1,686,650.93 | 2,811.08 | | |
| 17 | \$ 989.39 | \$ | 100.00 | \$802,187.89 | \$242,469.41 | 1,698,290.80 | 2,830.48 | | |
| 18 | \$ 1,009.18 | \$ | 100.00 | \$838,286.35 | \$206,370.96 | 1,710,163.47 | 2,850.27 | | |
| 19 | \$ 1,029.36 | \$ | 100.00 | \$876,009.23 | \$168,648.07 | 1,722,273.59 | 2,870.46 | | |
| 20 | \$ 1,049.95 | \$ | 100.00 | \$915,429.65 | \$129,227.66 | 1,734,625.92 | 2,891.04 | | |
| 21 | \$ 1,070.95 | \$ | 100.00 | \$956,623.98 | \$88,033.32 | 1,747,225.29 | 2,912.04 | | |
| 22 | \$ 1,092.37 | \$ | 100.00 | \$999,672.06 | \$44,985.24 | 1,760,076.65 | 2,933.46 | | |
| 23 | \$ 1,114.21 | \$ | 100.00 | | | 728,527.73 | 1,214.21 | | |
| 24 | \$ 1,136.50 | \$ | 100.00 | | | 741,898.29 | 1,236.50 | | |
| 25 | \$ 1,159.23 | \$ | 100.00 | | | 755,536.25 | 1,259.23 | | |
| 26 | \$ 1,182.41 | \$ | 100.00 | | | 769,446.98 | 1,282.41 | | |
| 27 | \$ 1,206.06 | \$ | 100.00 | | | 783,635.92 | 1,306.06 | | |
| 28 | \$ 1,230.18 | \$ | 100.00 | | | 798,108.64 | 1,330.18 | | |
| 29 | \$ 1,254.78 | \$ | 100.00 | | | 812,870.81 | 1,354.78 | | |
| 30 | \$ 1,279.88 | \$ | 100.00 | | | 827,928.23 | 1,379.88 | | |
| 31 | \$ 1,305.48 | \$ | 100.00 | | | 843,286.79 | 1,405.48 | | |
| 32 | \$ 1,331.59 | \$ | 100.00 | | | 858,952.53 | 1,431.59 | | |
| 33 | \$ 1,358.22 | \$ | 100.00 | | | 874,931.58 | 1,458.22 | | |
| 34 | \$ 1,385.38 | \$ | 100.00 | | | 891,230.21 | 1,485.38 | | |
| 35 | \$ 1,413.09 | \$ | 100.00 | | | 907,854.81 | 1,513.09 | | |
| 36 | \$ 1,441.35 | \$ | 100.00 | | | 924,811.91 | 1,541.35 | | |
| 37 | \$ 1,470.18 | \$ | 100.00 | | | 942,108.15 | 1,570.18 | | |
| 38 | \$ 1,499.58 | \$ | 100.00 | | | 959,750.31 | 1,599.58 | | |
| 39 | \$ 1,529.58 | \$ | 100.00 | | | 977,745.32 | 1,629.58 | | |
| 40 | \$ 1,560.17 | \$ | 100.00 | | | 996,100.22 | 1,660.17 | | |
| 41 | \$ 1,591.37 | \$ | 100.00 | | | 1,014,822.23 | 1,691.37 | | |
| 42 | \$ 1,623.20 | \$ | 100.00 | | | 1,033,918.67 | 1,723.20 | | |
| 43 | \$ 1,655.66 | \$ | 100.00 | | | 1,053,397.04 | 1,755.66 | | |
| 44 | \$ 1,688.77 | \$ | 100.00 | | | 1,073,264.99 | 1,788.77 | | |
| 45 | \$ 1,722.55 | \$ | 100.00 | | | 1,093,530.29 | 1,822.55 | | |
| 46 | \$ 1,757.00 | \$ | 100.00 | | | 1,114,200.89 | 1,857.00 | | |
| 47 | \$ 1,792.14 | \$ | 100.00 | | | 1,135,284.91 | 1,892.14 | | |
| 48 | \$ 1,827.98 | \$ | 100.00 | | | 1,156,790.61 | 1,927.98 | | |
| 49 | \$ 1,864.54 | \$ | 100.00 | | | 1,178,726.42 | 1,964.54 | | |
| 50 | \$ 1,901.83 | \$ | 100.00 | | | 1,201,100.95 | 2,001.83 | | |
| Total | \$ 60,866.82 | \$ | 5,000.00 | \$ 14,400,000.00 | \$ 8,582,460.67 | \$ 62,502,550.83 | | | |
| Average | | | | | | 1,250,051.02 | 2,083.42 | 173.62 | 62,502,550.83 |

TD TCO

| Spaces | | 400.00 | | | \$/Soace | \$ 27,500.00 | Interest Rate | | 5% | |
|---------|--------------|--------|-------------|------------------|-----------------|------------------|----------------|--------|---------------|--|
| Year | OpEx | | Maintenance | Principle | Interest | Total | Cost Per Space | | | |
| 1 | \$ 691.00 | \$ | 100.00 | \$303,002.11 | \$495,000.00 | 1,114,402.11 | 2,786.01 | | | |
| 2 | \$ 704.82 | \$ | 100.00 | \$316,637.20 | \$481,364.91 | 1,119,930.11 | 2,799.83 | | | |
| 3 | \$ 718.92 | \$ | 100.00 | \$330,885.88 | \$467,116.23 | 1,125,568.67 | 2,813.92 | | | |
| 4 | \$ 764.83 | \$ | 100.00 | \$345,775.74 | \$452,226.37 | 1,143,934.11 | 2,859.84 | | | |
| 5 | \$ 780.13 | \$ | 100.00 | \$361,335.65 | \$436,666.46 | 1,150,052.75 | 2,875.13 | | | |
| 6 | \$ 795.73 | \$ | 100.00 | \$377,595.75 | \$420,406.35 | 1,156,293.76 | 2,890.73 | | | |
| 7 | \$ 811.64 | \$ | 100.00 | \$394,587.56 | \$403,414.55 | 1,162,659.59 | 2,906.65 | | | |
| 8 | \$ 827.88 | \$ | 100.00 | \$412,344.00 | \$385,658.11 | 1,169,152.74 | 2,922.88 | | | |
| 9 | \$ 844.43 | \$ | 100.00 | \$430,899.48 | \$367,102.63 | 1,175,775.75 | 2,939.44 | | | |
| 10 | \$ 861.32 | \$ | 100.00 | \$450,289.96 | \$347,712.15 | 1,182,531.23 | 2,956.33 | | | |
| 11 | \$ 878.55 | \$ | 100.00 | \$470,553.01 | \$327,449.10 | 1,189,421.81 | 2,973.55 | | | |
| 12 | \$ 896.12 | \$ | 100.00 | \$491,727.89 | \$306,274.21 | 1,196,450.20 | 2,991.13 | | | |
| 13 | \$ 914.04 | \$ | 100.00 | \$513,855.65 | \$284,146.46 | 1,203,619.17 | 3,009.05 | | | |
| 14 | \$ 932.32 | \$ | 100.00 | \$536,979.15 | \$261,022.96 | 1,210,931.51 | 3,027.33 | | | |
| 15 | \$ 950.97 | \$ | 100.00 | \$561,143.21 | \$236,858.89 | 1,218,390.10 | 3,045.98 | | | |
| 16 | \$ 969.99 | \$ | 100.00 | \$586,394.66 | \$211,607.45 | 1,225,997.86 | 3,064.99 | | | |
| 17 | \$ 989.39 | \$ | 100.00 | \$612,782.42 | \$185,219.69 | 1,233,757.77 | 3,084.39 | | | |
| 18 | \$ 1,009.18 | \$ | 100.00 | \$640,357.63 | \$157,644.48 | 1,241,672.88 | 3,104.18 | | | |
| 19 | \$ 1,029.36 | \$ | 100.00 | \$669,173.72 | \$128,828.39 | 1,249,746.30 | 3,124.37 | | | |
| 20 | \$ 1,049.95 | \$ | 100.00 | \$699,286.54 | \$98,715.57 | 1,257,981.18 | 3,144.95 | | | |
| 21 | \$ 1,070.95 | \$ | 100.00 | \$730,754.43 | \$67,247.68 | 1,266,380.76 | 3,165.95 | | | |
| 22 | \$ 1,092.37 | \$ | 100.00 | \$763,638.38 | \$34,363.73 | 1,274,948.34 | 3,187.37 | | | |
| 23 | \$ 1,114.21 | \$ | 100.00 | | | 485,685.16 | 1,214.21 | | | |
| 24 | \$ 1,136.50 | \$ | 100.00 | | | 494,598.86 | 1,236.50 | | | |
| 25 | \$ 1,159.23 | \$ | 100.00 | | | 503,690.84 | 1,259.23 | | | |
| 26 | \$ 1,182.41 | \$ | 100.00 | | | 512,964.65 | 1,282.41 | | | |
| 27 | \$ 1,206.06 | \$ | 100.00 | | | 522,423.95 | 1,306.06 | | | |
| 28 | \$ 1,230.18 | \$ | 100.00 | | | 532,072.42 | 1,330.18 | | | |
| 29 | \$ 1,254.78 | \$ | 100.00 | | | 541,913.87 | 1,354.78 | | | |
| 30 | \$ 1,279.88 | \$ | 100.00 | | | 551,952.15 | 1,379.88 | | | |
| 31 | \$ 1,305.48 | \$ | 100.00 | | | 562,191.19 | 1,405.48 | | | |
| 32 | \$ 1,331.59 | \$ | 100.00 | | | 572,635.02 | 1,431.59 | | | |
| 33 | \$ 1,358.22 | \$ | 100.00 | | | 583,287.72 | 1,458.22 | | | |
| 34 | \$ 1,385.38 | \$ | 100.00 | | | 594,153.47 | 1,485.38 | | | |
| 35 | \$ 1,413.09 | \$ | 100.00 | | | 605,236.54 | 1,513.09 | | | |
| 36 | \$ 1,441.35 | \$ | 100.00 | | | 616,541.27 | 1,541.35 | | | |
| 37 | \$ 1,470.18 | \$ | 100.00 | | | 628,072.10 | 1,570.18 | | | |
| 38 | \$ 1,499.58 | \$ | 100.00 | | | 639,833.54 | 1,599.58 | | | |
| 39 | \$ 1,529.58 | \$ | 100.00 | | | 651,830.21 | 1,629.58 | | | |
| 40 | \$ 1,560.17 | \$ | 100.00 | | | 664,066.81 | 1,660.17 | | | |
| 41 | \$ 1,591.37 | \$ | 100.00 | | | 676,548.15 | 1,691.37 | | | |
| 42 | \$ 1,623.20 | \$ | 100.00 | | | 689,279.11 | 1,723.20 | | | |
| 43 | \$ 1,655.66 | \$ | 100.00 | | | 702,264.70 | 1,755.66 | | | |
| 44 | \$ 1,688.77 | \$ | 100.00 | | | 715,509.99 | 1,788.77 | | | |
| 45 | \$ 1,722.55 | \$ | 100.00 | | | 729,020.19 | 1,822.55 | | | |
| 46 | \$ 1,757.00 | \$ | 100.00 | | | 742,800.59 | 1,857.00 | | | |
| 47 | \$ 1,792.14 | \$ | 100.00 | | | 756,856.61 | 1,892.14 | | | |
| 48 | \$ 1,827.98 | \$ | 100.00 | | | 771,193.74 | 1,927.98 | | | |
| 49 | \$ 1,864.54 | \$ | 100.00 | | | 785,817.61 | 1,964.54 | | | |
| 50 | \$ 1,901.83 | \$ | 100.00 | | | 800,733.96 | 2,001.83 | | | |
| Total | \$ 60,866.82 | \$ | 5,000.00 | \$ 11,000,000.00 | \$ 6,556,046.35 | \$ 43,902,773.12 | | | | |
| Average | | | | | | 878,055.46 | 2,195.14 | 182.93 | 43,902,773.12 | |

AGENDA
REDEVELOPMENT COMMISSION
McCloskey Conference Room
October 15, 2018
5:00 p.m.

- I. ROLL CALL**
- II. READING OF THE MINUTES** –October 1, 2018 and Memorandum of Executive Session for October 1, 2018
- III. EXAMINATION OF CLAIMS** –October 5, 2018 for \$1,680,701.71
- IV. EXAMINATION OF PAYROLL REGISTERS**–September 28, 2018 for \$30,020.25
- V. REPORT OF OFFICERS AND COMMITTEES**
 - A.** Director’s Report
 - B.** Legal Report
 - C.** Treasurer’s Report
 - D.** CTP Update Report
- VI. NEW BUSINESS**
 - A.** Resolution 18-61: Approval of Funding for Due Diligence for IU Health Purchase Agreement
 - B.** Resolution 18-63: Approval of Funding for Appraisals Within the TIF Districts
 - C.** Resolution 18-64: Approval of Furniture Procurement Agreement for the Dimension Mill
 - D.** Resolution 18-66: Approval of Dimension Mill Lease Agreement with DMI
 - E.** Resolution 18-67: Approval of Garage Project Review Form
 - F.** Resolution 18-68: Approval of Initial Resolution for Garage Bonds
 - G.** Resolution 18-69 Approval of Contract with Bledsoe Riggert Cooper James for Trades District Plat Amendment
- VII. BUSINESS/GENERAL DISCUSSION**
- IX. ADJOURNMENT**

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.

THE REDEVELOPMENT COMMISSION OF THE CITY OF BLOOMINGTON, INDIANA MET on Monday, October 1, 2018, at 5:00 p.m. in the Showers City Hall, McCloskey Conference Room, 401 North Morton Street, with Don Griffin, presiding.

I. ROLL CALL

Commissioners Present: Don Griffin, Sue Sgambelluri, David Walter, and Eric Sandweiss,

Commissioners Absent: Mary Alice Rickert and Kelly Smith

Staff Present: Doris Sims, Director, Housing and Neighborhood Development; Christina Finley, Financial Specialist, Housing and Neighborhood Development; Bob Woolford, Program Manager, Housing and Neighborhood Development

Others Present: Mick Renneisen, Deputy Mayor; Jeff Underwood, City of Bloomington Controller; Alex Crowley, Director, Economic & Sustainable Development; Larry Allen, Attorney, City Legal Department; Carrie Walden, CE Solutions, Inc.; Neil Kopper, Interim Engineer, Planning & Transportation; Ryan Daily, Garage Manager, Public Works Department; Karen Valiquett, CORE Planning Strategies; Roy Aten, Senior Project Manager, Planning and Transportation; Talisha Coppock, Convention Center; Ron Walker, CFC Properties

II. READING OF THE MINUTES – David Walter moved to approve the August 20, 2018, minutes. Sue Sgambelluri seconded the motion. The board unanimously approved.

III. EXAMINATION OF CLAIMS – Eric Sandweiss moved to approve the claim register for September 21, 2018, for \$1,719,226.56. Sue Sgambelluri seconded the motion. The board unanimously approved.

IV. EXAMINATION OF PAYROLL REGISTERS – Sue Sgambelluri moved to approve the payroll register for September 14, 2018, for \$30,055.14. David Walter seconded the motion. The board unanimously approved.

V. REPORT OF OFFICERS AND COMMITTEES

A. Director's Report. Doris Sims was available to answer questions.

B. Legal Report. Larry Allen was available to answer questions.

C. Treasurer's Report. Jeff Underwood was available to answer questions.

D. CTP Update. Alex Crowley reported the opening of the Dimension Mill is set for October 31, 2018, and Dimension Mill Inc. will take over management at that time.

VI. NEW BUSINESS

A. Resolution 18-57: Approval of Physical Improvement Funding Agreement for Bloomington Housing Authority.

B. Resolution 18-58: Approval of Physical Improvement Funding Agreement for LifeDesigns.

C. Resolution 18-59: Approval of Physical Improvement Funding Agreement for Centerstone.

D. Resolution 18-60: Approval of Physical Improvement Funding Agreement for Boys & Girls Club.

Resolution 18-57, 18-58, 18-59, and 18-60 approves the funding agreements for projects that received funding under the 2018 allocation of CDBG funds that the RDC Commission approved earlier this year.

David Walter moved to approve Resolutions 18-57, 18-58, 18-59, and 18-60. Sue Sgambelluri seconded the motion. The board unanimously approved.

- E. Resolution 18-62: Approval of Funding for Construction Inspection of 2nd and Bloomfield Multimodal Safety Improvements. Roy Aten stated this project is federally funded and therefore, INDOT requires a construction inspection. Aten said staff has negotiated a contract with HWC Engineering for inspection of the multimodal improvements for an amount not to exceed \$173,407.40.

David Walter moved to approve Resolution 18-62. Eric Sandweiss seconded the motion. The board unanimously approved.

- F. Resolution 18-65: Approval of Amendment to Resolution 17-79 (Community Development Block Grant Agreement with Monroe County Community School Corporation). Bob Woolford stated this is a 2017 CDBG allocation. Originally the MCCSC submitted an application asking for \$50,000; they were awarded \$25,000 later that year. However, the RDC later increased their funding to the requested \$50,000. Woolford said after the bid opening the cost of the project increased to \$57,000, which does not cover the design cost. Staff is asking to increase their funding level by \$15,000 to a total of \$65,000.

David Walter moved to approve resolution 18-65. Sue Sgambelluri seconded the motion. The board unanimously approved.

VII. BUSINESS/GENERAL DISCUSSION

Jeff Underwood reported touring the Fourth Street Garage with Mayor John Hamilton, Ryan Daily, Parking Garage Manager, CE Solutions, and CORE Planning Strategies to determine the state of the structure. Underwood presented a short fiscal analysis he put together on the Fourth Street Garage.

Underwood said the current garage has 352 spaces and will cost \$1.8 million to extend the life of the garage for 5 more years. He said it is possible to have approximately 600 spaces in a new garage, at an estimated cost of \$14.4 million, plus demolition cost of \$750,000. The life expectancy of a new garage is 50 years and the life expectancy of the current garage with repairs, is no more than 15 years.

Crowley stated there is never a good time to take a garage out of service, and the city is very sensitive to the impact it will have on the community. Crowley stated at the last RDC meeting concerns were heard from one of the major permit holders. He said they were valid concerns, but there will be down time of the garage if either the garage is repaired or a new garage is constructed. Crowley believes the city has a good plan to distribute parking during the reconstruction period (18-24 months). It involves using other garages, land available across from the current garage on the south side of 3rd Street, and a few other solutions to absorb the permit holders and retail parking.

Underwood said that Mayor John Hamilton asked him to make a statement on his behalf. He said Hamilton has requested, and city staff agrees, that we continue to have a broader look at parking, parking needs, and other ways to bring people into the downtown area without creating the need for additional parking. Underwood said Hamilton is very receptive to

alternative forms of transportation and wants to encourage people to use transportation that doesn't create a need for greater parking.

Underwood stated that a parking manger position has been proposed in the city's budget. The parking manager will evaluate parking on the streets, garages, and surface lots and continue to investigate creative ways to reduce the need for parking over time.

Talisha Coppock, Executive Director of Downtown Bloomington Inc. (DBI), stated that DBI manages the Monroe Convention Center. Coppock said the Fourth Street Garage is an important project, and she is excited about the possibility of acquiring additional parking spaces downtown. In the spirit of corporation and partnership, Coppock said she wanted to assist with this project. A portion of the parking at the Convention Center is owned by the City of Bloomington and the RDC already, and she has had discussions about using a portion of those spaces for displaced Fourth Street parkers.

Ron Walker, Vice-President of CFC, said he hopes that downtown employment and diverse downtown housing will continue to grow, which is one reason to do this project now and not in the future. Walker said we also have solutions and spaces available to support displaced Fourth Street permit holders right now.

Walker stated that CFC is the largest holder of permits for the Fourth Street garage. The permits are for tenants that lease spaces downtown and do not include CFC employees. Walker said he has already had tenants ask to move out of the garage because they do not feel it is safe after reading the newspaper reports about the garage's condition. Walker said everyone is growing downtown, and CFC wants to make sure it can accommodate tenants in the future.

Sgambelluri stated the current garage has 352 parking spaces and asked how many spaces are available in the alternate sites. Crowley said there are not exact numbers for each site, but he believes there are enough spaces to meet the demand.

Walker said he supported the new garage project moving forward. Walker also will continue to support the project and communicate with his tenants.

Sandweiss asked if there have been discussions between the city and county that would allow city access to the county-owned spaces, and if so, he asked what the considerations were. Sandweiss also wanted to know if there will be associated costs with using county parking spaces. Deputy Mayor Mick Renneisen stated the city is currently working on an MOU with the county to work out those details, but costs had not been discussed so far.

Sue Sgambelluri asked how this project will affect any discussions regarding metered parking or rate increases, in the city. Renneisen said he there currently isn't any intention to make changes beyond the recent garage-rate increases for several years.

Sandweiss stated that we know there is a baseline need for 350 – 600 parking spaces, but she asked whether any report commissioned in the future would look beyond that immediate short term need. Underwood said the city commissioned a study by Desmond for parking needs. The City Council created a parking commission and did their own interviews, and the city and county are working together on projected parking needs in the city.

Underwood explained the process if we move forward with the new garages, which would require a bond issue: the RDC would approve a declaratory resolution, and after approval, City Council would need to approve with their own resolution. The council will introduce the resolution at a first meeting and approve at a second meeting. Once the council approves its

resolution, the matter would come back to the RDC as a confirmatory resolution, which would authorize staff to issue bonds.

VIII. ADJOURNMENT

Donald Griffin, President

Mary Alice Rickert, Secretary

Date

18-68
RESOLUTION
OF THE
CITY OF BLOOMINGTON
REDEVELOPMENT COMMISSION

AUTHORIZING THE ISSUANCE OF TAX INCREMENT REVENUE BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO BE APPLIED TO PAY FOR THE COSTS OF ACQUISITION AND CONSTRUCTION FOR TWO PARKING GARAGES IN THE BLOOMINGTON CONSOLIDATED ECONOMIC DEVELOPMENT AREA AND OTHER COSTS AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH AND ON ACCOUNT OF THE ISSUANCE OF THE BONDS

WHEREAS, within the City of Bloomington, Indiana, a governmental unit and political subdivision of the State (the “City”), there has been created the City of Bloomington Redevelopment District (the “District”), governed by the City of Bloomington Redevelopment Commission (the “Commission”) operating under IC 36-7-14 and IC 36-7-25 and all related and supplemental statutes, as amended and in effect on the issue date of the BANs (as defined below) and the Bonds (defined below) including I.C. 5-1-14 (collectively, “Act”); and

WHEREAS, pursuant to the Act, the Commission previously established the boundaries of the following economic development areas: (i) Adams Crossing Economic Development Area which was established in 1994 with 108 acres, amended in 2000 to include 10 additional acres, and amended in 2009 to add 86 acres; (ii) Downtown Economic Development Area which was established in 1985 with 133 acres, amended in 1990 to include 21 additional acres, and amended in 2010 to add 48 acres; (iii) Tapp Road Economic Development Area which was established in 1993 with 216 acres, amended in 2003 to add 25 acres, amended in 2015 to add 190 acres, amended in 2015 to add an additional 24 acres; (iv) Thomson Economic Development Area which was established in 1991 with 276 acres and amended in 1993 to add 245 acres; (v) Walnut-Winslow Economic Development Area which was established in 1993 with 117 acres and consolidated, amended in 2002 to form the Thomson Walnut-Winslow Economic Development Area including an additional 63 acres, amended three times in 2015 to add 5.83 acres, 6.48 acres and 5.89 acres, respectively; (vi) Whitehall Economic Development Area which was established in 1998 with 113 acres and amended in 2000 to add 10.05 acres; (vii) Bloomfield Road Economic Development Area which was established in 2015 with 187 acres; (viii) Fullerton Pike Economic Development Area which was established in 2015 with 184 acres; (ix) Seminary Economic Development Area which was established in 2015 with 52 acres; (x) South Walnut Economic Development Area which was established in 2015 with 161 acres; and (xi) West Third Street Economic Development Area which was established in 2015 with 156 acres (the “Existing EDAs”); and

WHEREAS, pursuant to a declaratory resolution adopted by the Commission on February 2, 2015, as confirmed by a resolution adopted by the Commission, following a public hearing, on April 6, 2015, the Commission (a) consolidated and expanded the Existing EDAs into a single consolidated economic development area, designated as the Bloomington Consolidated Economic Development Area (the “Consolidated EDA” or the “Area”), (b) designated all of such area as an allocation area (the “Allocation Area”) for purposes of capturing incremental ad valorem real

property tax revenues levied and collected in the Allocation Area, known as “Tax Increment”, and (c) approved a redevelopment plan (the “Plan”) for the Area; and

WHEREAS, the Act provides for an additional credit for property taxes in the Allocation Area payable from Tax Increment, which credit may be eliminated or reduced by resolution of the Bloomington Common Council (“Council”) upon recommendation of the Commission; and

WHEREAS, the Council has taken no action to provide that the additional credit under the Act does not apply in the Allocation Area; and

WHEREAS, in order to proceed with the planning, replanning, development and redevelopment of the Area and to implement the Plan, the Commission deems it advisable to issue one or more series of tax increment revenue bonds of the District, in the name of the City, designated as “City of Bloomington, Indiana, Redevelopment District Tax Increment Revenue Bonds, Series 2018” (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the “Bonds”), in an original aggregate principal amount not to exceed Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000), for the purpose of providing funds to be applied to all or any portion of (i) the costs of acquisition, construction, and equipping of two parking garages in, serving or benefitting the Consolidated EDA, together with related costs and expenses (the “Project”); (ii) funding a debt service reserve account or paying the premium for a debt service reserve credit facility; and (iii) the costs of selling and issuing the Bonds including all the incidental expenses necessary to be incurred in connection with the issuance of the Bonds or on account thereof (clauses (i) through and including (iii), collectively, the “Costs of the Project”); and

WHEREAS, if advisable, the Commission may elect to issue bond anticipation notes (the “BANs”) to provide interim financing for the purpose of procuring funds to be applied to the Costs of the Project; and

WHEREAS, the Commission estimates that the total Costs of the Project will be approximately Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000), and that the proceeds of the Bonds, together with estimated investment earnings thereon, will not exceed the Costs of the Project; and

WHEREAS, the Commission finds and determines that it would be of public utility and benefit and in the best interests of the District and its citizens to pay the Costs of the Project, which will provide special benefits to property owners in the District, with such Bonds to be issued as tax increment revenue bonds of the District payable from revenues of the Commission as described more fully herein; and

WHEREAS, the District has currently outstanding the following obligations: (i) Tax Increment Revenue Bonds of 2015, currently outstanding in the principal amount of \$38,125,000 (the “2015 Bonds”) which 2015 Bonds are payable solely from, and secured by, the Tax Increment (as hereinafter defined); and (ii) Tax Increment Revenue Refunding Bonds of 2017, currently outstanding in the principal amount of \$10,085,000 (the “2017 Bonds”, and together with the 2015

Bonds, the “Prior Bonds”), which 2017 Bonds are payable solely from, and secured by, tax increment from the Downtown Economic Development Area (the “Downtown Area”); and

WHEREAS, all conditions precedent to the adoption of a resolution authorizing the issuance of the Bonds have been complied with in accordance with the applicable provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

SECTION 1. DEFINITIONS. All terms defined herein and all pronouns used in this Resolution shall be deemed to apply equally to singular and plural and to all genders. All terms defined elsewhere in this Resolution shall have the meaning given in such definition. In this Resolution, unless a different meaning clearly appears from the context:

“Act” means I.C. 5-1-14, I.C. 36-7-14 and I.C. 36-7-25 and all related and supplemental acts in effect on the issue date of the BANs and the Bonds.

“Allocation Fund” means the special fund established under the Act for the Tax Increment collected in the Allocation Area.

“Area” means the Consolidated EDA described in the recitals hereto.

“BAN” or “BANs” shall mean bond anticipation notes, if any, issued pursuant to Section 3 of this Resolution. All references to and provisions relating to BANs shall be effective only if the Commission elects to issue BANs.

“BAN Purchase Agreement” means the purchase agreement for the BANs authorized by Section 7.

“BAN Purchaser” means the original purchaser of the BANs.

“Bond Purchase Agreement” means the purchase agreement to be entered into between the Bond Purchaser and the City.

“Bond Purchaser” means the original purchaser of the Bonds.

“Bond Resolution” or “Resolution” means this Bond Resolution, authorizing the issuance of the Bonds, as it may be supplemented and amended from time to time in accordance with its provisions.

“Bonds” means, except where the context clearly refers to the Bonds authorized by this Resolution, the Bonds authorized by this Resolution and any Parity Obligations.

“Capital Fund” means the Redevelopment District Capital Fund established under the Act as described in Section 11 hereof.

“City” means the City of Bloomington, Indiana.

“Code” means the Internal Revenue Code of 1986, as amended and in effect on the date of issuance of the Bonds, and the applicable judicial decisions and published rulings and any applicable regulations promulgated thereunder.

“Commission” means the City of Bloomington Redevelopment Commission.

“Costs of the Project” means all costs of the Project as set forth in the recitals of this Resolution.

“Debt Service” means the principal of and interest on the Bonds, lease rentals on any Parity Obligations which are leases, and any fiscal agency charges associated with the Bonds and the collection of Tax Increment for the Bonds.

“Debt Service Reserve Account” means the Debt Service Reserve Account created under Section 11.

“Debt Service Reserve Requirement” means the least of (i) maximum annual principal and interest due on the Bonds and the 2015 Bonds; (ii) 125% of average annual debt service on the Bonds and the 2015 Bonds; or (iii) 10% of the proceeds of the Bonds and the 2015 Bonds.

“District” means the City of Bloomington Redevelopment District.

“Notice Address” means with respect to the City and the Commission:

City of Bloomington
Bloomington City Hall
401 N. Morton St. Bloomington, IN 47402
Attention: Controller

“Owner” means a registered owner of the Bonds.

“Parity Obligations” means any obligations (including leases and pledges of Tax Increment permitted by the Act) of the Commission issued on a parity with the Bonds (as to the pledge of Tax Increment) under Section 12.

“Paying Agent” means the Paying Agent so designated under Section 3(F) or any successor Paying Agent appointed under this Resolution.

“Prior Bonds” shall have the meaning described in the recitals hereto.

“Prior Bond Increment” means all property tax proceeds from assessed valuation of real property in the area previously designated as the Downtown Allocation Area in excess of the assessed valuation described in I.C. 36-7-14-39(b)(1), minus any applicable additional credit under

I.C. 6-7-14-39.5, as such statutory provisions exist on the dates of the issuance of the BANs and the Bonds; provided however, this amount shall not be greater than the amount required to meet then current debt service requirements and reserve funding requirements, if any, on the 2017 Bonds then outstanding.

“Project” means the development of improvements as described in Exhibit A or such other items as may be approved by the Commission to carry out the Plan.

“Qualified Investments” means any direct obligation of the United States of America or other investments in which the Commission is permitted by Indiana law to invest at the time of investment.

“Registrar” means the Registrar so designated under Section 3(F) or any successor Registrar appointed under this Resolution.

“State” means the State of Indiana.

“Surplus Fund” means the Surplus Fund described in Section 11 hereof.

“Tax Increment” means all real property tax proceeds from assessed valuation of real property in the Allocation Area in excess of the assessed valuation described in I.C. 36-7-14-39(b)(1), minus (1) any applicable additional credit under I.C. 6-7-14-39.5, as such statutory provisions exist on the dates of the issuance of the BANs and the Bonds, and (2) the Prior Bond Increment.

“2015 Bonds” means the Tax Increment Revenue Bonds of 2015, dated June 25, 2015, currently outstanding in the principal amount of \$38,125,000.

SECTION 2. GRANTING CLAUSES.

(A) The Commission, in consideration of the premises and of the purchase and acceptance of the Bonds by the Owners, in order to secure the payment of the Debt Service on the Bonds, according to their tenor and effect and to secure the performance and observance by the Commission of all covenants expressed or implied, herein and in the Bonds, does hereby pledge the rights, interests, properties; money and other assets described below for the benefit of the Owners of the Bonds for the securing of the performance of the obligations of the Commission set forth in this Resolution, such pledge to be effective as set forth in I.C. 5-14-4 without the recording of this Resolution or any other instrument:

(1) All cash and securities now or hereafter held in the Allocation Fund, the Surplus Fund or the Debt Service Reserve Account and the investment earnings thereon and all proceeds thereof (except to the extent transferred or disbursed from such funds and accounts from time to time in accordance with this Resolution);

(2) All Tax Increment required to be deposited for the benefit of the Bonds and any Parity Obligations or for the benefit of any subordinate obligations; and

(3) Any money hereinafter pledged to the Owners as security to the extent of that pledge; provided, however, that if the Commission shall pay or cause to be paid, or there shall otherwise be paid or made provision for payment of Debt Service on the Bonds due, or to become due thereon, at the times and in the manner mentioned in the Bonds, and shall pay or cause to be paid or there shall otherwise be paid or made provision for payment to the Owners of the outstanding Bonds of all sums of money due or to become due according to the provisions hereof, then this Resolution and the rights hereby granted shall cease, terminate and be void; otherwise this Resolution shall be and remain in full force and effect.

(B) The Commission, in consideration of the premises and of the purchase and acceptance of the BANs by the BAN Purchaser according to their tenor and effect and to secure the performance and observance by the Commission of all covenants expressed or implied herein and in the BANs, does hereby pledge Tax Increment (on a subordinate basis to any outstanding Prior Bonds or Parity Obligations as to both interest and principal) and the proceeds of the Bonds to the repayment of the BANs for the benefit of the owners of the BANs for the securing of the performance of the obligations of the Commission set forth in this Resolution, such pledge to be effective as set forth in I.C. 5-1-14-4 without recording of this Resolution or any other instrument; provided, however, that if the Commission shall pay or cause to be paid, or there shall otherwise be paid or made provision for payment of debt service on the BANs due, or to become due thereon, at the times and in the manner mentioned in the BANs, and shall pay or cause to be paid or there shall otherwise be paid or made provision for payment to the owners of the outstanding BANs of all sums of money due or to-become due according to the provisions hereof, then this Resolution and the rights hereby granted shall cease, terminate and be void; otherwise this Resolution shall be and remain in full force and effect.

(C) This Resolution further witnesseth, and it is expressly declared, that all BANs and Bonds issued and secured hereunder are to be issued; authenticated and delivered, and all these properties, rights and interests, including, without limitation, the amounts hereby pledged, are to be dealt with and disposed of, under, upon and subject to the terms, conditions, stipulations, covenants, agreements, trusts, uses and purposes hereinafter expressed, and the Commission has agreed and covenanted, and does hereby agree and covenant, with the respective Owners, from time to time, of the BANs and Bonds, or any part thereof, as provided in this Resolution.

SECTION 3. THE BANS AND THE BONDS.

(A) The Commission, acting in the name of the City, having satisfied all the statutory requirements for the issuance of the Bonds, may elect to issue BANs for the purpose of procuring interim financing to apply to the Costs of the Project. The Commission shall issue the BANs in an aggregate amount not to exceed Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000) to be designated "Redevelopment District Bond Anticipation Notes of 20_" (to be completed with the year in which issued). The BANs shall be dated as of the date of delivery and shall bear interest on the amount borrowed at a rate or rates not to exceed six percent (6%) per annum payable semiannually February 1 and August 1 ("Interest Payment Dates"), beginning no earlier than February 1, 2019, or at maturity or upon redemption prior to maturity. Interest shall be

calculated on the basis of a 360-day year and the actual number of days elapsed. The BANs may be sold at a discount not to exceed one percent (1.0%) of the principal amount. The term of the BANs, including any renewals or extensions (which may occur without further approval action) shall not exceed five (5) years. The BANs shall be subject to optional redemption prior to maturity upon twenty (20) days' notice. The BANs shall be issued in fully registered form and shall be lettered and numbered separately from 1 consecutively upward and with such further or alternate designation as the Registrar may determine and shall be issued in denominations of \$100,000 or in integral multiples of \$5,000 in excess thereof (or such different denominations as may be selected by the Controller). The principal of and interest on the BANs shall be payable solely from the Tax Increment and proceeds of the BANs and the Bonds, and the Commission, acting in the name of the City, shall have no obligation to repay the principal of or interest on the BANs except from Tax Increment (subject to Section 2(B) above) and proceeds of the BANs and the Bonds. The Commission may receive payment on the BANs in installments.

(B) The Commission further finds that all or a portion of the Costs of the Project may be paid from proceeds of the BANs and from proceeds of the Bonds under the Act and that the Project will provide special benefits to property owners in the Area and will be of public use and benefit. The Commission further finds that in order to proceed with the planning, replanning, development and redevelopment of the Area, and the repayment of any BANs, it is necessary for the Commission to issue Bonds of the District in the name of the City, payable solely from Tax Increment, allocated and deposited as provided in this Resolution.

For the purpose of procuring funds to be applied to the Costs of the Project, the Commission, acting in the name of the City, shall issue the Bonds, in one or more series, in the principal amount not to exceed Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000) at a purchase price of not less than 99% of the par value thereof, and shall be issued in the denomination of Five Thousand Dollars (\$5,000) each and integral multiples of \$5,000 thereafter. The Controller is hereby authorized and directed to issue and sell to the Bond Purchaser the Bonds, payable, as set forth in Sections 3 and 11 of this Resolution, from Tax Increment, and investment earnings on any cash or securities held in any of the funds or accounts established under this Resolution. The Bonds shall be issued by the Commission in the name of the City, and shall be designated "City of Bloomington, Indiana, Redevelopment District Tax Increment Revenue Bonds of 20__" (to be completed with the year in which issued). The purchase price of the Bonds, together with investment earnings on the proceeds of the Bonds, does not exceed the total as estimated by the Commission of all Costs of the Project.

The Bonds shall be issued in fully registered form and shall be lettered and numbered separately from one consecutively upward in order of maturity preceded by the letter "R" and with such further or alternate designation as the Registrar may determine.

The Bonds shall be dated as of the issue date, bearing interest at a rate or rates not to exceed six percent (6%) per annum. Interest on the Bonds shall be payable on each February 1 and August 1, beginning no sooner than February 1, 2019, and shall accrue on a basis of twelve 30-day months for a 360-day year. The Bonds shall mature annually on February 1, or semiannually on February 1 and August 1 of each year, over a term no longer than twenty-one (21) years, in such amounts as will retire the Bonds as soon as feasible while providing adequate coverage to market the Bonds.

(C) The Bonds shall be redeemable at the option of the Commission, plus in each case accrued interest to the date fixed for redemption, beginning no earlier than five (5) years after the issue date, at a face value, in whole or in part, in order of maturity determined by the Commission and by lot within maturities. The Controller is hereby authorized and directed to determine the terms of redemption, upon the advice of the municipal advisor to the Commission, at or prior to the sale of the Bonds.

All or a portion of the Bonds may be issued as one or more term bonds, upon election of the Bond Purchaser. Such term bonds shall have a stated maturity or maturities as determined by the Bond Purchaser. The term Bonds shall be subject to mandatory sinking fund redemption and final payment(s) at maturity at 100% of the principal amount thereof, plus accrued interest to the redemption date, on principal payment dates in accordance with the above schedule.

(D) Notice of any redemption identifying the Bonds to be redeemed in whole or in part shall be given to the Registrar at least 45 days prior to the date fixed for redemption and by the Registrar at least 30 days prior to the date fixed for redemption (unless this notice is waived by the Owner) by sending written notice by certified or registered Mail to the Owner of each Bond to be redeemed in whole or in part at the address shown on the registration books of the Registrar. Failure to give such notice by mailing, or any defect therein with respect to any Bond, shall not affect the validity of any proceeding for the redemption of other Bonds. Such notice shall state the redemption date, the redemption price, the amount of accrued interest, if any, payable on the redemption date, the place at which Bonds are to be surrendered for payment and, if less than the entire principal amount of a Bond is to be redeemed, the portion thereof to be redeemed. By the date fixed for redemption, due provision shall be made with the Registrar for the payment of the redemption price of the Bonds to be redeemed, plus accrued interest, if any, to the date fixed for redemption. When the Bonds have been called for redemption, in whole or in part, and due provision has been made to redeem same as herein provided, the Bonds or portions thereof so redeemed shall no longer be regarded as outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Owners of such Bonds to collect interest which would otherwise accrue after the redemption date on any Bond or portion thereof called for redemption shall terminate on the date fixed for redemption, provided that funds for their redemption are on deposit at the place of payment at that time.

(E) If fewer than all of the Bonds of a maturity are to be redeemed, the Registrar will select the particular Bonds to be redeemed by lot in such manner as it deems fair and appropriate. Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of redemption. If any Bonds are subject to optional and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds for mandatory sinking fund redemption.

(F) The Commission President and the Controller are hereby authorized to select the initial Registrar and the Paying Agent for the BANs and the Bonds. The Commission is further authorized to pay such fees as the Registrar and Paying Agent may charge for the services provided as Registrar and Paying Agent and such fees may be paid from the Allocation Fund or the Surplus Fund in addition to paying the principal of and interest on the BANs and the Bonds or from the

Allocation Fund or Surplus Fund. The Commission President and the Controller are hereby authorized, on behalf of the Commission, to enter into such agreements or understandings with the Registrar and Paying Agent as will enable it to perform the services required of it.

(G) The BANs and the Bonds shall be authenticated with the manual signature of an authorized representative of the Registrar on the Certificate of Authentication. No BAN or Bond shall be valid or become obligatory for any purpose until the Certificate of Authentication on such BAN or Bond, respectively, shall have been so executed. Subject to the provisions hereof for registration, the BANs and the Bonds shall be negotiable under the laws of the State of Indiana.

If any BAN or Bond is mutilated, lost, stolen or destroyed, the City may execute and the Registrar may authenticate a new BAN or Bond which in all respects shall be identical to the BAN or Bond which was mutilated, lost, stolen or destroyed including like date, maturity, series and denomination, except that such new BAN or Bond shall be marked in a manner to distinguish it from the BAN or Bond for which it was issued; provided that in the case of any BAN or Bond being mutilated, such mutilated BAN or Bond shall first be surrendered to the City and the Registrar; and in the case of BANs or Bonds being lost, stolen or destroyed, there shall be first furnished to the City and the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. If any such lost, stolen or destroyed BAN or Bond shall have matured and be payable in accordance with its terms, instead of issuing a duplicate BAN or Bond the City and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The City and the Registrar may charge the owner of the BAN or Bond with their reasonable fees and expenses in connection with the above. Every substitute BAN or Bond issued by reason of the BAN or Bond being lost, stolen or destroyed shall, with respect to such BAN or Bond, constitute a substitute contractual obligation of the City, whether or not the lost, stolen or destroyed BAN or Bond shall be found at any time, and every such BAN or Bond shall be entitled to all the benefits of this Resolution, equally and proportionately with any and all other BANs or Bonds duly issued hereunder.

Each BAN or Bond shall be transferable or exchangeable only upon the books of the Commission kept for that purpose at the office of the Registrar by the owner thereof in person, or by its attorney duly authorized in writing, upon surrender of such BAN or Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the owners or its attorneys duly authorized in writing, and thereupon a new fully registered BAN or BANs, or Bond or Bonds, as the case may be, in the same principal amount and of the same series and maturity, shall be executed and delivered in the name of the transferee or transferees or the owners, as the case may be, in exchange therefor. The Registrar shall not be obligated to make any exchange or transfer of BANs or Bonds following the fifteenth day immediately preceding an interest payment date on any BANs or Bonds until such interest payment date. The Registrar shall not be obligated (a) to register, transfer or exchange any BAN or Bond during a period of fifteen (15) days next preceding mailing of a notice of redemption of the BANs and Bonds, or (b) to register, transfer or exchange the BANs or Bond selected, called or being called for redemption in whole or in part after mailing notice of such call. The Commission and the Registrar for the BANs or Bonds may treat and consider the person in whose name such BAN or Bond is registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or an account of, the principal thereof. The BANs or Bonds may be transferred or exchanged without

cost to the owners except for any tax or government charge required to be paid with respect to the transfer or exchange, which taxes or governmental charges are payable by the person requesting such transfer or exchange.

(H) The Commission has determined that it may be beneficial to the Commission to have the BANs and the Bonds held by a central depository system pursuant to an agreement between the Commission and The Depository Trust Company, New York, New York (“Depository Trust Company”) and have transfers of the BANs and Bonds effected by book entry on the books of the central depository system (“Book Entry System”). The BANs and the Bonds may be initially issued in the form of a separate single authenticated fully registered BAN or Bond for the aggregate principal amount of each separate maturity of the BANs and Bonds. In such case, upon initial issuance, the ownership of such BANs and Bonds shall be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company.

With respect to the BANs and Bonds registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, the Commission and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner (“Beneficial Owner”)) of the BANs and Bonds with respect to (i) the accuracy of the records of the Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any BAN holder or bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any notice with respect to the BANs and Bonds including any notice of redemption, or (iii) the payment to any BAN holder or bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any amount with respect to the principal of, or premium, if any, or interest on the BANs and Bonds except as otherwise provided herein.

No person other than the Depository Trust Company shall receive an authenticated BAN or Bond evidencing an obligation of the Commission to make payments of the principal of and premium, if any, and interest on the BANs and Bonds pursuant to this Resolution. The Commission and the Registrar and Paying Agent may treat as and deem the Depository Trust Company or CEDE & CO. to be the absolute BAN holder or bondholder of each of the BANs and Bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such BANs and Bonds; (ii) giving notices of redemption and other notices permitted to be given to BAN holders and bondholders with respect to such BANs and Bonds; (iii) registering transfers with respect to such BANs and Bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by BAN holders or bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the BANs and Bonds only to or upon the order of the Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the Commission’s and the Paying Agent’s obligations with respect to principal of and premium, if any, and interest on the BANs and Bonds to the extent of the sum or sums so paid. Upon delivery by the Depository Trust Company to the Commission of written notice to the effect that the Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words “CEDE & CO.” in this Resolution shall refer to such new nominee of the Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any BAN or Bond is registered in the name of CEDE & CO., as nominee of the Depository

Trust Company, all payments with respect to the principal of and premium, if any, and interest on such BANs and Bonds and all notices with respect to such BANs and Bonds shall be made and given, respectively, to the Depository Trust Company as provided in a representation letter from the Commission to the Depository Trust Company.

Upon receipt by the Commission of written notice from the Depository Trust Company to the effect that the Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the :functions of the Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the BANs and Bonds shall no longer be restricted to being registered in the register of the Commission kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, but may be registered in whatever name or names the BAN holders and bondholders transferring or exchanging the BANs and Bonds shall designate, in accordance with the provisions of this Resolution.

If the Commission determines that it is in the best interest of the BAN holders and bondholders that they be able to obtain certificates for the fully registered Bonds, the Commission may notify the Depository Trust Company and the Registrar, whereupon the Depository Trust Company will notify the Beneficial Owners of the availability through the Depository Trust Company of certificates for the BANs and Bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the BANs and Bonds as requested by the Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever the Depository Trust Company requests the Commission and the Registrar to do so, the Registrar and the Commission will cooperate with the Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the fully registered BANs or Bonds of any Beneficial Owner's Depository Trust Company account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the BANs or Bonds.

If the BANs and Bonds shall no longer be restricted to being registered in the name of the Depository Trust Company, the Registrar shall cause said BANs and Bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such BANs and Bonds printed until it shall have received from the Commission indemnification for all costs and expenses associated with such printing.

In connection with any notice or other communication to be provided to BAN holders or bondholders by the Commission or the Registrar with respect to any consent or other action to be taken by BAN holders or bondholders the Commission or the Registrar, as the case may be, shall establish a record date for such consent or other action and give the Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

So long as the BANs and Bonds are registered in the name of the Depository Trust Company or CEDE & CO. or any substitute nominee, the Commission and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written

representation from the Beneficial Owners of the BANs and Bonds or from the Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the BANs and Bonds and setting for the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and the Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the BAN holders or bondholders for purposes of this Resolution and the Commission and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the BAN holders or bondholders. Along with any such certificate or representation, the Registrar may request the Depository Trust Company to deliver, or cause to be delivered to the Registrar a list of all Beneficial Owners of the BANs and Bonds, together with the dollar amount of each Beneficial Owner's interest in the BANs and Bonds and the current addresses of such Beneficial Owners.

(I) The BANs and the Bonds shall be payable in lawful money of the United States of America. The principal (except for mandatory sinking fund and optional redemption payments) of the BANs and Bonds shall be payable upon presentation at the office of the Paying Agent: Mandatory sinking fund payments, optional redemption payments and interest on the BANs and Bonds shall be paid by check mailed to each owner at the address as it appears on the registration books kept by the Registrar as of the fifteenth day immediately preceding the interest payment date or at such other address as provided to the Registrar in writing by such owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time).

(J) The BANs do not constitute a corporate obligation of the City, but constitute an obligation of the District as a special taxing district, payable solely from Tax Increment (subject to Section 2(B) above) and the proceeds of the BANs and of the Bonds when, as, and if issued.

(K) The Bonds do not constitute a corporate obligation of the City, but constitute an obligation of the District as a special taxing district, in the name of the City, payable solely out of Tax Increment and investment earnings on any cash or securities held in any of the funds or accounts established under this Resolution and from funds on deposit in any of the accounts established under this Resolution. The District is not obligated to pay the debt service on the Bonds from any source other than the sources described above. Neither the faith and credit nor the taxing power of the District or the City is pledged to the payment of the principal of or the interest on the Bonds.

SECTION 4. FORM OF THE BANS AND THE BONDS.

(A) Form of the Bonds. The form and tenor of the Bonds shall be substantially as follows (all blanks to be properly completed prior to the preparation of the Bonds):

R-__

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MONROE

CITY OF BLOOMINGTON, INDIANA
REDEVELOPMENT DISTRICT TAX INCREMENT
REVENUE BOND, SERIES 2018

| <u>Interest Rate</u> | <u>Maturity Date</u> | <u>Original Date</u> | <u>Authentication Date</u> | <u>[CUSIP]</u> |
|--------------------------|--------------------------|--------------------------|--------------------------------|----------------|
| ___ % | ___ 1, 20__ | ___ 1, 20__ | ___ 1, 20__ | [_____] |

REGISTERED OWNER: _____

PRINCIPAL SUM: _____ Dollars (\$_____)

The Bloomington Redevelopment Commission ("Commission"), acting in the name of the City of Bloomington, Indiana ("City"), for value received, hereby acknowledges itself indebted and promises to pay, but solely out of Tax Increment (as defined in the Bond Resolution defined below) and the funds held under the Bond Resolution to the registered owner (named above) or registered assigns, the Principal Amount set forth above on the Maturity Date set forth above (unless paid or redeemed earlier as hereinafter provided), and to pay interest thereon at the Interest Rate set forth above, on each interest payment date, from the interest date to which interest has been paid next preceding the date of authentication of this Bond from the interest payment date immediately preceding the date of authentication of this Bond unless this Bond is authenticated on or before _____ 15, 20__, in which case interest shall be paid from the Original Date, or unless this Bond is authenticated between the fifteenth day preceding an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment date. Interest shall be payable on February 1 and August 1 of each year, commencing [February/August] 1, 20__. Interest shall be calculated on the basis of twelve (12), 30-day months for a 360-day year.

The principal of, interest and premium, if any, on this Bond (except for mandatory redemption and optional redemption payments) are payable in lawful money of the United States of America. The principal (except for mandatory sinking fund and optional redemption payments) shall be payable in lawful money of the United States of America upon presentation at the office of the Paying Agent or at the principal corporate trust office of any successor paying agent appointed under the Bond Resolution hereinafter defined. Mandatory and optional redemption payments and interest on this Bond shall be paid by check mailed to the registered owner of this Bond at the address as it appears on the registration books kept by the Registrar as of the fifteenth day immediately preceding the interest payment date or at such other address as is provided to the Registrar in writing by the registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day Commission funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time).

The Bonds shall be initially in a Book Entry System (as defined in the Bond Resolution). The provisions of this Bond and of the Bond Resolution are subject in all respects to the provisions of the Letter of Representations between the City and The Depository Trust Company, or any substitute agreement, effecting such Book Entry System.

THIS BOND DOES NOT CONSTITUTE A CORPORATE OBLIGATION OF THE CITY OF BLOOMINGTON, BUT CONSTITUTES AN OBLIGATION OF THE BLOOMINGTON REDEVELOPMENT DISTRICT ("DISTRICT") AS A SPECIAL TAXING DISTRICT, IN THE NAME OF THE CITY, PAYABLE SOLELY OUT OF TAX INCREMENT AND INVESTMENT EARNINGS ON ANY CASH OR SECURITIES HELD IN ANY OF THE ACCOUNTS OR FUNDS ESTABLISHED UNDER THE BOND RESOLUTION. NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE DISTRICT OR THE CITY IS PLEDGED TO PAY THE PRINCIPAL OF OR INTEREST ON THIS BOND.

This Bond is one of an authorized issue of bonds of the Redevelopment District of the City of Bloomington with an aggregate principal amount of \$_____ designated "Redevelopment District Tax Increment Revenue

Bonds of 20__” (“Bonds”). The Bonds are numbered consecutively from R-1 upwards and are issued pursuant to the Bond Resolution adopted by the Bloomington Redevelopment Commission (“Commission”) on October 15, 2018, as Resolution No. ____ (“Bond Resolution”) and in strict compliance with I.C. 5-1-14, I.C. 36-7-14, I.C. 36-7-25 and all related and supplemental acts as in effect on the issue date of the Bonds (collectively, “Act”), to procure funds to be applied to the Costs of the Project (as defined in the Bond Resolution), including issuance expenses of the Bonds [and to fund a debt service reserve for the Bonds]. The Project consists of the acquisition and construction of two parking garages to be located in, serving or benefiting the Bloomington Consolidated Economic Development Area, an economic development area under the Act.

The Bonds are all equally and ratably secured by and entitled to the protection of the Bond Resolution. To secure payment of the Debt Service (as defined in the Bond Resolution) on the Bonds and performance of all other covenants of the City and the District under the Bond Resolution, the Commission, acting in the name of the City, pursuant to the Bond Resolution, has pledged Tax Increment (as defined in the Bond Resolution) and the funds and accounts held under the Bond Resolution to the Bonds. Reference is hereby made to the Bond Resolution for a description of the rights, duties and obligations of the Commission, the District, and the owner of the Bonds, the terms and conditions upon which the Bonds are issued and the terms and conditions upon which the Bonds will be paid at or prior to maturity, or will be deemed to be paid and discharged upon the making of provisions for payment therefor. Copies of the Bond Resolution are on file at the office of the Commission. THE OWNER OF THIS BOND, BY ACCEPTANCE OF THIS BOND, HEREBY AGREES TO ALL OF THE TERMS AND PROVISIONS IN THE BOND RESOLUTION.

The Bonds of this issue maturing on and after _____ 1, 20__, are redeemable at the option of the City beginning on _____ 1, 20__, or any date thereafter, upon thirty (30) days’ notice, in whole or in part, in order of maturity selected by the Commission and by lot within a maturity, at par.

[Insert mandatory sinking fund redemption terms, if any]

Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of optional [and mandatory] redemption. If less than an entire maturity is called for redemption, the bonds to be redeemed shall be selected by lot by the Registrar. [If some Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.]

Notice of any redemption shall be given by the Registrar at least thirty (30) days prior to the date fixed for redemption (unless notice is waived by the Owners of the Bonds) by sending written notice by certified or registered mail to the Owners of the Bonds to be redeemed in whole or in part at the address shown on the registration books of the Registrar. Failure to give such notice by mailing, or any defect therein with respect to any Bond, shall not affect the validity of any proceeding for the redemption of other Bonds. Such notice shall state the redemption date, the redemption price, the amount of accrued interest, if any, payable on the redemption date, the place at which the Bonds are to be surrendered for payment and, if less than the entire principal amount of the Bond is to be redeemed, the portion thereof to be redeemed. By the date fixed for redemption, due provision shall be made with the Registrar for the payment of the redemption price of the Bonds to be redeemed, plus accrued interest, if any, to the date fixed for redemption. When the Bonds have been called for redemption, in whole or in part, and due provision has been made to redeem same as herein provided, the Bonds or portions thereof so redeemed shall no longer be regarded as outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Owners of such Bonds to collect interest which would otherwise accrue after the redemption date on any Bond or portion thereof called for redemption shall terminate on the date fixed for redemption, provided that funds for their redemption are on deposit at the place of payment at that time.

If fewer than all of the Bonds are to be redeemed, the Registrar will select the particular Bonds to be redeemed by lot in such manner as it deems fair and appropriate. Each principal amount shall be considered a separate bond for purposes of redemption.

The Commission reserves the right to authorize and issue additional bonds or enter into leases payable out of Tax Increment as provided in the Bond Resolution.

The Commission may, without the consent of, or notice to, the registered owners of this Bond, adopt a supplemental resolution to the Bond Resolution under certain circumstances as described in the Bond Resolution.

This Bond is transferable or exchangeable only upon the books of the Commission kept for that purpose at the office of the Registrar by the Registered Owners in person, or by its attorney duly authorized in writing, upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owners or its attorney duly authorized in writing, and thereupon a new fully registered or Bond in the same aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owners, as the case may be, therefor. The Registrar shall not be obligated to (a) register, transfer or exchange the Bonds during a period of fifteen (15) days next preceding mailing of a notice of redemption of the Bonds, or (b): to register, transfer or exchange the Bonds selected, called or being called for redemption in whole or in part after mailing notice of such call. The City and the Registrar may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof. This Bond may be transferred or exchanged without cost to the Registered Owners except for any tax or governmental charge required to be paid with respect to the transfer or exchange, which taxes or governmental charges are payable to the person requesting such transfer or exchange.

This Bond shall be issued in fully registered form in the minimum denomination of Five Thousand Dollars (\$5,000) or in any integral multiples thereof.

If this Bond shall have become due and payable in accordance with its terms or shall have been duly called for redemption or irrevocable instructions to call this Bond or a portion thereof for redemption shall have been given, and the whole amount of the principal of and interest so due and payable on this Bond or portion thereof then outstanding shall be paid or (i) sufficient moneys, or (ii) noncallable, direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) obligations of any state of the United States of America or any political subdivision thereof, the full payment of principal of and interest on which (a) are unconditionally guaranteed or "insured by the United States of America, or (b) are provided for by an irrevocable deposit of securities described in clause (ii) and are not subject to call or redemption by the issuer thereof prior to maturity or for which irrevocable instructions to redeem have been given, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case this Bond shall no longer be deemed outstanding or an indebtedness of the District.

It is hereby certified, recited and declared that all acts, conditions and things required to be done precedent to and in the execution, issuance, sale and delivery of this Bond have been properly done, happened and performed in regular and due form as prescribed by law, and that the total indebtedness of the Bloomington Redevelopment District, including the Bonds, does not exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by the authorized representative of the Registrar.

IN WITNESS WHEREOF, the Bloomington Redevelopment Commission has caused this Bond to be executed by the manual or facsimile signature of the Mayor, in the name of the City of Bloomington for and on behalf of the Redevelopment District of the City, and attested by the manual or facsimile signature of the Controller of the City, who has caused the seal of City of Bloomington to be impressed or a facsimile thereof to be printed hereon:

CITY OF BLOOMINGTON, INDIANA

By: _____
Mayor

(SEAL)

ATTEST:

Controller

CERTIFICATE OF AUTHENTICATION

It is hereby certified that this bond is one of the bonds described in the within-mentioned Resolution duly authenticated by the Registrar.

_____, as Registrar

By _____
Authorized Representative

ASSIGNMENT

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

| | |
|--------------------------|--|
| TEN. COM. | as tenants in common |
| TEN. ENT. | as tenants by the entireties |
| JT. TEN. | as joint tenants with right of survivorship and not as tenants in common |
| UNIF. TRANS. MIN. ACT | _____ (Cust.) Custodian _____ (Minor) |

under Uniform Transfers to Minors Act of

(State)

Additional abbreviations may also be used although not in the above list.

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

(please print or typewrite name and address of transferee)

(please insert social security or
other identifying number of assignee)

\$_____ in principal amount (must be a multiple of \$_____) of the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature of this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

(End of Bond Form)

(B) Form of BANs. The form of the BANs shall be set forth in the BAN Purchase Agreement.

(C) Form of Parity Obligations. The form of any Parity Obligations shall be set forth in the resolution approving the issuance of such Parity Obligations.

SECTION 5. SALE OF THE BANS AND THE BONDS, DEPOSIT OF PROCEEDS.

(A) The Controller, upon the advice of the Commission's financial advisor, is hereby authorized and directed to sell the BANs to the BAN Purchaser at a negotiated sale upon receipt of the purchase price or the initial draw in immediately available funds.

Prior to the delivery of the BANs, the Controller shall obtain a legal opinion addressed to the Commission as to the validity of the BANs from Barnes & Thornburg LLP, Indianapolis, Indiana, bond counsel ("Bond Counsel"), and shall furnish such opinion to the BAN Purchaser. The cost of such Opinion shall be considered as a part of the cost incidental to these proceedings and shall be paid out of the proceeds of the BANs.

Capitalized interest on the BANs, if any, shall be deposited in a separate subaccount of the Allocation Fund. The remaining proceeds of the BANs shall be deposited in the Capital Fund and applied to the Costs of the Project.

(B) After completion of all the necessary legal requirements for the marketing of the Bonds, the Controller is hereby authorized and directed to sell the Bonds to the Bond Purchaser at a negotiated private sale or at a competitive sale pursuant to I.C. 5-1-11-2, upon receipt of the purchase price, including interest accrued to the date of delivery, if any, in immediately available funds, pursuant to the terms of the Bond Purchase Agreement. The Bonds shall be sold to the Bond Purchaser at a price of not less than 99% of par.

(C) Prior to the delivery of each series of the Bonds, the Controller shall obtain a legal opinion addressed to the Commission as to the validity of the Bonds from Bond Counsel, and shall furnish such opinion to the Bond Purchaser. The cost of such opinion shall be considered as part of the costs incidental to these proceedings and shall be paid out of proceeds of the Bonds.

(D) Capitalized interest received from the sale of the Bonds, if any, shall be deposited in a separate subaccount of the Allocation Fund and applied as set forth in Section 11. Proceeds of the Bonds in an amount not to exceed the Debt Service Reserve Requirement shall be deposited in

the Debt Service Reserve Account. An amount sufficient to repay the BANs, if any, shall be immediately applied to the payment of the BANs. The remaining proceeds of the Bonds shall be deposited in the Capital Fund.

SECTION 6. DELIVERY OF INSTRUMENTS.

The Commission hereby authorizes and directs the Mayor, the Controller and the President of the Commission, and each of them, for and on behalf of the City, the Commission and the District, to prepare, execute and deliver any and all instruments, letters, certificates, agreements and documents as the executing official or Bond Counsel determines is necessary or appropriate to consummate the transactions contemplated by this Resolution, and such determination shall be conclusively evidenced by the execution thereof. The instruments, letters, certificates, agreements and documents, including the BANs and the Bonds, necessary or appropriate to consummate the transactions contemplated by this Resolution shall, upon execution, as contemplated herein, constitute the valid and binding obligations or representations and warranties of the Commission, acting in the name of the City, the full performance and satisfaction of which by the Commission are hereby authorized and directed.

SECTION 7. BOND PURCHASE AGREEMENT, BAN PURCHASE AGREEMENT AND INVESTMENT LETTERS.

(A) The Commission hereby authorizes and approves the preparation of a BAN Purchase Agreement and a Bond Purchase Agreement, by which the BANs or Bonds are to be sold to the BAN Purchaser or Bond Purchaser. The President or Vice President of the Commission is hereby authorized and directed to execute, and the Secretary of the Commission is hereby authorized and directed to attest and affix the seal of the City to, the BAN Purchase Agreement and the Bond Purchase Agreement, with such changes and revisions thereto as they deem necessary or appropriate to consummate the transactions contemplated thereby. Such execution and attestation shall be conclusive evidence of their approval of such changes and revisions. The BAN Purchase Agreement and the Bond Purchase Agreement in the form executed shall constitute the valid and binding limited obligation of the Commission, acting in the name of the City, the full performance and satisfaction of which by the Commission is hereby authorized and directed.

(B) The Controller and the President or Vice President of the Commission are authorized and directed to obtain an investment letter from the BAN Purchaser to the effect that by acceptance of the BANs, the BAN Purchaser is deemed to have consented to all the terms and provisions of this Resolution and represents that:

(1) It is a sophisticated investor and is familiar with securities such as the BANs.

(2) It is familiar with the City, the Commission and the District. It has received and read such information concerning the City, the Commission, the District, the BANs, the Bonds and the Tax Increment as it deems to be necessary in connection with investment in the BANs. It has received, read and commented upon this Resolution. Prior to the purchase of the BANs, it has been provided with the opportunity to ask questions of and

receive answers from the representatives of the City, the District and the Commission concerning the terms and conditions of the BANs and the tax status of the BANs, and the security therefor, and to obtain any additional information needed in order to verify the accuracy of the information obtained to the extent that the City, the District or the Commission possesses such information or can acquire it without unreasonable effort or expense. It is not relying on Bond Counsel for information concerning the financial status of the Commission or the ability of the Commission to honor its obligations or other covenants under this Resolution.

(3) It is acquiring the BANs for its own account with no present intent to resell and that it will not sell, convey, pledge or otherwise transfer the BANs without prior compliance with applicable requirements of state and federal laws, including laws concerning disclosure. It acknowledges and understands that the owners of the BANs cannot reasonably rely on the repayment of the BANs from any source other than Tax Increment and proceeds of the BANs and the Bonds.

SECTION 8. OFFICIAL STATEMENT AND CONTINUING DISCLOSURE.

(A) The distribution of an Official Statement prepared for and on behalf of the Commission, is hereby authorized and approved and the President or the Vice President of the Commission, is authorized and directed to execute the final Official Statement on behalf of the Commission in a form consistent with this Resolution and the Bond Purchase Agreement. If necessary, the President or Vice President of the Commission is hereby authorized to designate the preliminary Official Statement as “nearly final” for purposes of Rule 15c2-12, as amended and as adopted by the Securities and Exchange Commission (“Rule 15c 2-12”).

(B) If the BANs or Bonds are subject to Rule 15c2-12, then with respect to the BANs or Bonds, respectively, the President or Vice President of the Commission is hereby authorized to execute and deliver a continuing disclosure agreement upon delivery of the Bonds (“Continuing Disclosure Agreement”). The Commission and City covenant, to the extent permitted by law that they will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Resolution, failure of the Commission or the City to comply with the Continuing Disclosure Agreement shall not be considered an event of default hereunder. If the Commission or the City fails to comply with the Continuing Disclosure Agreement, the sole remedy available for such failure shall be for the specific performance of the Commission’s or City’s obligations under this Section and the Continuing Disclosure Agreement and there shall be no remedies for money damages of any kind or in any amount. This remedy shall be available solely to owners of the BANs or the Bonds for which the Continuing Disclosure Agreement was delivered. The Commission’s or City’s failure to honor its covenant herein shall not constitute a breach or default under this Resolution pursuant to which the BANs or the Bonds are issued or any other agreement to which the Commission or City is a party. The remedy set forth in this Section 8 may be exercised by any holder of the BANs or the Bonds for which the Continuing Disclosure Agreement was delivered in any court of competent jurisdiction in the State of Indiana. An affidavit to the effect that such person is a holder of BANs or the Bonds for which the Continuing Disclosure Agreement was delivered supported by reasonable documentation of such claim shall be sufficient to evidence standing to pursue this remedy. Prior to pursuing any

remedy under this Section 8, a holder of BANs or the Bonds for which the Continuing Disclosure Agreement was delivered shall give notice to the Commission or the City, via registered or certified mail, of such breach and its intent to pursue such remedy. Fifteen (15) days after mailing of such notice, and not before, a holder of BANs or the Bonds for which the Continuing Disclosure Agreement was delivered may pursue such remedy under this Section 8.

SECTION 9. EXECUTION OF THE BANs AND THE BONDS.

The Mayor is hereby authorized and directed to execute the BANs and the Bonds with his manual or facsimile signature, and the Controller is hereby authorized and directed to have BANs and the Bonds prepared, attest the BANs and the Bonds with his manual or facsimile signature and cause the seal of the City to be impressed or a facsimile thereof to be printed on the BANs and the Bonds, all in the form and manner herein provided. If any officers whose signature or facsimile signature shall appear on the BANs and the Bonds shall cease to be such officer before the delivery of the BANs and the Bonds, such signature shall nevertheless be used and sufficient for all purposes the same as if such officer had remained in office until the date of delivery of the BANs and the Bonds even though such officer may not have been so authorized or have held such office. Upon the consummation of the sale of the BAN and the Bonds, the Controller shall receive from the BAN Purchaser and the Bond Purchaser the amount to be paid for the BANs and the Bonds, respectively, and deliver the BANs to the BAN Purchaser and the Bonds to the Bond Purchaser.

SECTION 10. REDEVELOPMENT DISTRICT CAPITAL FUND.

(A) The Redevelopment District Capital Fund is established pursuant to I.C. 36-7-14-26. Proceeds of the BANs and the Bonds deposited in the Capital Fund shall be deposited in a separate account of the Commission, acting in the name of the City, and kept separate and apart from all other funds of the City, the Commission and the District and may be invested only in Qualified Investments as permitted by law. Proceeds of the BANs will be drawn and disbursed in accordance with subsection (C) and the BAN Purchase Agreement. The Controller shall administer the moneys in the Capital Fund in accordance with this Resolution. The proceeds in the Capital Fund and investment earnings on amounts in the Capital Fund shall be expended only to pay the Costs of the Project and Debt Service on the Bonds. Upon issuance of the Bonds, any BANs shall be called for redemption as provided in Section 3 and proceeds of the Bonds in the Capital Fund shall be immediately set aside and used for the repayment of the principal of and interest on the BANs. The remaining proceeds of the BANs and the Bonds shall be applied to pay remaining Costs of the Project.

(B) Before the eleventh day of each calendar month, the Controller shall notify the Commission of the amount in the Capital Fund at the close of business on the last day of the preceding month.

(C) The Controller shall disburse from the Capital Fund the amount required for the payment of the remaining Costs of the Project upon the receipt of duly authorized claims filed in accordance with Indiana law and approved by the Commission.

(D) If, after payment of all claims tendered under the provisions of this Section, any funds shall remain in the Capital Fund, the Controller shall transfer all moneys then in the Capital Fund (except moneys reserved to pay any disputed or unpaid claims), to the Allocation Fund to pay principal and interest on the BANs, Debt Service on the Bonds, or as otherwise permitted by law and directed by the Commission.

SECTION 11. FLOW OF FUNDS.

(A) Creation of Funds and Accounts.

(1) There has previously been established, and is hereby continued, the Allocation Fund, a Bond Principal and Interest Account, a Debt Service Reserve Account and a Surplus Fund. The Allocation Fund shall be held by the Controller. All Prior Bond Increment and Tax Increment shall immediately upon receipt by the City be deposited in the Allocation Fund and then be set aside in the following Accounts and Funds, in the following order of priority and to the extent indicated below:

- (a) Bond Principal and Interest Account;
- (b) Debt Service Reserve Account; and
- (c) Surplus Fund.

The Controller shall, if necessary or required to comply with the covenants and obligations set forth in the resolutions and documents authorizing and applicable to the Prior Bonds, keep such separate records or establish such separate accounts or subaccounts and make such deposits therein from the Allocation Fund, as deemed necessary to maintain such compliance.

(2) Amounts in the Allocation Fund shall be invested in Qualified Investments at the direction of the Controller. Interest earned in each fund or account shall be credited to such fund or account.

(B) Bond Principal and Interest Account. The Controller shall, at least one day prior to each principal and interest payment date, set aside from the Allocation Fund an amount which, together with any amount already on deposit therein, is sufficient to pay principal and interest due on the BANs or the Bonds on the following interest and/or principal payment date, taking into account the payments due on the Prior Bonds, any Parity Obligations and any subordinate obligations. No funds need to be deposited or retained in the Bond Principal and Interest Account to the extent that the amount contained or remaining therein is at least equal to the aggregate amount of debt service becoming next due and payable on the BANs and Bonds as well as payments next due on the Prior Bonds, any Parity Obligations and any subordinate obligations. All money in the Bond Principal and Interest Account shall be used and withdrawn solely for the purpose of paying debt service on the BANs or Debt Service (and the redemption premium, if any) on the Bonds as they shall become due and payable (including accrued interest on any Bonds purchased or redeemed prior to maturity) and amounts due on the Prior Bonds, any Parity Obligations and any subordinate obligations.

(C) Debt Service Reserve Account. Proceeds of the Bonds or funds of the Commission in an amount equal to the Debt Service Reserve Requirement shall be deposited in the Debt Service Reserve Account, upon issuance of the Bonds. If, at any time, the balance in the Debt Service Reserve Account is less than the Debt Service Reserve Requirement, all Tax Increment not required for the Bond Principal and Interest Account shall be deposited in the Debt Service Reserve Account until the balance equals the Debt Service Reserve Requirement. Moneys deposited and maintained in the Debt Service Reserve Account shall be applied to the payment of the principal of and interest on the Bonds to the extent that amounts in the Bond Principal and Interest Account are insufficient to pay Debt Service when due and payable. If moneys in the Debt Service Reserve Account are transferred to the Bond Principal and Interest Account to pay Debt Service on the Bonds, the depletion of the balance in the Debt Service Reserve Account shall be made up from the next available Tax Increment after the required deposits to the Bond Principal and Interest Account are made. Any moneys in the Debt Service Reserve Account in excess of the Debt Service Reserve Requirement shall be deposited in the Surplus Fund and applied as set forth in subsection (D). Notwithstanding anything herein to the contrary, the Commission may fund all or part of the Debt Service Reserve Account with a debt service reserve surety bond or credit facility. The surety bond or credit facility must be issued by an insurance company rated in one of the two highest rating categories (without reference to modifiers within a category) by Standard & Poor's Corporation and Moody's Investors Service, respectively, with such rating requirements being determined as satisfied at the time of issuance of such surety bond and not at any time thereafter.

The Commission, upon the advice of its financial advisor, hereby finds that funding the Debt Service Reserve Account is reasonably required and that the Debt Service Reserve Requirement is no larger than necessary to market the Bonds. The Commission further finds that the Debt Service Reserve Requirement is directly related to the Project because the Bond Purchaser would not purchase the Bonds without the Debt Service Reserve Account.

The Debt Service Reserve Requirement, if any, for any Parity Obligations shall be set forth in the resolution authorizing the Parity Obligations. Such resolution may amend the definition of the Debt Service Reserve Requirement to include the Parity Obligations without obtaining the consent of the owners of the outstanding Bonds.

(D) Surplus Fund. After making the deposits described in (A), (B) and (C) above, any remaining Tax Increment shall be deposited in the Surplus Fund and shall be available in the following order of priority:

- (1) to pay Debt Service due on the Bonds, debt service due on the BANs, fixed annual lease rentals or any amounts due under any Parity Obligations;
- (2) to fund or replenish the Debt Service Reserve Account;
- (3) to pay debt service or lease rentals due on subordinate obligations permitted pursuant to Section 12 (C) hereof;
- (4) at the option of the Commission, to pay additional Debt Service or additional lease rentals to enable the redemption or purchase of Bonds; or

(5) for any other purposes permitted by the Act, including distributions to the tracing units as provided under the Act.

(E) No Prior Liens. The Commission, acting in the name of the City, represents and warrants that there are no prior liens, encumbrances or other restrictions on the Tax Increment, or on the City's ability to pledge the Tax Increment for the benefit of the owners of the BANs or the Owners of the Bonds, except as otherwise described and set forth herein.

SECTION 12. ISSUANCE OF ADDITIONAL BONDS.

(A) Parity BANs. The Commission reserves the right to authorize and issue BANs on parity with the BANs for the purpose of raising money to complete the Project, to refund the BANs or for any other purposes permitted by the Act. Except as provided in this Resolution, the terms and conditions of any parity BANs shall be set forth in the resolution authorizing the issuance of such parity BANs.

(B) Parity Obligations. The Commission reserves the right to authorize and issue Parity Obligations of the Commission, acting in the name of the City, payable from Tax Increment, for the purpose of raising money for future local public improvements or economic redevelopment projects in, serving or benefitting the Area or to refund the Bonds, the Prior Bonds or other Parity Obligations. If any Parity Obligations are issued pursuant to this Section 12, the term "Bonds" in this Bond Resolution shall, unless the context otherwise requires, be deemed to refer to the Bonds and such Parity Obligations. The authorization and issuance of such Parity Obligations, which shall be payable from Tax Increment, shall be subject to the following conditions precedent:

(1) All interest and principal payments with respect to all obligations payable from the Tax Increment shall be current to date in accordance with the terms thereof, with no payment in arrears;

(2) For Parity Obligations payable from Tax Increment without a special benefits tax levy under I.C. 36-7-14-27, another unlimited property tax levy or a pledge of local option income taxes, the Commission and the Bond Purchaser shall have received a certificate ("Certificate") prepared by an independent, qualified accountant or feasibility consultant ("Certifier") certifying the amount of the Tax Increment estimated to be received in each succeeding year, adjusted as provided below, which estimated amount shall be at least equal to one hundred twenty-five percent (125%) of the debt service requirements with respect to the outstanding Bonds and the proposed Parity Obligations for each respective year during the term of the outstanding Bonds. In estimating the Tax Increment to be received in any future year, the Certifier shall base the calculation on assessed valuation actually assessed or estimated to be assessed as of the assessment date immediately preceding the issuance of the Parity Obligations; provided, however, the Certifier shall adjust such assessed values for the current and future reductions of real property tax abatements granted to property owners in the Allocation Area. If the Parity Obligations are secured by a special benefits tax levy under I.C. 36-7-14-27, another

unlimited property tax levy or a pledge of local option income taxes, the requirements of this paragraph (A)(2) need not be met; and

(3) Principal and interest on any Parity Obligations or junior obligations and lease rentals on Parity Obligations which are leases shall be payable semiannually in approximately equal installments on February 1 and August 1.

Except as provided in this Resolution, the terms and conditions of any Parity Obligations shall be set forth in the resolution authorizing the issuance of such Parity Obligations.

(C) Subordinate Obligations. The Commission, acting in the name of the City, may issue bonds or other obligations or enter into leases which are junior and subordinate to the Bonds. The terms and conditions of such subordinate obligations will be set forth in a resolution adopted by the Commission. Principal and any interest on any subordinate obligations and lease rentals shall be payable on February 1 and August 1 out of Tax Increment as set forth in Section 11.

SECTION 13. TAX COVENANTS. In order to preserve the excludability of interest on any BANs and any Bonds, the interest on which is excluded from gross income for federal tax purposes (collectively, the “Tax-Exempt Bonds”) under Section 103 of the Internal Revenue Code of 1986 as existing on the date of issuance of any such series of the Tax-Exempt Bonds (the “Code”), and as an inducement to purchasers of the Tax-Exempt Bonds, the Commission represents, covenants and agrees that:

(a) Each of the District and the City will not take any action nor fail to take any action with respect to the Tax-Exempt Bonds that would result in the loss of the excludability of interest on the Tax-Exempt Bonds from gross income for federal tax purposes pursuant to Section 103 of the Code, nor will the District or the City act in any other manner which would adversely affect such exclusion;

(b) It shall be not an event of default under this resolution if the interest on any Tax-Exempt Bond is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Tax-Exempt Bonds;

(c) The District hereby covenants that it will rebate any arbitrage profits to the United States to the extent required by the Code and the regulations promulgated thereunder; and

(d) These covenants are based solely on current law in effect and in existence on the date of delivery of each series of such Tax-Exempt Bonds.

Notwithstanding any other provisions of the Resolution, the foregoing covenants and authorizations (the “Tax Sections”) which are designed to preserve the excludability of interest on the Tax-Exempt Bonds from gross income under federal law (the “Tax Exemption”) need not be complied with to the extent the District receives an opinion of nationally recognized bond counsel that compliance with such Tax Section is unnecessary to preserve the Tax Exemption.

SECTION 14. CONTRACTUAL NATURE OF THIS RESOLUTION.

(A) The provisions of this Resolution shall constitute a contract by and between the Commission, acting in the name of the City, and the owners of the BANs or the Owners of the Bonds. After the issuance of the BANs or the Bonds, this Resolution, and the definition of, or the manner of determining, allocating or collecting the Tax Increment or the lien created by this Resolution, shall not be repealed, amended or impaired in any respect which will adversely affect the rights of the owners of the BANs or the Owners of the Bonds, respectively (except as specifically permitted in Sections 16 and 17), nor shall the Commission adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of the BANs or the Bonds remain unpaid.

(B) The Commission, acting in the name of the City, covenants not to impair the pledge of the Tax Increment to the payment of the BANs or the Bonds, so long as any of the Bonds are outstanding, or to impair any other pledge or covenant under this Resolution during that period. The Commission further covenants not to change, alter or diminish the Area or the Allocation Area in any way that would adversely affect the owners of the BANs or the Owners of the Bonds so long as any of the BANs or the Bonds remain outstanding.

SECTION 15. DEFEASANCE OF THE BONDS.

(A) If, when the Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or a portion thereof for redemption shall have been given, and the whole amount of the Debt Service so due and payable upon the Bonds or a portion thereof then outstanding shall be paid or (i) sufficient moneys, or (ii) noncallable, direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) obligations of any state of the United States of America or any political subdivision thereof, the full payment of principal of, and interest on which (a) are unconditionally guaranteed or insured by the United States of America, or (b) are provided for by an irrevocable deposit of securities described in clause (ii) and are not subject to call or redemption by the issuer thereof prior to maturity or for which irrevocable instructions to redeem have been given, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case the Bonds or such portion thereof shall no longer be deemed outstanding or an indebtedness of the Commission, acting in the name of the City. If no principal of or interest on the Bonds or any subordinate obligations is outstanding, any remaining funds (including Tax Increment) shall be used as provided in I.C. 36-7-14-39 or any successor provision.

(B) No deposit under this Section shall be made or accepted under this Section and no use made of any such deposit unless the Commission shall have received a verification from an accountant or firm of accountants appointed by the Controller and acceptable to the Commission verifying the sufficiency of the deposit to pay the principal of the Bonds to the due date, whether such due date be by reason of maturity or upon redemption.

SECTION 16. AMENDING SUPPLEMENTAL RESOLUTION. The Commission may, without the consent of, or notice to, the Owners of the Bonds, adopt a supplemental resolution for any one or more of the following purposes:

- (A) To cure any ambiguity or formal defect or omission in this Resolution;
- (B) To grant to or confer upon the owners of the BANs or the Owners of the Bonds any additional benefits, security, rights, remedies, powers or authorities that may lawfully be granted to or conferred upon the owners of the BANs or the Owners of the Bonds;
- (C) To modify, amend or supplement this Resolution to permit the qualification of the Bonds for sale under the securities laws of the United States of America or of any of the states of the United States of America or the qualification of this Resolution under the Trust Indenture Acts of 1939, as amended, or any similar federal statute hereafter in effect if such modification, amendment or supplement will not have a material adverse effect on the owners of the BANs or the Owners of the Bonds;
- (D) To provide for the refunding or advance refunding of all or a portion of the BANs or the Bonds;
- (E) To amend the Resolution to permit the Commission, acting in the name of the City, to comply with any future federal tax law or any covenants contained in any supplemental resolution with respect to compliance with future federal tax law;
- (F) To provide for the issuance of parity BANs, Parity Obligations or Subordinate Obligations;
- (G) To subject to the Bond Resolution additional revenues, security, properties or collateral; and
- (H) To amend the Resolution for any other purpose which in the judgment of the Commission does not adversely affect the interests of the owners of the BANs or the Owners of the Bonds in any material way.

SECTION 17. CONSENT TO SUPPLEMENTAL RESOLUTIONS.

(A) The owners of the BANs or the Owners of not less than fifty-one percent (51%) in aggregate principal amount of the Bonds then outstanding shall have the right, from time to time, anything contained in the Resolution to the contrary notwithstanding, to consent to and approve the adoption by the Commission of such supplemental resolutions as shall be deemed necessary and desirable by the Commission for the purpose of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Resolution or in any supplemental resolution other than those provisions covered by Section 16; provided however, that nothing in this Section contained shall permit, or be construed as permitting, without the consent of the owners of all the then outstanding Bonds affected, (a) an extension of the maturity of the principal of and interest on any Bonds payable from Tax Increment, or (b) a reduction in the

principal amount of any Bond or change in the rate of interest or (c) a privilege or priority of any Bond or Bonds over any other Bond or Bonds, or (d) a reduction in the aggregate principal amount of the Bonds required for consent to such supplemental resolution, or (e) a change in the provisions regarding the collection, deposit, and allocation of Tax Increment as set forth in I.C. 36-7-14-39 as in effect on the date of the issuance of the Bonds and in the Bond Resolution or in the lien on the Tax Increment for any Bonds, or (f) the creation of any lien securing any Bonds other than a lien ratably securing all of the Bonds at any time outstanding hereunder, or (g) a change in the method of accrual of interest on any Bonds.

(B) If at any time the Commission desires to adopt a supplemental resolution for any of the purposes permitted in this Section, the Commission -shall cause notice of the proposed adoption of such supplemental resolution to be mailed by registered or certified mail to each owner of the BANs or Owners of the Bonds at the address shown on the registration books maintained by the Registrar. Such notice shall briefly set forth the nature of the proposed supplemental resolution and shall state that copies of it are on file at its office for inspection by all owners of the BANs or Owners the Bonds. If, within sixty (60) days, or such longer period as shall be prescribed by the Commission, following the mailing of such notice, the owners of the BANs Or the Owners of not less than fifty-one percent (51 %) in aggregate principal amount of the Bonds outstanding at the time of the execution of any such supplemental resolution shall have consented to and approved the execution of such supplemental resolution, no subsequent owners of the Bonds shall have any right to object to any of the terms and provisions contained therein, or the operation thereof, or in any manner to question the propriety of the adoption thereof or to enjoin or restrain the Commission from adopting the same or from taking any action pursuant to the provisions thereof. Upon the adoption of any such supplemental resolution as is permitted and provided by this Section, this Resolution shall be and be deemed to be modified and amended in accordance therewith.

(C) Any consent, request, direction, approval, objection or other instrument required by this Resolution to be signed and executed by the owners of the BANs or Owners of the Bonds, may be in any number or concurrent writings of similar tenor and may be signed or executed by the owners of the BANs or Owners of the Bonds, in person or by agent appointed in writing. Proof of the execution of any such consent, request, direction, approval, objection or other instrument or of the writing appointing any such agent and of the ownership of the BANs or the Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Resolution, and shall be conclusive in favor of the City with regard to any action taken by it or them under such request or other instrument, namely:

(1) The fact and date of the execution by any person of any such writing may be proved (a) by the certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such writing acknowledged before him the execution thereof, or (b) by an affidavit of any witness to such execution.

(2) The fact of ownership of the BANs and the Bonds or the amount or amounts, numbers and other identification of the BANs and the Bonds, and the date of holding the same shall be proved by the registration books maintained by the Registrar.

SECTION 18. EVENTS OF DEFAULT.

(A) If any of the following events occur, it is hereby defined as and declared to be and to constitute an “Event of Default”:

(1) Default in the due and punctual payment of any interest on any BAN or Bond;
or

(2) Default in the due and punctual payment of the principal of any BAN or Bond at its stated maturity or mandatory redemption date.

(B) Upon the occurrence of an Event of Default, the Controller shall notify the owners of the BANs or the Owners of all Bonds then outstanding of such Event of Default by registered or certified mail, and will have the following rights and remedies:

(1) The owners of the BANs or the Owners of the Bonds may pursue any available remedy at law or in equity or by statute to enforce the payment of the principal of and interest on the BANs or the Bonds then outstanding.

(2) Upon the filing of a suit or other commencement of judicial proceedings to enforce any rights of the Owners under this Resolution, the Owners of the Bonds will be entitled, as a matter of right, to the appointment of a receiver or receivers of the revenues, issues, earnings, income, products and profits thereof, pending such proceedings, with such powers as the court making such appointment shall confer.

(3) If the Controller certifies that there is sufficient money on deposit in the funds and accounts under this Resolution to pay Debt Service on all the BANs or the outstanding Bonds, the Controller may declare the principal of and accrued interest on all BANs or Bonds to be due and payable immediately in accordance with this Resolution.

(4) The Controller may use any money in the Capital Fund or the Allocation Fund to pay debt service on the BANs or Debt Service on the Bonds if there is an Event of Default.

No right or remedy by the terms of this Resolution conferred upon or reserved to the owners of the BANs or the Owners of the Bonds is intended to be exclusive of any other right or remedy, but each and every such right or remedy shall be cumulative and shall be in addition to any other right or remedy given to the owners of the BANs or the Owners of the Bonds hereunder or now or hereafter existing at law or in equity or by statute. The assertion or employment of any right or remedy shall not prevent the concurrent or subsequent assertion or employment of any other right or remedy.

No delay or omission to exercise any right or remedy accruing upon any Event of Default shall impair any such right or remedy or shall be construed to be a waiver of any such Event of

Default or acquiescence therein, and every such right or remedy may be exercised from time to time and as often as may be deemed expedient.

No waiver of any Event of Default, by the owners of the BANs or by the Owners of the Bonds shall extend to or shall affect any subsequent Event of Default or shall impair any rights or remedies consequent thereon.

(C) Anything in this Resolution to the contrary notwithstanding, the owners of a majority in aggregate principal amount of the outstanding BANs and the Owners of a majority in aggregate principal amount of the outstanding Bonds shall have the right, at any time during the continuance of an Event of Default, by an instrument or instruments in writing executed and delivered to the Controller, to direct the time, method and place of conducting all proceedings to be taken in connection with the enforcement of the terms and conditions of this Resolution, or for the appointment of a receiver or any other proceedings hereunder; provided that such direction shall not be otherwise than in accordance with the provisions of law and of this Resolution.

(D) All money received hereunder pursuant to any right or remedy given or action taken upon occurrence of an Event of Default under this Resolution shall, after payment of the costs and expenses of the proceedings resulting in the collection of such money and of the expenses, liabilities and advances incurred or made hereunder, be deposited in the Allocation Fund and all such money shall be applied to the BANs or the Bonds, as the case may be, as follows:

FIRST, to the payment to the persons entitled thereto of all installments of interest then due on the BANs or the Bonds, including interest on any past due principal of any BANs or Bond at the rate borne by such BAN or Bond, in the order of the maturity of the installments of such interest and, if the amount available shall not be sufficient to pay in full any particular installment, then to such payment ratably, according to the amounts due on such installments, to the persons entitled thereto without any discrimination or privilege;

SECOND, to the payment to the persons entitled thereto of the unpaid principal of any of the BANs or the Bonds which shall have become due at maturity, in the order of their due dates and, if the amount available shall not be sufficient to pay in full the principal of the BANs or the Bonds due on any particular date, together with such interest, then to such payment ratably, according to the amount of principal due on such date, to the persons entitled thereto without any discrimination or privilege; and

THIRD, to be held for the payment to the persons entitled thereto as the same shall become due of the principal of and interest on the BANs or the Bonds which may thereafter become due at maturity and, if the amount available shall not be sufficient to pay in full the principal of and interest on the BANs or the Bonds due on any particular date, such payment shall be made ratably according to the amount of principal and interest due on such date to the persons entitled thereto without any discrimination or privilege.

Whenever moneys are to be applied pursuant to the provisions of this subsection; such money shall be applied at such times, and from time to time, as the Controller shall determine, having due regard for the amount of such money available for application and the likelihood of

additional money becoming available for such application in the future. Whenever the Controller shall apply such funds, it shall fix the date upon which such application is to be made and upon such date interest on the amounts of principal to be paid on such dates shall cease to accrue: The Registrar shall establish a special record date for such payments and shall mail, at least fifteen (15) days prior to such special record date, such notice as it may deem appropriate of the deposit with it of any such money and of the fixing of any such date. The Paying Agent shall not be required to make payment of principal to the Owner of any BAN or the Owner of any Bond until such BAN or Bond shall be presented to the Paying Agent for appropriate endorsement or for cancellation if fully paid.

Whenever all principal of and interest on all BANs and Bonds have been paid under the provisions of this subsection and all expenses and charges have been paid, any balance remaining in the Allocation Fund, the Debt Service Reserve Account or the Surplus Fund shall be paid as provided in Section 11.

(E) Any recovery of judgment shall be for the equal and ratable benefit of the owners of all the outstanding BANs or Bonds.

Nothing in this Section contained shall, however, affect or impair the right of any owner of the BANs or Owner of the Bonds, which is absolute and unconditional, to enforce the payment of the principal of and redemption premium, if any, and interest on its Bonds out of Tax Increment and the funds and accounts under this Resolution, or the obligation of the Commission to pay the same, at the time and place expressed in the BANs or the Bonds.

(F) If an owner of the BANs or an Owner of the Bonds shall have proceeded to enforce any right under this Resolution by the appointment of a receiver of the Project, and such proceedings shall have been discontinued or abandoned for any reason, or shall have been determined adversely, then and in every such case the City, the Commission, the District, and the owners of the BANs or the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and with regard to the property subject to this Resolution, and all rights, remedies and powers of the owners of the BANs or the Owners of the Bonds shall continue as if no such proceedings had been taken.

SECTION 19. NOTICES. Any notice, request, complaint, demand, communication or other paper shall be sufficiently given when delivered or mailed by registered or certified mail, postage prepaid, or sent by telegram, addressed to the appropriate Notice Addresses. The City, the Commission, or the Registrar and Paying Agent may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

SECTION 20. BUSINESS DAYS. If the date of a principal payment of the Bonds or the date fixed for redemption of any portion of the Bonds shall be a legal holiday or a day on which banking institutions in the City or the jurisdiction in which the Registrar or Paying Agent is located are typically closed, then payment of principal may be made on the succeeding business day with the same force and effect as if made on the date of maturity or the date fixed for redemption.

SECTION 21. SEVERABILITY. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION 22. REPEAL OF CONFLICTING PROVISIONS. All resolutions, ordinances and orders, or parts thereof, in conflict with the provision of this Resolution, are, to the extent of such conflict, hereby repealed or amended. The foregoing is not intended, nor shall it be construed, to adversely affect any resolutions, ordinances, orders or other instruments applicable to the 2015 Bonds or the 2017 Bonds while such bonds are outstanding.

SECTION 23. EFFECTIVE DATE. This Resolution shall be in full force and effect immediately upon its passage and signing. The Secretary of the Commission is hereby directed to deliver a certified copy of this Resolution to the Controller.

Adopted at the meeting of the City of Bloomington Redevelopment Commission held on the 15th day of October, 2018.

CITY OF BLOOMINGTON
REDEVELOPMENT COMMISSION

Donald Griffin, President

ATTEST:

Mary Alice Rickert, Secretary

DMS 13418306v1

AGENDA
REDEVELOPMENT COMMISSION
McCloskey Conference Room
November 5, 2018
5:00 p.m.

- I. ROLL CALL**
- II. READING OF THE MINUTES** –October 15, 2018
- III. EXAMINATION OF CLAIMS** –October 19, 2018 for \$191,348.36
- IV. EXAMINATION OF PAYROLL REGISTERS**–October 12, 2018 for \$31,952.69
- V. REPORT OF OFFICERS AND COMMITTEES**
 - A.** Director’s Report
 - B.** Legal Report
 - C.** Treasurer’s Report
 - D.** CTP Update Report
- VI. NEW BUSINESS**
 - A.** Resolution 18-70: Approval of Funding for CDFI Friendly Bloomington
 - B.** Resolution 18-71: Approval of Trades District Covenants, Conditions, & Restrictions
 - C.** Resolution 18-72: Approval of Revised Agreement with Tasus
 - D.** Resolution 18-73: Approval of Project Form for Commercial Broker Agreement with Chris Cockerham
 - E.** Resolution 18-74: Approval of Project Form for Broker Agreement with Colliers International
 - F.** Resolution 18-75: Approval to convey ROW Property to Habitat for Humanity at 1003 West 11th Street
 - G.** Resolution 18-76: Revised Project Review and Approval Form for Garage Projects
- VII. BUSINESS/GENERAL DISCUSSION**
- IX. ADJOURNMENT**

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.

THE REDEVELOPMENT COMMISSION OF THE CITY OF BLOOMINGTON, INDIANA MET on Monday, October 15, 2018, at 5:00 p.m. in the Showers City Hall, McCloskey Conference Room, 401 North Morton Street, with Don Griffin, presiding.

I. ROLL CALL

Commissioners Present: Don Griffin, Sue Sgambelluri, David Walter, Mary Alice Rickert, Kelly Smith, and Eric Sandweiss

Commissioners Absent: None

Staff Present: Doris Sims, Director, Housing and Neighborhood Development; Christina Finley, Financial Specialist, Housing and Neighborhood Development

Others Present: Mayor John Hamilton; Mary Catherine Carmichael, Director of Community Engagement, Office of the Mayor; Jeff Underwood, City of Bloomington Controller; Alex Crowley, Director, Economic & Sustainable Development; Larry Allen, Attorney, City Legal Department; Carrie Walden, CE Solutions, Inc.; Ryan Daily, Garage Manager, Public Works Department; Karen Valiquett, CORE Planning Strategies; Ron Walker, CFC Properties; Brian Payne, Assistant Director Small Business Development, Economic and Sustainable Development; Angela Parker, Dimension Mill Inc.; Jane Martin, Dimension Mill Inc.; Jim Blickensdorf, City Parking Commission; Jacob Simpson, resident; Kurt Christian, Herald-Times; Jim Treat, O.W. Krohn & Associates, LLP; Bruce Donaldson, Barnes & Thornburg, LLP

II. READING OF THE MINUTES – Sue Sgambelluri moved to approve the October 1, 2018, minutes. David Walter seconded the motion. The board unanimously approved.

III. EXAMINATION OF CLAIMS – Eric Sandweiss moved to approve the claim register for October 5, 2018, for \$1,680,701.71. Mary Alice Rickert seconded the motion. The board unanimously approved.

IV. EXAMINATION OF PAYROLL REGISTERS –David Walter moved to approve the payroll register for September 28, 2018, for \$30,020.25. Sue Sgambelluri seconded the motion. The board unanimously approved.

V. REPORT OF OFFICERS AND COMMITTEES

A. Director's Report. Doris Sims will be hosting Mayor at the Market on Saturday, October 20, 2018. Sims will be available from 10:30-11:30 a.m. to discuss the rental inspection program, affordable housing, Community Development Block Grants and HOME programs, and other initiatives.

Sims stated it is time to elect two Redevelopment Commission representatives to serve on the Citizens Advisory Committee. Sue Sgambelluri agreed to serve as the social service representative and David Walter agreed to serve as the physical improvement representative.

Sims informed the commission that they will receive an invitation from the administration to attend a celebration for city boards and commissions. The event will take place at the Dimension Mill on November 16, 2018, from 5:30-7:30 p.m.

B. Legal Report. Larry Allen was available to answer questions.

Treasurer's Report. Underwood stated that when the 2015 TIF bonds were sold, funds for affordable housing were allocated out of that bond; those funds have not been used. Underwood said we are now at the point we can utilize those funds. Jeff Underwood stated staff will bring a resolution for the Community Development Financial Institution (CDFI) to the next RDC meeting for funding approval in the amount of \$1 million. Staff will make sure all projects qualify for RDC funding. As projects related to affordable housing move forward, the funds will be utilized.

- C. CTP Update. Alex Crowley reported covenants for the Trades District are in the final stages and will come to the board shortly. The Dimension Mill is set to open October 31, 2018. Crowley stated staff will be bringing a master broker agreement to the next commission meeting. It will be an agreement to market the Trades District lots for sale.

VI. NEW BUSINESS

- A. Resolution 18-61: Approval of Funding for Due Diligence for IU Health Purchase Agreement. Larry Allen stated after the IU Health purchase agreement for the hospital site was executed, a Phase I environmental study was done as part of the City's due diligence. The study came back with a few concerns that need further investigation. Therefore, an environmental Phase II study has begun to further investigate the areas of concern. This resolution is to pay for the Phase 1 environmental study. Allen stated the environmental phases will help define the responsibility of IU Health and insure the land is shovel ready when the city takes possession. Underwood stated the due diligence period for Phase 2 was extended from October 1, 2018, to October 31, 2018.

Sandweiss asked if there should be concerns, or are these just predicable stages of the due diligence. Allen said staff knew there was certainly a possibility for a Phase 2 and has not heard anything unusual that would cause concern.

Don Griffin asked for public comment. There were no comments from the public.

Sue Sgambelluri moved to approve Resolution 18-61. Mary Alice Rickert seconded the motion. The board unanimously approved.

- B. Resolution 18-63: Approval of Funding for Appraisals within the TIF Districts. Crowley stated occasionally the city finds properties that are important to acquire in order to control the outcome of a property, for the purpose of long term development. Staff is requesting to have access to \$50,000 as needed, for appraisals within the TIF Districts. The funds remain in the account until they are needed.

Allen stated this is an appropriate use of TIF funds.

Don Griffin asked for public comment. There were no comments from the public.

David Walter moved to approve 18-63. Eric Sandweiss seconded the motion. The board unanimously approved.

- C. Resolution 18-64: Approval of Furniture Procurement Agreement for the Dimension Mill. Underwood stated this is the final list of furniture for the Dimension Mill. He said the dollar amount has not changed and we are actually under budget.

Don Griffin asked for public comment. There were no comments from the public.

David Walter moved to approve Resolution 18-64. Sue Sgambelluri seconded the motion. The board unanimously approved.

- D. Resolution 18-66: Approval of Dimension Mill Lease Agreement with DMI.** This lease agreement will allow DMI to operate the Dimension Mill. Crowley stated this is a 5-year renewable lease agreement. He explained there is a need for the operations of the Mill to have a financial cushion for the early period of its operations, therefore rent will not begin until year 2 of the agreement and will be collected at the end of year 2. After year 2, the rent rate will gradually increase yearly. A parking agreement is also included in the lease agreement which guarantees a minimum amount of parking for the Mill.

Sgambelluri pointed out a few typos in the Resolution. She moved to amend the resolution with the corrected language. David Walter seconded. The board unanimously approved.

Sgambelluri asked about the length of the parking arrangements for this particular agreement. Crowley stated the first 2 years guarantees 50 spaces within .5 mile of the Mill, for use by the Dimension Mill membership group. After 2 years, 25 spaces will be available to the Mill each year. There is an opportunity for that to extend into the renewal period if the parties mutually agree.

Smith said that it is important the annual report from DMI includes proof of preventative maintenance. Crowley stated that is a reasonable expectation in a report.

Sandweiss asked how the rent amount was determined. Crowley stated generally it is between 2-3% of the buildings value. He said we are not trying to make a profit, just cover costs.

Don Griffin asked for public comment.

Jim Brickensdorf asked the commission to think about having available parking within 1 mile of the Mill, instead .5 mile. He said the extra .5 mile would allow parking at the Bloomington Hospital site in 2021.

Brickensdorf said it is his understanding after reading the parking lease, there is no limit to the amount of free parking that would be provided to the Mill and no incentive for them to pay for parking because the lease can be renewed in perpetuity, as long as the lease is in good standing. Brickensdorf stated if 25 spaces is sufficient for years 3, 4, and 5, then 25 spaces should be sufficient for year 1 and 2.

Jane Martin, Dimension Mill Inc., responded and said it is important that the Mill have a gradual curve to ramp-up to a self-sustaining rate. The Mill is acquiring the Cowork space and will have as many as 488 members; those 50 parking spots will be needed for at least those first two years. Martin also said 1 mile away is too far to provide parking.

Allen clarified that the lease agreement can only be renewed by mutual consent of both parties. Allen stated there hasn't been any guarantee of free parking within any contemplated new garage. The only guarantee is to provide permits for the first 5 years; 50 spaces for years 1 through 2 and 25 spaces for years 3 through 5.

Steve Volan, council member said it is ok to subsidize parking as long as you understand the impact of the parking subsidy. It isn't just about giving commuters a free or inexpensive place to put their car; the same people who are going to be occupying these

businesses in the Trades District are people who thrive on creative community. Volan urges the Redevelopment Commission to think twice about subsidizing parking.

Martin stated they fully intend to transition most of their tenants and members to paid parking, but that period to transition is needed right now.

Sue Sgambelluri moved to approve Resolution 18-66. Mary Alice Rickert seconded the motion. The board unanimously approved.

- E. Resolution 18-67: Approval of Parking Garage Project Review Form. Underwood stated this resolution is for approval to demolish the 4th Street garage, construct a new garage with additional spaces, and construct a garage in the Trades District. If the commission elects to move forward with the project, a bonding resolution is ready for consideration.

In 2017, CE Solutions was hired to complete a structural examination of the 4th Street garage. Critical repairs were made in the amount of \$27,000 to shore up the parking structure in basement levels 1, 2 and the south tower. The 4th Street garage will require an estimated \$1.1 million repair to the facility to expand the life for 5 more years. An additional 10 years would cost \$2.1 million and another 15 years would cost \$3.1 million. At the end of this year the garage will be required to close due to other structural problems.

Underwood stated the garage has 352 spaces; 80 reserved, 10 handicapped, and 262 usable spaces by both monthly and transient parkers. The occupancy of the facility is at 97% with a waiting list for 77 reserved spots and 44 non-reserved spots. The facility is in a full state of use from 10:00 a.m. to 2:00 p.m. each day.

Underwood stated the parking study by Desman has indicated a need of 1,200 to 1,500 spaces with the expansion of the convention center and addition of the hotel. The Trades District master plan indicated a need of 1,500 parking spaces.

Underwood said it will cost an estimated \$14.4 million to demolish the garage and build a larger structure with an estimated 50-year lifespan. The new garage will have up to 600 spaces available. The Trades District garage will have up to 300-400 spaces.

Crowley attended a question and answer meeting with CFC and their tenants. Crowley said there are alternative spaces for anyone who currently holds a permit. CFC will administer those alternate spots to their tenants. Crowley said obviously there are concerns from the tenants, but there is a good plan to care for all of the current permit holders. The City communicated that plan to the tenants.

Underwood said Mayor Hamilton has asked that we take a more holistic approach, look at different forms of transportation and find ways to mitigate the need for structured parking on the street. Underwood said both garages will be designed to have alternative uses.

David Walter asked how we avoid this situation in the future and ensure the parking garages will be properly maintained. He said the 4th Street garage did not receive the critical maintenance needed. He also asked how to ensure future funds are available to maintain these structures. Underwood replied, we are looking at pour and place construction, which is expected to last 50 years. It has lower maintenance cost and a smaller long-term capital maintenance need. Underwood said we are committed to making sure funds are budgeted for maintenance and that annual inspections are completed.

Brickensdorf said he fully supports and encourages the development of the 4th Street garage and believes it is long over-due. However, he believes the DESMAN parking study

shows parking is not needed in the Trades District. The report shows 1,500 needed spaces are anticipated, but probably won't be needed until 2026. If the Trades District garage is approved it wouldn't be available until 2021, which is the same time the hospital site might be available. There will also be additional inventory in 2022 when the convention center project is complete. Brickensdorf doesn't believe there has been any demonstration of present parking need. He said there is no plan for long-term maintenance, capital recovery, or pricing. He urges the Redevelopment Commission to take their time on the CTP project.

Volan said there are ways to manage the demand for parking other than building garages and giving away free spaces. He said the county built a \$9.3 million garage that is less than 300 spaces and isn't being used to the maximum of its ability.

Sgambelluri stated after listening to the conversations, it sounds like the garages are two very different projects. She asked if they could be two separate resolutions and asked if there is a reason they are bundled together. Allen stated the resolutions are bundled together because the funding is bundled together. It saves extraordinary administrative cost. If you separate them you pay double the administrative fees. Crowley added there is some efficiency on the project management side also.

Sgambelluri requested separate project and review forms for different projects in the future. Don Griffin disagreed, he felt the two garages go together.

David Walter moved to approve Resolution 18-67. Eric Sandweiss seconded the motion. The board unanimously approved.

- F. Resolution 18-68: Approval of Initial Resolution for Garage Bonds.** This resolution will authorize the RDC to issue revenue bonds that would be a pledge of the net revenues of all the garages first and TIF revenues secondarily. If approved, the resolution moves on to the City Council for their review and approval as a resolution, tentatively scheduled for October 24 and 31. If approved it comes back to the RDC as a confirmatory resolution. At that point we proceed to market the bonds either in a bid or a negotiated deal.

Karen Valiquett briefly explained the methodology to be used for constructing the garages. It is called the Construction Manager As Constructor (CMc), or Construction Delivery Method. Below is the CMc process summary:

- Owner publishes a public RFQ for architects and engineers
- Owner publishes RFP for construction manager which includes qualifications, experience, price proposal, ect.
- Evaluation team review submittals, interviews, and recommends both the architect, engineer, and construction manager
- Both architect and engineer contracts are negotiated and awarded
- Architect and engineer and contract manager work together throughout the process – architect and engineer is responsible for design; contract manager is responsible for budget estimates and constructability review of design
- Contract manager provides guaranteed maximum price at specific point during design, transferring risk to the contract manager
- Contract manager competitively bids and holds subcontracts
- Contract Manager can self-perform up to 2% of the work – but only if owner approves, and contract manager still goes through the bidding process

Don Griffin asked for public comment. There were no comments from the public.

Sue Sgambelluri moved to approve Resolution 18-68. David Walter seconded the motion. The board unanimously approved.

- G.** Resolution 18-69: Approval of Contract with Bledsoe Riggert Cooper James (BRCJ) for Trades District Plat Amendment. In 2017 the Redevelopment Commission approved re-platting of the southern portion of the West Rogers Parcels so that the property could be transferred to Pedcor. In order for the RDC and the City to market the northern portion of the property, it was necessary to adjust the property lines of the West Rogers Parcels, which required assistance from a surveyor to prepare the necessary documentation. Staff has negotiated an agreement with BRCJ. BRCJ is willing to provide the necessary platting services for an amount not to exceed \$3,000.

Sue Sgambelluri moved to approve Resolution 18-69. Mary Alice Ricket seconded the motion. The board unanimously approved.

VII. BUSINESS/GENERAL DISCUSSION

This item was moved to the front of the agenda in order to hear comments by Mayor Hamilton.

Mayor John Hamilton stated parking issues and the introduction to the Community Development Financial Institution will be discussed at tonight's commission meeting. Hamilton said both are very important issues. He stated staff has been working closely with the community regarding parking issues and appreciates and encourages collaboration between the Redevelopment Commission and staff regarding the current parking issues on tonight's agenda.

VIII. ADJOURNMENT

Donald Griffin, President

Mary Alice Rickert, Secretary

Date

**18-76
RESOLUTION
OF THE
REDEVELOPMENT COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA**

**APPROVAL OF AMENDED PROJECT REVIEW AND APPROVAL FORM
REGARDING 4th STREET AND TRADES DISTRICT GARAGES**

WHEREAS, on October 15, 2018, the City of Bloomington (“City”) brought the Redevelopment Commission of the City of Bloomington (“RDC”) a Project Review and Approval Form (“Form”) which sought the support of the RDC regarding the construction of a new 4th Street Garage and a Garage within the Trades District (“Project”); and

WHEREAS, the RDC approved that Form with RDC Resolution 18-67; and

WHEREAS, the Form as presented did not include specific reference to the sustainable design features that the City and the RDC had envisioned for the Project; and

WHEREAS, the City believes that integrating the same sustainable features appropriate to the scale of each garage in the project will result in significant savings to time and money; and

WHEREAS, the City has brought the RDC an Amended Project Review and Approval Form (“Amended Form”) which reflects the features that both the City and the RDC desires to include as part of the Project; and

WHEREAS, a copy of the Amended Form is attached to this Resolution as Exhibit A

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

1. The Redevelopment Commission reaffirms its support for the Project, as set forth in more detail in the attached Amended Form.
2. The Redevelopment Commission reaffirms that the Project has a valid public purpose, and approves the Project.

3. The expenditure of funds is not approved by this Resolution. Any previous approval of funding relating to this Project is unaffected by this Resolution. Additional funding that is necessitated by the Amended Form will be approved separately.

BLOOMINGTON REDEVELOPMENT COMMISSION

Donald Griffin, President

ATTEST:

Mary Alice Rickert, Secretary

Date

City of Bloomington
Redevelopment Commission
Amended Project Review & Approval Form

Please Note:

- Approval of the project by the Redevelopment Commission through this Project Review & Approval Form does not represent an authorization to begin work or expend funds.
- Authorization of work and the commitment of funds shall be done when the Redevelopment Commission reviews and approves: (1) a Purchase Order or Contract prepared after complying with the appropriate procurement process for the type of item, service or construction being sought and (2) the estimated costs associated with the Purchase Order or Contract.
- No payment of funds shall be made without a duly authorized and approved Purchase Order or Contract. All claims for payment against a duly authorized Purchase Order or Contract shall be submitted to the Redevelopment Commission for their review and approval along with any required departmental inspections, reviews and approvals prior to the payment of any funds.

To Be Completed by Requesting Party:

Project Name: 4th Street & Trades District Garages

Project Manager(s): Karen Valiquett, CORE Planning Strategies; Mick Renneisen; Jeff Underwood; Alex Crowley

Project Description:

This is a project to retain all necessary design, construction management, and contracting for the design and construction of the 4th Street Parking Garage and Trades District Garage. The 4th Street Garage includes demolition of the existing garage and construction of up to 600 parking spaces.

Included with the anticipated project costs below, the 4th Street Garage shall also include the following sustainable design features as have been contemplated by the RDC and the City:

- A structure that allows for part or most of the garage to be converted into office, retail, or living space should downtown needs change over the life of the garage;
- At least six (6) electric vehicle charging stations in an area of priority parking with a design that allows for the garage to be retrofitted for more charging stations as demand for the stations requires;
- Solar panels to offset the reliance on coal-powered energy for power and the electric vehicle charging stations;
- Bicycle parking;
- 25% of all parking spaces in the garage designed for use by compact vehicles;
- A maintenance and caretaking plan for the life of the garage; and
- The design should also explore the options of installing at least one public restroom, retail space on the ground floor, public art, and architecturally significant design that would enhance the space of downtown Bloomington.

The Trades District Garage includes up to 400 parking spaces. As with the 4th Street Garage, the City and the RDC reiterates its commitment to building a garage within the Trades District that has many, if not all, of the sustainability features listed above, including but not limited to:

- Convertible design to meet the communities needs over the life of the garage
- Priority electric vehicle parking stations with the ability to retrofit additional stations to meet demand;
- Solar panels;
- Bicycle parking;
- Parking for compact vehicles; and
- A maintenance and caretaking plan.

Project Timeline: **Start Date:** **Fall 2018**
 End Date: **Summer 2020**

Financial Information:

| | |
|---------------------------------|--|
| Estimated full cost of project: | \$25,792,375 |
| | |
| Sources of funds: | 2018-19 Revenue Bonds; Consolidated TIF |

Project Phases: This breakdown should mirror the contract(s) expected to be issued for this project. Each phase should include a description of the work to be performed, the cost, and the timeline for the contract.

| <u>Phase/Work to Be Performed</u> | <u>Cost</u> | <u>Timeline</u> |
|--|--------------------------|--------------------------|
| 1 Design Contract | \$1,005,750 | Fall 2018 – Summer 2020 |
| 2 Construction Manager Contract | \$614,625 | Fall 2018 – Summer 2020 |
| 3 Demolition of Old Fourth Street Garage | \$750,000 | Winter 2019 |
| 3 Construction | \$22,200,000 | Winter 2019- Summer 2020 |
| 4 Public Art | \$222,000 | Winter 2019- Summer 2026 |
| 5 Contingency | \$1,000,000 ¹ | Summer 2020 |

TIF District: Consolidated TIF (Expanded Downtown)

Resolution History: 18-67: Approval of Project Review Form
 18-76: Approval of Amended Project Review Form

To Be Completed by Redevelopment Commission Staff:

Approved on _____

By Resolution _____ by a vote of _____

CITY OF BLOOMINGTON
PARKING COMMISSION

Parking Resolution 18-03
To Amend the Commission's ByLaws

WHEREAS, the City of Bloomington Common Council in November of 2016 adopted Ordinance 16-22 ("Ordinance") amending Title 2 of the Bloomington Municipal Code; and

WHEREAS, Ordinance 16-22 requires the Commission to adopt rules and regulations for the conduct of its business; and

WHEREAS, On March 27, 2017, the Commission adopted by-laws governing the conduct of its business; and

WHEREAS, the Commission desires to amend its by-laws to clarify provisions and streamline the adoption of resolutions;

NOW THEREFORE BE IT RESOLVED that the Members of the Bloomington Parking Commission hereby amend the Bylaws of the Bloomington Parking Commission, a copy of which is attached hereto as Exhibit A.

#

APPROVED this ____ day of _____, 20 ____, by the Parking Commission, at a regular meeting of the Bloomington Parking Commission at which two-thirds of the Members were present and voting.

We the below-signed, do hereby certify that the above is a true and correct copy of the resolution.

X _____
Chair, Parking Commission
Jim Blickensdorf, Council Appointee
###

X _____
Secretary, Parking Commission
Stephen Volan, Council Member

EXHIBIT "A"
BY-LAWS AS AMENDED

City of Bloomington, Indiana
Parking Commission
BYLAWS

Article I.
MEMBERS

I.1. Appointment. Bloomington Municipal Code (BMC) §2.12.110 (b), or its successors specifies the appointment mechanism. BMC §2.08.020 or its successors specifies filling of vacancies.

I.2. Qualifications of Voting Membership. BMC §2.12.110 (c), or its successors, specifies the composition of the Commission and Qualifications for voting Membership.

I.3. Appointment of Non-Voting Advisory Members. BMC §2.02.040, or its successors, sets forth the guidelines and requirements to expand the Commission by adopting and filing with the City of Bloomington Common Council a motion which states the Commission's intention to expand membership by as many as four (4) non-voting advisory Members. As directed by BMC §2.08.020 (2), the motion shall set forth the initial period of staggered terms and, after that period, the terms shall be the same length as other positions on those entities.

I.4. Meetings. The commission shall meet at least one time each month unless the Commission votes to cancel a meeting. Changes to dates and times may be approved by the Chairperson including cancellations and the scheduling of the special meetings.

I.5. Attendance. Members shall give prior notice to the Chairperson or to the staff liaison appointed by the Transportation and Traffic Services Division of the Planning and Transportation Department if they are unable to attend a regular or special meeting.

I.6. Resignation. Resignations shall be in writing by the resigning Member and shall be conveyed to the Chairperson and the appointing office of the resigning Member.

I.7. Removal of Members. Except for appointees who serve at the pleasure of the Mayor, a member of the Commission may be removed for cause. Cause shall include, but not be limited to, failure to attend three consecutive regularly-scheduled meetings of the commission or four regularly-scheduled meetings in any twelve-month period, provided that any member may submit in writing to the appointing authority any extenuating circumstances. Such written submission shall be made within five business days before the formal decision to remove is reached. Acceptance of extenuating

factors by the appointing official or body puts the member on notice that further excessive absenteeism shall result in removal. The Chairperson shall provide notice of absenteeism of Mayoral appointees to the Office of the Mayor. *BMC §2.08.20 (4)*.

I.8. Vacancies by Death, Resignation–Failure to Appoint. In the event that a vacancy occurs through resignation or death, the appointing authority shall appoint a person to fill the unexpired term of the resigned or deceased member. If a Member's term has expired, but the appointing authority has failed to act, the appointment of the Member whose term has expired carries over for sixty days or until the appointing authority reappoints or appoints a successor. *BMC § 2.08.20 (5)*.

Article II. MEETINGS

II.1. Regular Meetings. Regular meetings of the Commission shall be held monthly.

II.2. Annual Meeting. The regular meeting in February shall be known as the annual meeting and shall be to elect officers and for any other business that may arise.

II.3. Special Meetings. BMC §2.08.020 (11) or its successors specifies requirements for calling special meetings. A special meeting of the Commission or council may be called by the Chairperson, the Mayor, or by a majority of the duly appointed Members then serving-on of the Commission requesting such meeting in writing to the Chairperson. Upon receiving such request, the Chairperson shall thereafter call a special meeting to be held within twenty days. Notice of special meetings must be given in advance and the purpose of a special meeting shall be set forth in the notice thereof. Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting.

II.4. Notice. Notice of each regular meeting shall be conveyed to Commission Members before each meeting and shall include the agenda. The news media shall also be notified in accordance with I.C. 5-14-1.5-1 through 7 or its successors.

II.5. Quorum. BMC §2.08.020 (7) or its successors specify requirements for a quorum. A majority of the serving, duly appointed Members, excepting the nonvoting appointed and *ex officio* Members, shall constitute a quorum for purpose of conducting the official business of the Commission.

II.6. Parliamentary Procedure. BMC §2.08.020 (8) or its successors specifies requirements for Parliamentary Procedure.

II.7. Conduct of Meetings. The order of business of all meetings shall be as follows:

- (a) Call to Order;
- (b) Approval of Minutes;

- (c) Reports from Commissioners and City Offices including, but not limited to:
 - 1. Office of the City Controller;
 - 2. Department of Public Works;
 - 3. Parking Enforcement Division of the Police Department;
 - 4. Office of the City Clerk;
 - 5. Department of Planning & Transportation;
- (d) Reports from the Public;
- (e) Discussions of Topics Not the Subject of Resolutions;
- (f) Discussion of Resolutions ~~for Second Reading and Discussion~~;
- (g) ~~Resolutions for First Reading and Discussion~~;
- (h) Member Announcements;
- (i) Adjournment.

The Chairperson may limit the length of time and number of times an individual may comment during public comment. The Chairperson shall explain the limits prior to hearing any public comment. This also may include limitations on repetitive or redundant comments to help ensure each individual has an opportunity to provide their comments.

II.8. Votes. Each voting Member shall be entitled to one vote. Routine business may be conducted by voice vote. The outcome of a vote shall be determined by the majority of the ~~duly appointed serving~~ Members present and eligible to vote and voting. In no event shall less than four votes cast in the affirmative carry a motion or adopt a Resolution of the Commission. A member who wishes not to vote may remain silent during a voice vote or roll call vote, or may submit a blank ballot during a ballot vote. No member may be forced to vote.

II.9. Minutes. Minutes shall be recorded at all meetings, and the Secretary shall ensure that all minutes, correspondence, committee reports, etc., are available for review by Members within thirty (30) days after a meeting, in draft, summary or final form.

Article III. RESOLUTIONS

III.1. Resolutions. The Commission shall have the authority to adopt resolutions. ~~No resolution shall be adopted without at least two-thirds of the duly appointed Members present. Resolutions shall be given two readings before a vote may be taken on its passage and no resolution shall be adopted on the same day or at the same meeting as it is introduced except by unanimous consent of the Members present, at least two-thirds of the serving Members being present and voting.~~

III.2. Recommendations. Published recommendations of the Commission and the Annual Report shall be adopted and approved by Resolution.

III.3. Recorded Votes. For Resolutions considered by Commission, the Secretary shall call the roll and record the votes of each **serving-duly appointed and voting** Member, the results which shall be published in the minutes of the Commission's meeting.

III.4. Annual Report. BMC §2.12.110 specifies that the Commission shall submit an annual report of its activities and programs to the Mayor and Common Council by September 30 of each year. Such report shall be approved by the Commission by Resolution.

Article IV. OFFICERS

IV.1. Positions. Officers of the Commission may include but are not limited to the Chairperson, the Vice-Chairperson, and the Secretary.

IV.2. Eligibility. All officers shall be members of the Commission and no member shall hold more than one office at a time. The Chairperson shall have been a member for at least six months prior to becoming Chairperson, unless no current Members have been appointed for a period longer than six months.

IV.3. Election. All officers shall be elected at a regular meeting by a majority of the current membership of the Commission.

IV.4. Term. Officers shall be elected to serve for one year or until their successors are elected, and their terms of office shall begin at the close of the meeting at which they are elected. Officers shall deliver to their successors all accounts, papers, records, and other Commission property within two weeks of their expired term.

IV.5. Removal. An Officer of the commission may be removed from office for cause. Cause shall include, but not be limited to, misuse of office, improper representation of the commission, failure to carry out minimum duties of office, failure to attend three consecutive regularly scheduled meetings in any twelve month period or four regularly scheduled meetings in any twelve month period without just cause as determined by the Commission; provided, that any member may submit in writing to members of the commission any extenuating circumstances. Such written submission shall be made within five business days before the formal decision to remove is reached. A member or members of the commission shall submit a signed statement outlining the charges to the Commission and, following the proper procedure, cause is established. Proper procedure includes distribution of the statement to all Commission members. Decision as to removal will be made by majority vote at the next scheduled meeting. Removal from office is not a vote for dismissal from the Commission.

IV.6. Vacancies. If an office becomes vacant, the term shall be filled by election at the next regular meeting. If the Officer resigns from the office giving advance notice, the election shall take place at the next regular meeting after the resignation is submitted.

IV.7. Chairperson. The Chairperson shall prepare the agenda for all meetings, and preside over all meetings (except when ~~she/he~~ ~~they~~ designates another person or the Vice-Chairperson). The Chairperson shall distribute the agenda and related documents no less than 48 hours prior to a scheduled meeting. The Chairperson shall be responsible for preparing and submitting the Commission's annual report, as required by §III.4 above.

IV.8. Vice-Chairperson. The Vice-Chairperson shall serve as the Chairperson in the absence of the Chairperson; shall perform all duties that may be delegated by the Chairperson; shall aid the Chairperson on request; shall post notice of vacancies of the Commission's Advisory Committee positions and the requirements thereof; and shall perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the Commission. In the absence of the Secretary, the Vice-Chairperson shall serve as or appoint a Member to serve as Secretary.

IV.9. Secretary. The Secretary shall keep for every meeting written minutes in which the results of any vote are recorded and, when appropriate, specific findings of facts and conclusions, and shall handle the correspondence of the Commission. A copy of all minutes, committee reports, etc. are to be kept on file in the Transportation and Traffic Services Division of the Planning and Transportation Department or its successor.

IV.10 Executive Committee. The Executive Committee shall consist of the Chairperson, the Vice Chairperson, and the Secretary. The Executive committee shall meet with the Planning and Transportation Department staff liaison to discuss the business and set the agenda in advance of a the regular meetings and recommend to the Common Council candidates for nonvoting, advisory membership.

IV.11. Staff Liaison Duties. The Planning and Transportation Department staff liaison shall provide notice of all Commission meetings as required by the Indiana Open Door Law; provide and report in a timely manner on all data requests regarding the City's parking inventory, including usage, capital and operating costs, so long as the data is released in a manner consistent with exemptions from disclosure of public records set forth in Indiana Code § 5-14-3-4; and provide other support for Commission activities as agreed to by the Director of Planning and Transportation or its successor.

Article V. ADVISORY COMMITTEE

V.1. Appointment. BMC §2.02.040 or its successors specifies the appointment mechanism of Advisory Committee members.

V.2. Notice of Vacancy. The Vice-Chairperson shall post notice of vacancy with the Office of the City Clerk.

V.3. Residency Requirement. BMC §2.08.20 or its successors specifies all appointments to city boards, commissions and councils shall be made from residents of the city except those positions that are directed otherwise by state law or city ordinance.

V.4. Terms. As directed by BMC §2.08.020 (2), the motion shall set forth the initial period of staggered terms and, after that period, the terms shall be the same length as other positions on those entities.

Article VI. APPROPRIATIONS

VI.1. Appropriations. BMC §2.12.110 or its successors specifies that the Commission may apply for appropriations through the Mayor, apply for grants, gifts or other funds from public or private agencies. All monies shall be placed on deposit in accounts designated by the City Controller and may be disbursed by Resolution of the Commission. The Vice-Chairperson shall prepare an annual statement of appropriations, grants, gifts, and expenditures to be presented to the Members at its annual meeting.

Article VII. AMENDMENT OF BYLAWS

VII.1. Amendment. A two-thirds (2/3) majority of the **duly appointed Members of the** Commission may vote to amend these by-laws only after discussing proposed amendments during at least two regularly scheduled Commission meetings that have been called with proper notice.

Bylaws of the City of Bloomington Parking Commission, adopted March 28, 2017.

CITY OF BLOOMINGTON
PARKING COMMISSION

Parking Resolution 18-04

To Recommend the Trades District Parking Plan

WHEREAS, the City of Bloomington Common Council in November of 2016 adopted Ordinance 16-22 ("Ordinance") amending Title 2 of the Bloomington Municipal Code; and

WHEREAS, the ordinance created the Bloomington Parking Commission, whose powers and duties include, but are not limited to reviewing the performance of all meters, lots, garages, and neighborhood zones in the city's parking inventory, and reviewing the performance of all divisions of City departments devoted specifically to parking management; and

WHEREAS, the Commission's duties include making recommendations on parking policy, including but not limited to: pricing, hours of operation, addition or removal of parking spaces, and changes when necessary to city code, enforcement procedures, or any other aspect of parking management policy; and

WHEREAS, the City of Bloomington Redevelopment Commission has established an area known as the Bloomington Trade's District bounded by West 10th and West 11th Street and North Rogers Street and North Morton Street; and

WHEREAS, the Economic and Sustainable Development and Planning and Transportation departments and Commission desire to regulate on-street parking on 10th Street between North Rogers Street and North Morton Street, Madison Street between West 10th Street and West 11th street and "Trades Street" between North Rogers Street and Madison Street; and

WHEREAS, the Planning and Transportation department has presented a plan for on-street metered parking which includes seven multi-space meter kiosks, seven single-single-space meters for ADA spaces, and signage, installation and miscellaneous expenses estimated to total \$65,170;

NOW THEREFORE BE IT RESOLVED that the Members of the Bloomington Parking Commission recommend as follows:

1. **A Request for an Additional Appropriation** for the estimated equipment and installation costs of \$65,170 from the city's Parking Meter Fund.
2. **To amend BMC §15.40.010, Locations,** designating the on-street multi-space meter spaces in the area bounded by the Trade's District as "Lot 25."
3. **To amend Title 15, Schedule "U"** to reflect the placement of on-street meters in the manner specified in Ordinance 18-11.
4. **To amend Title 15, Schedule "W"** to include Lot 25.
5. **To amend BMC §15.32.100, Loading Zones,** to include one drop-off / loading parking space approved by the Parking Services Director.
6. **To amend BMC §15.32.150, Accessible Parking for Persons with Disabilities, Schedule "S"** to include seven accessible parking spaces as approved by the Parking Services Director.

#

APPROVED this ____ day of _____, 20 ____, by the Parking Commission, at a regular meeting of the Bloomington Parking Commission at which two-thirds of the Members were present and voting.

We the below-signed, do hereby certify that the above is a true and correct copy of the resolution.

X _____
Chair, Parking Commission
Jim Blickensdorf, Council Appointee

X _____
Secretary, Parking Commission
Stephen Volan, Council Member

###



MEMORANDUM

To: Parking Commission
From: SeyedAmir Kaboli Farshchi, Long Range Planner, Planning and Transportation (P&T)
Date: November 13, 2018
Re: Resolution to include the Trades District within the Meter Zone

Background

Bloomington's Trades District is an area within the Certified Tech Park, between W Tenth and W Eleventh Streets, east of N Rogers St and west of the alley that sits parallel and immediately west of N Morton St. The Trades District is currently being developed as a mixed-use destination area for commercial activity, entrepreneurship, and office space – it aims to be the center of gravity for Bloomington's innovation economy. This project includes the utility and transportation infrastructure to facilitate future development in the area, as well as landscaping, greenspace, art installations, and destination signage to create an attractive environment for life, work, and play.



Planning and Transportation Department

Because of the redesign of the space, we need Parking Commission to review new parking controls in this area in order to be added into the Title 15 of Bloomington Municipal Code.

The only part of the Trades Districts that is part of the on-street metered parking spaces of Title 15 is Eleventh Street based on this table:

| SCHEDULE U | | | |
|---------------------------|---------------|---------------|----------------|
| On Street Metered Parking | | | |
| Street | From | To | Side of Street |
| Eleventh Street | Rogers Street | Walnut Street | North/South |

Source: Chapter 15.40 - MUNICIPAL PARKING LOTS, GARAGES AND ON-STREET METERED PARKING
(https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TTT15VETR_CH15.40MUPALOGAREMEPA)

Traffic Commission approved 5 new Stop Signs and 20 MPH speed throughout the area on October 24, 2018.

Recommendations

Staff recommends 59 new parking spots (one drop-off): 20 spots on Trades Street, 30 spots on Madison Street, 9 spots on Tenth Street. Staff recommends meter parking for seven ADA spaces and pay-by-license-plate pilot program in kiosks in this area for the remaining 52 spaces. Each kiosk will be installed in the middle of each block-face so people won't need to cross a street to use a kiosk.

Based on the quotes for the surface lots project, this table shows what is required and the estimated cost for the Trades District:

| Metering The Trades District | | | | |
|-------------------------------|-----|------------|--------------------|--------------|
| 11/13/2018 | | | | |
| MATERIALS NEEDED | QTY | COST EACH | TOTALS | |
| Kiosk | 7 | \$6,100.00 | \$42,700.00 | |
| Single Meters(for ADA Spaces) | 7 | \$1,000.00 | \$7,000.00 | |
| Shipping | 14 | \$200.00 | \$2,800.00 | |
| Installation/Training | 14 | \$200.00 | \$2,800.00 | |
| Warranty (1 Year) | 14 | \$295.00 | \$4,130.00 | |
| Operational Fees (Ongoing) | 14 | \$55.00 | \$770.00 | |
| Signage | 14 | \$175.00 | \$2,450.00 | |
| Core Drilling/Base Mounts | 14 | \$180.00 | \$2,520.00 | |
| | | | \$65,170.00 | TOTAL |

Staff requests guidance from the Parking Commission for the Trades District parking. Staff will prepare a detailed Title 15 amendment for the Common Council to consider.

CITY OF BLOOMINGTON
PARKING COMMISSION

Parking Resolution 18-05
To Recommend an Evolve Parking Plan

WHEREAS, the City of Bloomington Common Council in November of 2016 adopted Ordinance 16-22 ("Ordinance") amending Title 2 of the Bloomington Municipal Code;

WHEREAS, the ordinance created the Bloomington Parking Commission, whose powers and duties include, but are not limited to reviewing the performance of all meters, lots, garages, and neighborhood zones in the city's parking inventory, and reviewing the performance of all divisions of City departments devoted specifically to parking management;

WHEREAS, the Commission's duties include making recommendations on parking policy, including but not limited to: pricing, hours of operation, addition or removal of parking spaces, and changes when necessary to city code, enforcement procedures, or any other aspect of parking management policy;

WHEREAS, Evolve Bloomington, a student housing project, specified plans for on-street parking in their application to the Plan Commission to be located on West 18th ;

WHEREAS, the City of Bloomington Planning and Transportation department's draft Transportation plan encourages adoption of a "complete streets" policy that encourages multiple modes of travel;

WHEREAS, shared streets, which allow for bicyclists, pedestrians and motorists to operated in a shared space, are ideal in locations with high pedestrian activity and dense commercial or mixed-use land uses;

WHEREAS, the City of Bloomington Parking Commission has consistently recognized the value of on-street parking to be related to the sharability and the rate of turnover of on-street parking spaces;

#

NOW THEREFORE BE IT RESOLVED that the Members of the Bloomington Parking Commission recommend as follows:

1. **Installation of single-space meters** between 1401 and 1599 North Grant Street.
2. **Installation of single-space meters** between 201 East 18th Street and North Dunn Street, with the exception of the area proposed
3. **To amend Title 15, Schedule "U"** to reflect the placement of on-street meters in the manner specified in Ordinance 18-11.
4. **To amend BMC §15.32.100, Loading Zones,** to include one drop-off / loading parking space approved by the Parking Services Director.
5. **To amend BMC §15.32.150, Accessible Parking for Persons with Disabilities, Schedule "S"** to include three accessible parking spaces as approved by the Parking Services Director.
6. **Installation of high-security, covered bicycle parking** on the south-east corner of East 18th and North Dunn Street in the angled parking area depicted in Nile Bolton Associates sheets L1.00 and L1.03.
7. **A Request for an Additional Appropriation** for the estimated equipment and installation costs from the city's Parking Meter Fund.

APPROVED this ____ day of _____, 20 ____, by the Parking Commission, at a regular meeting of the Bloomington Parking Commission at which two-thirds of the Members were present and voting.

We the below-signed, do hereby certify that the above is a true and correct copy of the resolution.

X _____
Chair, Parking Commission
Jim Blickensdorf, Council Appointee

X _____
Secretary, Parking Commission
Stephen Volan, Council Member

###



MEMORANDUM

To: Parking Commission
From: Liz Carter, Engineering Technician
Date: November 29, 2018
Re: Discussion of Parking Type for Evolve

Background

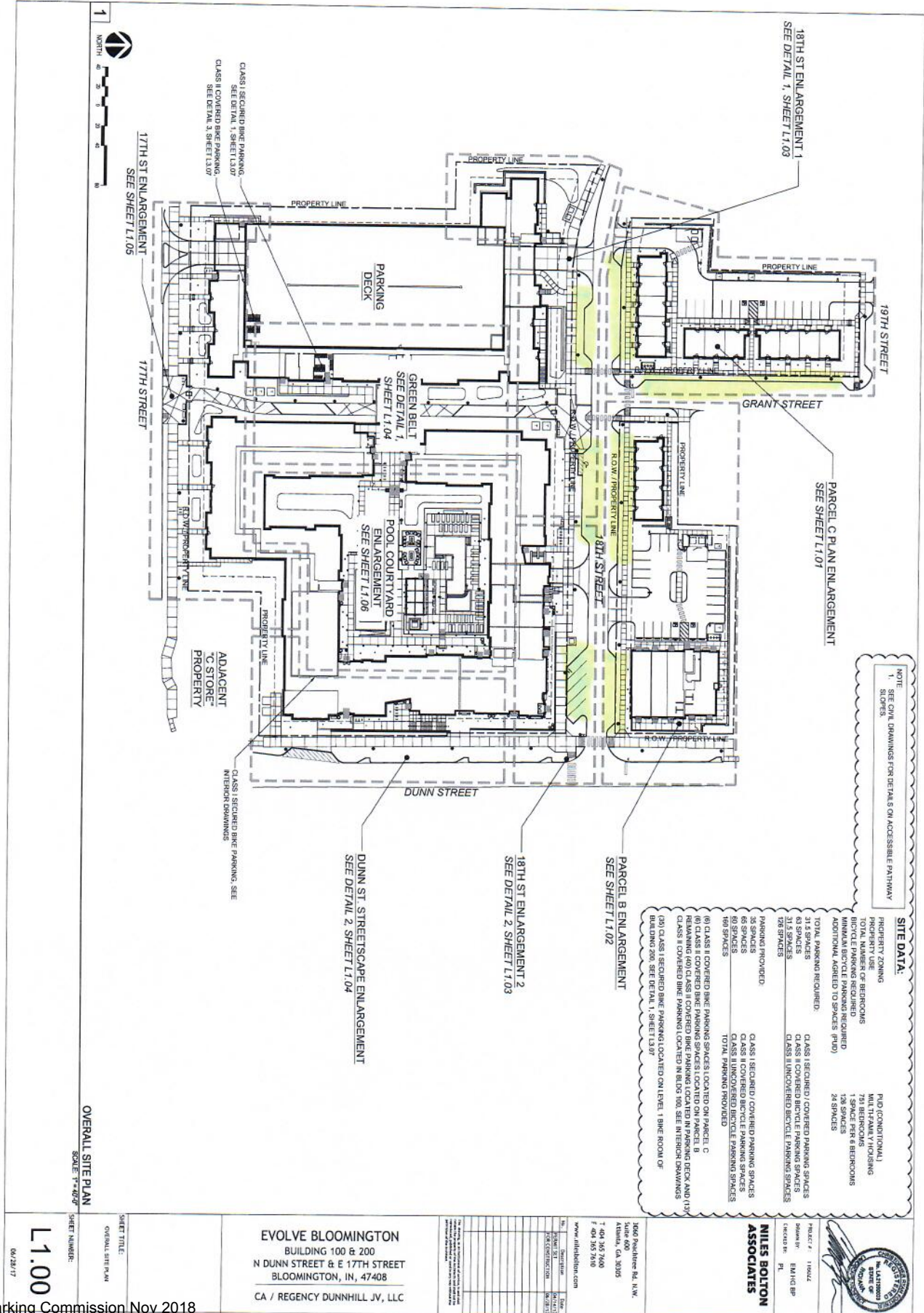
The Evolve project's original plans included changes to the parking. The project was to add parking to the west side of Grant Street and both sides of 18th Street. Neither the plans nor the Plan Commission specified the type of parking that would be added.

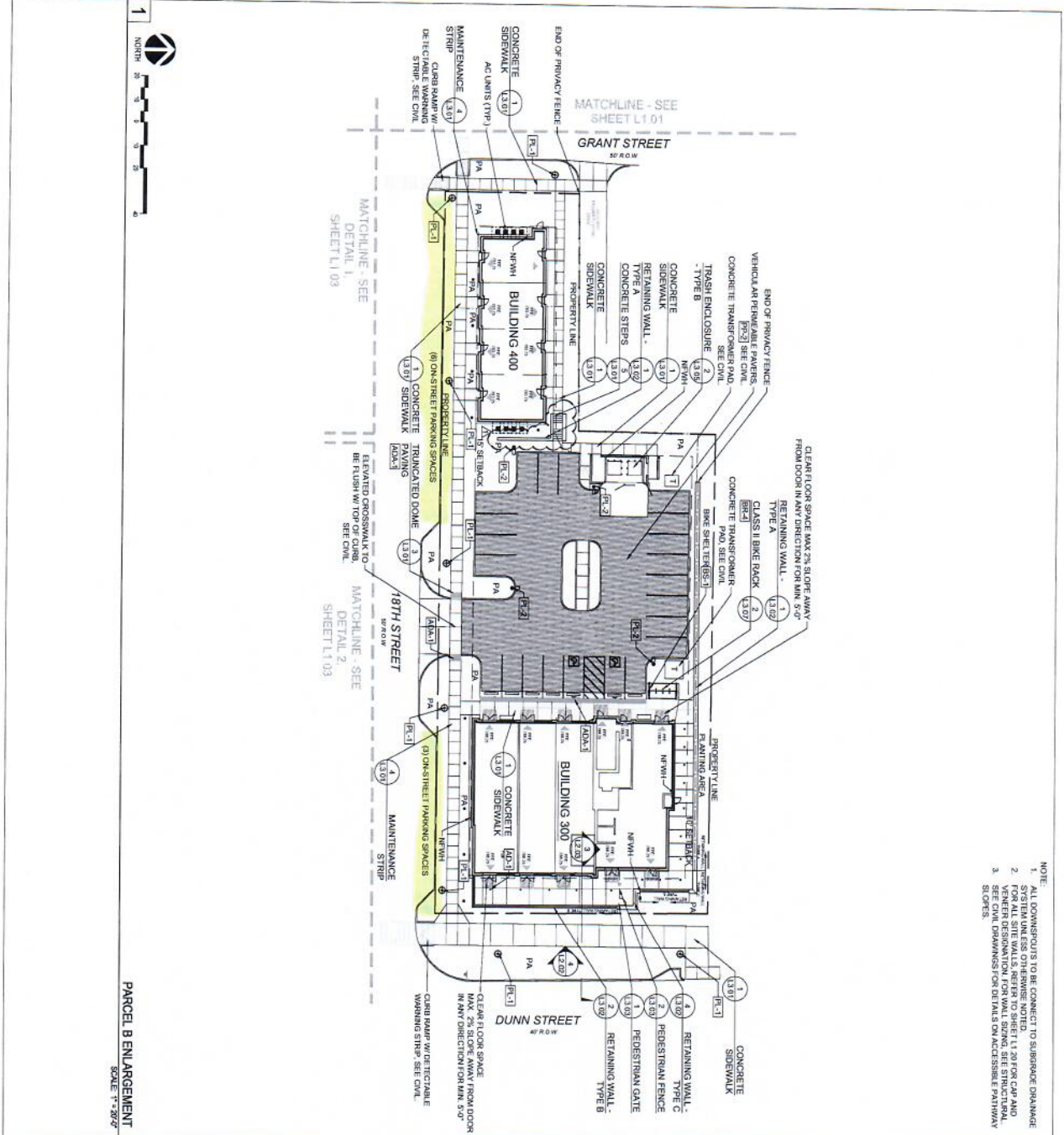
The developer would like to see on-street parking with some kind of time limit. The on-street parking is intended for commercial customers and as a load/unload zone for the tenants of the residential apartments. The developer would also like the on-street parking on the southeast end of 18th Street to be 1 hour parking. These diagonal spaces are intended to serve the leasing office.

City of Bloomington Parking enforcement does not currently enforce in this area. Staff would like guidance from the Commission on the type of parking that should be in this area as well as how to enforce upon the parking.

Recommendations

Staff recommend discussion of this topic by the Commission and ask for any recommendations the Commission may have so that a concrete proposal can be submitted at the next meeting.





DO NOT REMOVE!!

PROJECT: 118022
DRAWN BY: EMMB SP
CHECKED BY: RL

NILES BOLTON ASSOCIATES

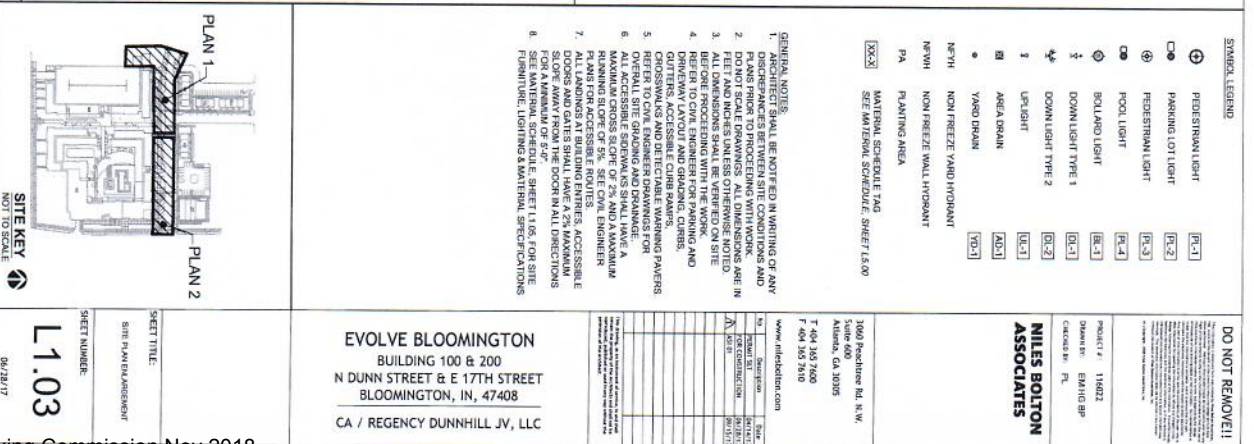
EVOLVE BLOOMINGTON
BUILDING 100 & 200
N DUNN STREET & E 17TH STREET
BLOOMINGTON, IN, 47408
CA / REGENCY DUNNHILL JV, LLC

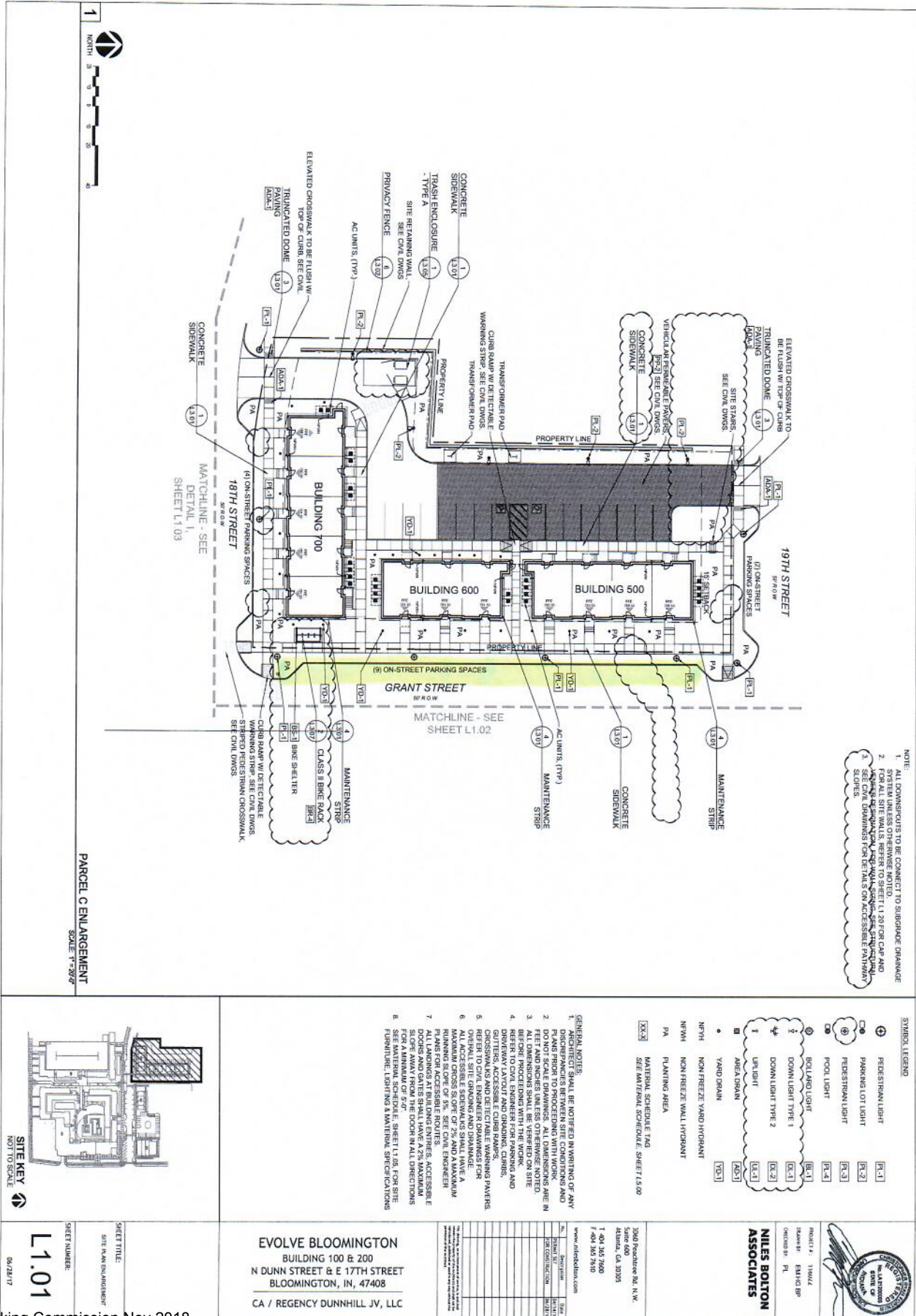
SITE KEY
NOT TO SCALE

SHEET TITLE:
SITE PLAN ENLARGEMENT

SHEET NUMBER:
L1.02

06/28/17





CITY OF BLOOMINGTON
PARKING COMMISSION

Parking Resolution 18-06

To Recommend a West 6th Street Parking Plan

WHEREAS, the City of Bloomington Common Council in November of 2016 adopted Ordinance 16-22 ("Ordinance") amending Title 2 of the Bloomington Municipal Code; and

WHEREAS, the Commission's duties include making recommendations on parking policy, including but not limited to: pricing, hours of operation, addition or removal of parking spaces, and changes when necessary to city code, enforcement procedures, or any other aspect of parking management policy; and

WHEREAS, Ms. Benham has petitioned the City of Bloomington Planning and Transportation department to restore on-street parking on West 6th Street from the 2nd alley East of Oak Street to Elm Street and from the 2nd alley East of Pine Street to Oak Street ; and

WHEREAS, Ms. Benham does not have off-street parking; and

WHEREAS, this area of West 6th Street is not regulated as a neighborhood zone or designated as a bicycle pathway; and

WHEREAS, the city's Traffic engineer has stated that eliminating the areas of "no parking" would resolve confusion, restore parking to the neighborhood, and have no adverse effect on traffic calming;

#

NOW THEREFORE BE IT RESOLVED that the Members of the Bloomington Parking Commission recommend as follows:

1. **To amend BMC §15.32.080, No Parking Zones**, to delete the references to West 6th Street from the 2nd alley East of Oak Street to Elm Street and from the 2nd alley East of Pine Street to Oak Street Street.
2. **To remove any existing no-parking signs and pavement / curb marking.**

APPROVED this ____ day of _____, 20 ____, by the Parking Commission, at a regular meeting of the Bloomington Parking Commission at which two-thirds of the Members were present and voting.

We the below-signed, do hereby certify that the above is a true and correct copy of the resolution.

X _____
Chair, Parking Commission
Jim Blickensdorf, Council Appointee
###

X _____
Secretary, Parking Commission
Stephen Volan, Council Member

Sheri Benham
1115 W. 6th Street
Bloomington, IN 47404

October 23, 2018

To Parking Commission:

I am writing to request a change be made to a No Parking space located in front of my house. Both of my neighbors have off-street parking and parking is permitted in front of their homes. My neighbor to the east, Frank Hess, has agreed that the space in front of his house could be designated no-parking. I also have the support of the Near Westside Neighborhood Association.

Thank you for your consideration. Please let me know if you have any questions. I can be reached at shbenham@outlook.com or (812) 320-0956.

Sincerely,

Sheri Benham



MEMORANDUM

To: Parking Commission
From: Liz Carter, Engineering Technician
Date: November 29, 2018
Re: Request from Ms. Sheri Benham to add on-street parking to West 6th Street.

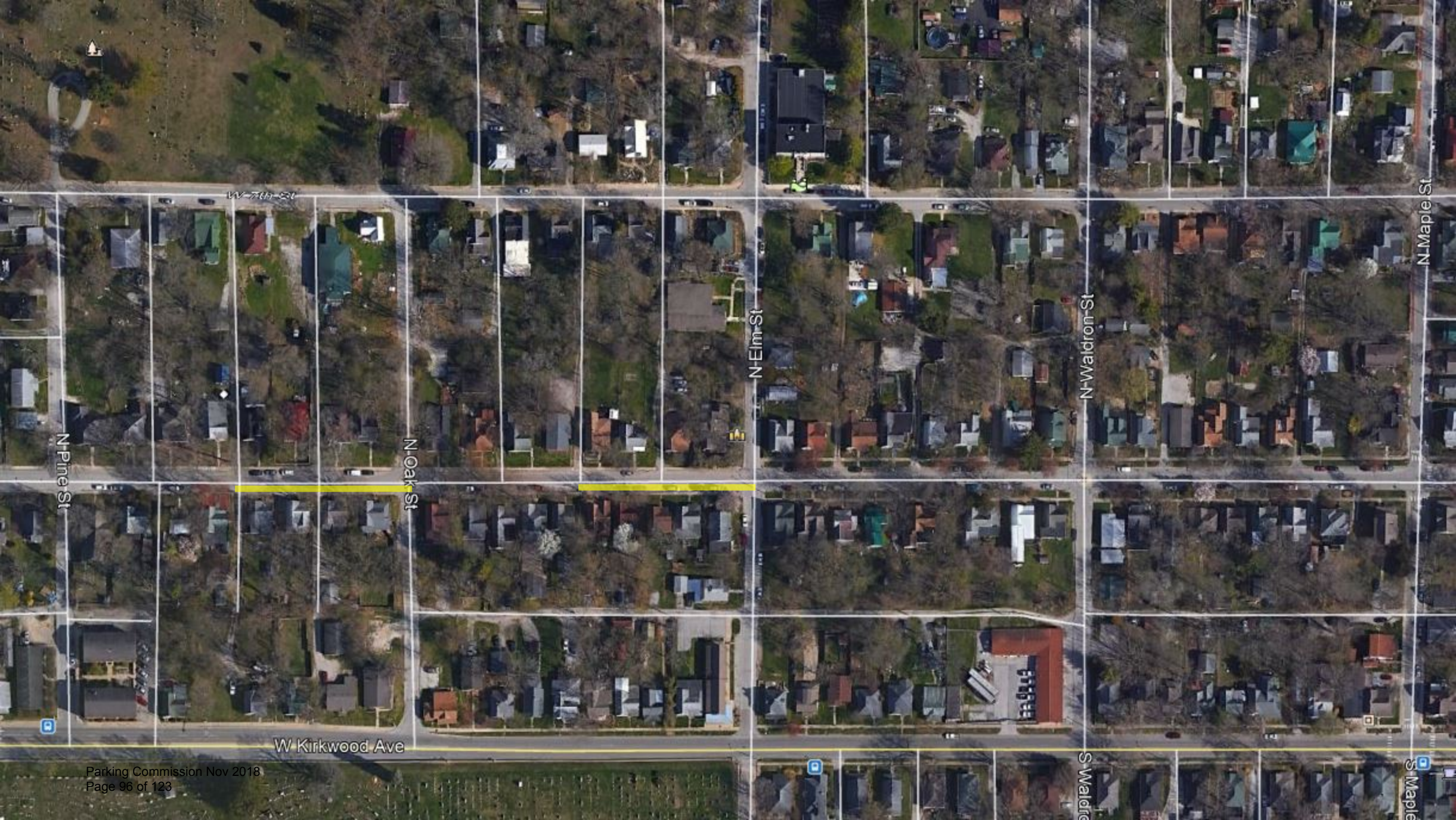
Background

Ms. Benham contacted the City to ask why her neighbors had on-street neighborhood parking in front of their houses while she, who does not have a driveway, does not. Upon investigation, staff found that there are two blocks of West 6th Street between Pine and Elm Streets which allow neighborhood on-street parking on the south side of the street for half of the block only. This was originally done to create a chicane effect, which helps to calm traffic.

Realistically, the signage and faded yellow curb on West 6th have created confusion as to where vehicles can and cannot be parked. Staff believe that eliminating the half block of “No Parking” areas would resolve any confusion, add parking to the neighborhood, and contribute to traffic calming efforts.

Recommendations

Staff recommend approval of this request and that the Parking Commission forward the request to the Traffic Commission with a favorable recommendation.





15.32.080 - No parking zones.



The streets or parts of streets described in Schedule M, attached hereto and made a part hereof, are designated as no parking zones. When appropriate signs are erected, no person shall park a vehicle upon any of the streets or parts of streets at the times designated in the schedule.

| SCHEDULE M | | | | |
|------------------|-------------------------------|-------------------------------|----------------|-------------------|
| NO PARKING ZONES | | | | |
| Street | From | To | Side of Street | Time of Restrict. |
| Sixth Street | 1st Alley E. of Walnut | Washington Street | North | Any Time |
| Sixth Street | 2nd Alley East of Oak Street | Elm Street | South | Any Time |
| Sixth Street | 2nd Alley East of Pine Street | Oak Street | South | Any Time |
| Sixth Street | Adams Street | 2nd Alley East of Pine Street | North | Any Time |
| Sixth Street | Dunn Street | 240' West | North | Any Time |
| Sixth Street | Oak Street | 2nd Alley East of Oak Street | North | Any Time |
| Smith Avenue | Walnut Street | Henderson Street | South | Any Time |

CITY OF BLOOMINGTON
PARKING COMMISSION

Parking Resolution 18-07
Schedule of 2019 meetings

WHEREAS, the Commission's by-laws require monthly meetings; and

WHEREAS, members have indicated preferences for time of day, location of meeting and duration of the meeting, described in Exhibit "A" ;

#

NOW THEREFORE BE IT RESOLVED that the Members of the Bloomington Parking Commission adopt the 2019 meeting schedule attached hereto as Exhibit "A".

APPROVED this ____ day of _____, 20 ____, by the Parking Commission, at a regular meeting of the Bloomington Parking Commission at which two-thirds of the Members were present and voting.

We the below-signed, do hereby certify that the above is a true and correct copy of the resolution.

X _____
Chair, Parking Commission
Jim Blickensdorf, Council Appointee

X _____
Secretary, Parking Commission
Stephen Volan, Council Member

###

EXHIBIT "A"
CITY OF BLOOMINGTON PARKING COMMISSION
2019 MEETING SCHEDULE

| MONTH | WORK SESSION (IF NEEDED) | REGULAR MEETING |
|------------------|-------------------------------------|------------------------|
| JANUARY | January 10 | January 24 |
| FEBRUARY | N/A | February 28 (2 Hours) |
| MARCH | (Spring Break) | March 28 |
| APRIL | April 11 | April 25 |
| MAY | May 9 | May 23 |
| JUNE | June 13 | June 27 |
| JULY | July 11 | July 25 |
| AUGUST | August 8 | August 22 |
| SEPTEMBER | September 12 | September 26 |
| NOVEMBER | November 10 | November 17 |
| DECEMBER | N/A | December 14 |

Location: Hooker Room, City Hall

Meeting Duration: All meetings scheduled for 90 Minutes or less except February.

2019 Parking

SEND

J

QUESTIONS

RESPONSES 9

9 responses



SUMMARY

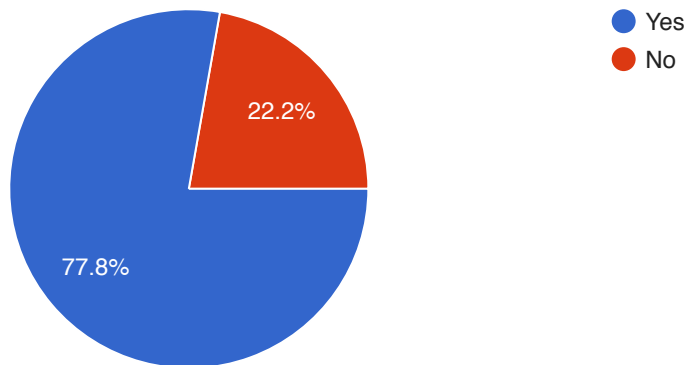
INDIVIDUAL

Accepting responses



Shall we continue to reserve the second Thursday of every month at 5:30 PM for a work session ?

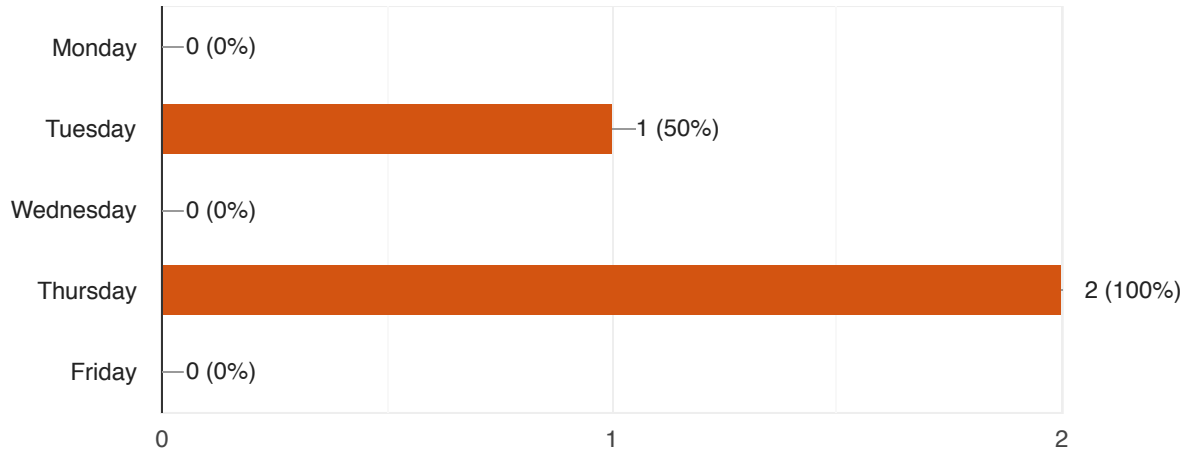
9 responses



Work Session Meeting Day & Time

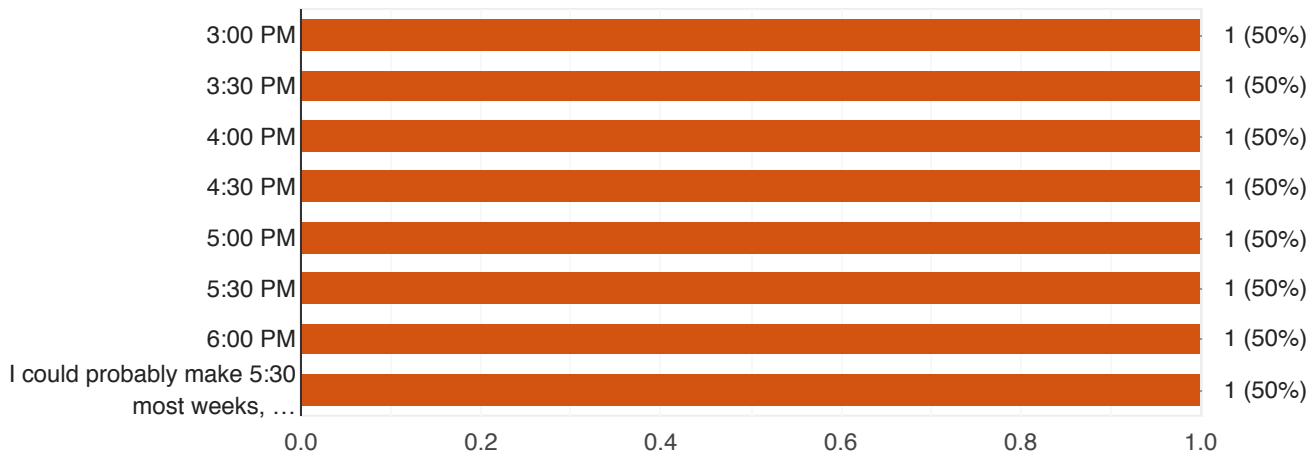
Which day of the week would you prefer reserved for the work session ?

2 responses



What's your preferred start time for the work session ?

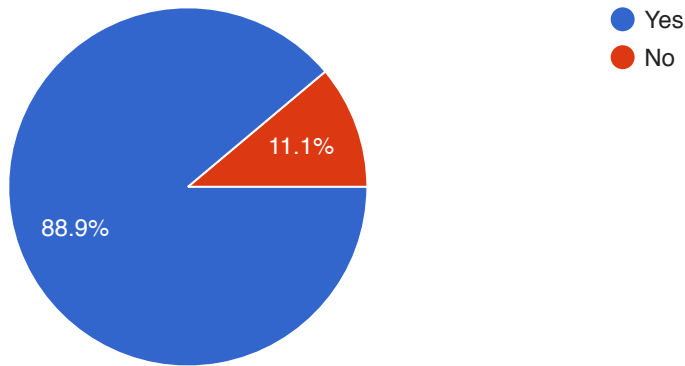
2 responses



Regular Meeting Schedule

Shall we continue to reserve the last Thursday of every month at 5:30 PM for the regular meeting ?

9 responses



Regular Meeting Meeting Day & Time

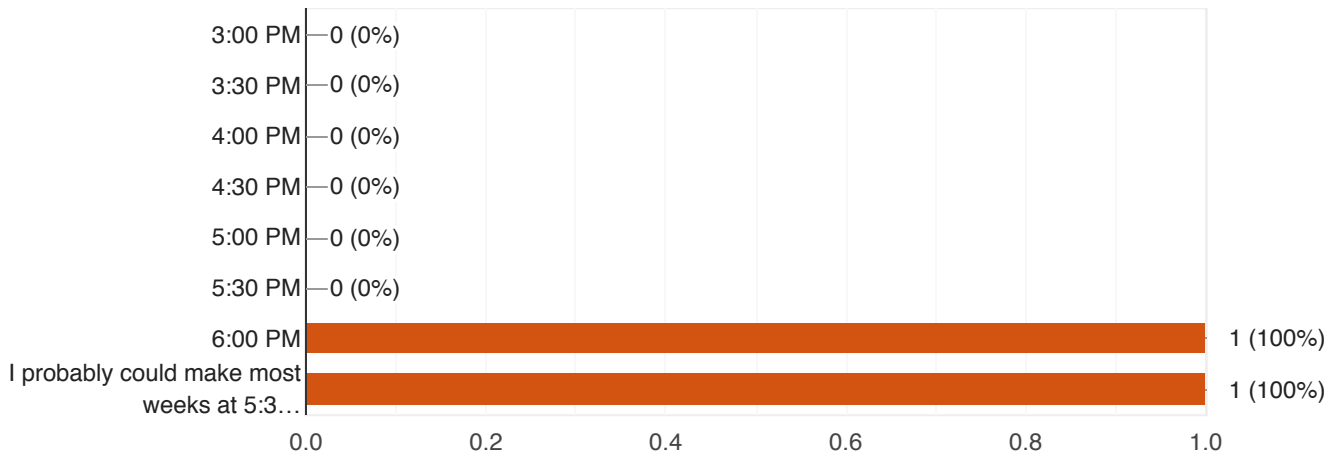
Which day of the week would you prefer reserved for the regular meeting ?

1 response



What's your preferred start time for the regular meeting ?

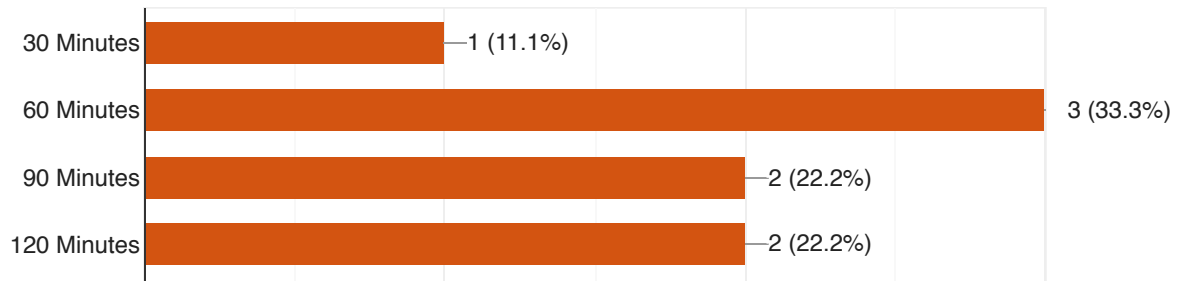
1 response



Maximum Meeting Duration

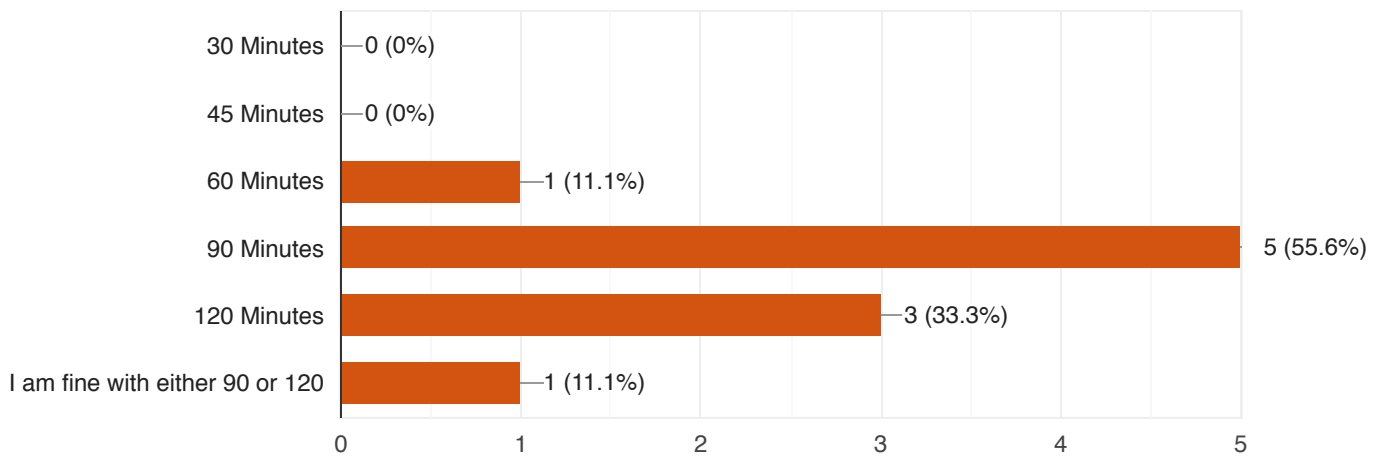
Work Session

9 responses



Regular Meeting

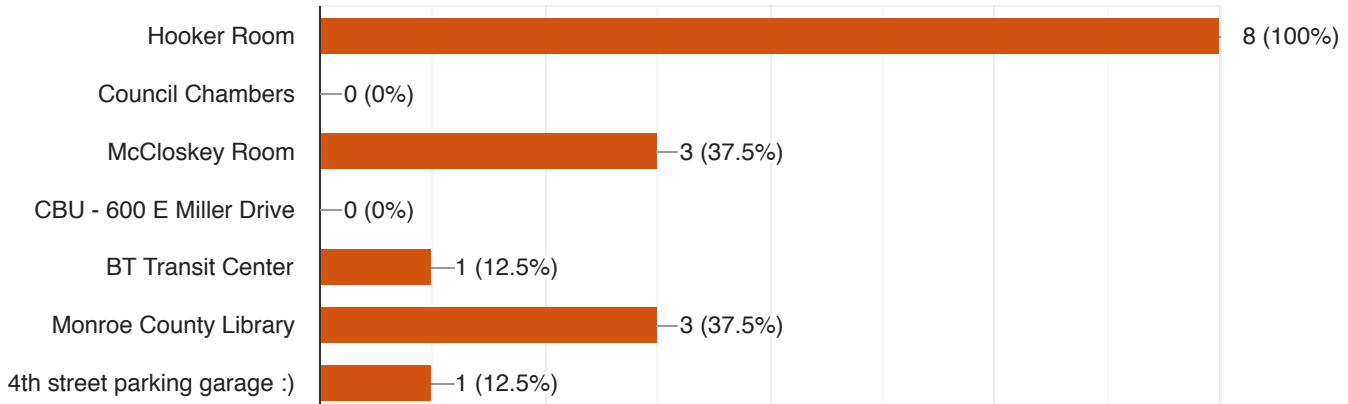
9 responses



Meeting Location

Preferred Meeting Location

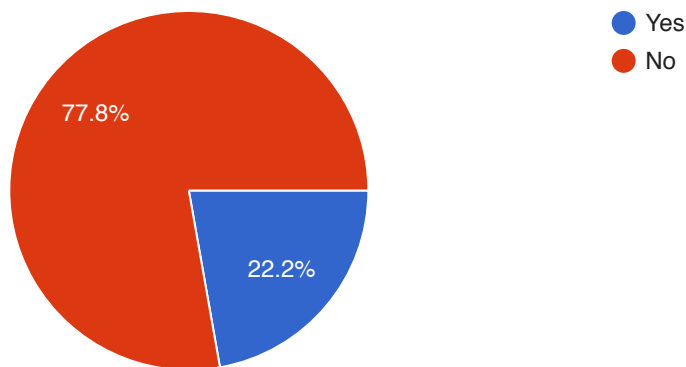
8 responses



Televised meetings

Should the commission ask CATS to televise the commission's meetings ?

9 responses



Contact Info

CITY OF BLOOMINGTON

PARKING COMMISSION

Parking Resolution 18-08

To Recommend Guidelines to Create or Extend a Neighborhood Zone

WHEREAS, in November of 2016 the Common Council established the Bloomington Parking Commission whose primary purpose is to develop, implement, maintain, and promote a comprehensive policy on parking that furthers the objectives of the City's Comprehensive Plan; and

WHEREAS, the Commission's duties include making recommendations on parking policy, including but not limited to: pricing, hours of operation, addition or removal of parking spaces, and changes when necessary to city code, enforcement procedures, or any other aspect of parking management policy; and

WHEREAS, the Parking Commission compiles an annual report ("Parking Commission Report") on the financial status of the City's parking system; and

WHEREAS, in May 2018, the Parking Commission to voted to forward to the Common Council recommendations for improving parking; and

WHEREAS, based on both the Desman Study, the report of the Parking Commission Report, and the recommendation of the Parking Commission, and resident concerns, the Common Council adopted changes to the City's parking regulations; and

WHEREAS, the City of Bloomington Parking Commission recognizes that parking is an important public asset that should be allocated equitably to support the economic and social health of our community; and

WHEREAS, the Bloomington Parking Commission, whose powers and duties include, but are not limited to reviewing the costs of implementing, maintaining and enforcing the city's neighborhood zones; and

WHEREAS, the City has adopted ordinances to create parking controls in Residential Neighborhood Zones, municipal garages and lots, and on-street parking in the Downtown business district; and

WHEREAS, no regulations exist that outline the process , methodology, or requirements for creating Residential Neighborhood Zones; and

WHEREAS, the Parking Commission is authorized to recommend to the Common Council and to appropriate city officials methods for achieving the City's Comprehensive Plan objectives through the administration of parking policies and the enforcement of parking regulations;

#

NOW THEREFORE BE IT RESOLVED that the Members of the Bloomington Parking Commission recommend to the Office of the Mayor and Common Council recommended guidelines for the creation or extension of Neighborhood Zone boundaries attached hereto as Exhibit "A".

APPROVED this ____ day of _____, 20 ____, by the Parking Commission, at a regular meeting of the Bloomington Parking Commission at which two-thirds of the Members were present and voting.

We the below-signed, do hereby certify that the above is a true and correct copy of the resolution.

X _____
Chair, Parking Commission
Jim Blickensdorf, Council Appointee

X _____
Secretary, Parking Commission
Stephen Volan, Council Member

###

EXHIBIT "A"

CITY OF BLOOMINGTON PARKING COMMISSION

Recommended Guidelines to Create or Extend a Neighborhood Zone

- I. Qualifications:
 - A. Parking spaces in the area must be 75% occupied at least 4 days per week, 9 months per year
 - B. Area must contain be xx lineal feet or yy block faces
 - C. Parking Services Director and Parking Commission should agree that the new area would promote benefits including:
 1. Increased access for residents or to business
 2. Reduced traffic congestion
 3. Increased traffic/bike/ped safety
- II. Adverse effects that may prevent implementation
 - A. Lack of alternate modes
 - B. Availability of simpler, cheaper solutions
 - C. Existence of one or more employers with 25 or more employees that could not operate under the permit system
- III. Process:
 - A. Resident or Council Member prepares a petition or the Parking Commission to include:
 1. Parking problem
 2. Probable cause of the parking problem
 3. Proposed boundaries of the congested area
 4. Number of individual businesses in the congested area
 5. A petition with signatures representing at least 50% of the residents in the proposed area
 6. Cost-Benefit Analysis to include an estimate of permit fees/sign installation costs
- IV. Upon receipt of a petition:
 - A. Parking Services Director / Traffic Engineer may refine boundaries to arterial roadways, water features, hills, ridges, or political boundaries, as necessary to protect the impact area
 - B. Parking Services Director posts notice of public meeting to all addresses in the proposed area
 - C. Following the public meeting, the Parking Services Director may prepare and submit Title 15 amendments to the Common Council
- V. Renewal / Changes to the NZ boundaries
 - A. Program renews annually, unless
 1. Parking Services Director receives a petition representing 50% of the addresses within the designated NZ requesting termination of the program
 2. The designated NZ no longer meets the rules, procedures established by the Parking Services Director for Nfs

Subject: Re: Questions from Parking Commission
Date: Wednesday, October 31, 2018 at 2:44:39 PM Eastern Daylight Time
From: Scott Robinson
To: Jim Blickensdorf
CC: RayeAnn Cox
Attachments: image001.png, image001.png

Jim,

In RayAnne's defense this was not on her radar. She was doing cost estimates for Ord 18-11 and the surface lots. I'm sure she can provide some unit costs etc. We are meeting at staff level to provide some more in-depth thinking on anticipated needs. The focus on the Trades was and continues to be getting the building open, the infrastructure complete, and sell the land to targeted tech/job providers. I was trying to be proactive to at least authorize meters for these streets in Title 15. It takes a long time to get them into code and a 90-day order is not the best means.
-Scott

On Wed, Oct 31, 2018 at 1:34 PM Jim Blickensdorf <jim@grazieitaliano.com> wrote:

Raye Ann,

Concerning the trades district from our last meeting:

1. Scott's indicated that you did some research on the costs for IPS's MS1 pay station. Can you forward information about the kiosk, pricing, etc to me ?
2. How many kiosks do you see being installed in the trade district ?
3. If kiosks are installed, what's the plan to sign the area or spaces to direct people to pay stations ?

Along the same lines, Od 18-11 is going to force a change in technology in the metered lots. I'm hoping that kiosks are installed in place of the coin meters. Has there been a decision made on that ? Has anything been purchased or do you have to wait for the funds in the 2019 budget to be available ? I'd hope that we'll be doing pay-by-plate, and not pay-and-display or pay-by-space. Has any decision been made on that? Is this something that should or could be discussed at our next PC meeting ?

Jim

signature_1143341311



[Jim Blickensdorf, founder](#)
[Grazie Italiano](#)
[106 West 6th Bloomington, IN 47401](#)
[812.323.0303](#) | [Facebook](#) | [Twitter](#)

--

Scott Robinson, AICP
Assistant Director
City of Bloomington Planning and Transportation Department
PO Box 100 • Showers Center City Hall • 401 N. Morton St. Suite 130
Bloomington, IN 47402
p • (812) 349-3423 • f (812) 349-3520

Subject: Re: Questions from Parking Commission
Date: Thursday, November 1, 2018 at 10:42:08 AM Eastern Daylight Time
From: RayeAnn Cox
To: Jim Blickensdorf, Scott Robinson, Ross Jackson
Attachments: image001.png, image001.png, space markers 2.JPG, morton st automated signage 006.jpg, 400 n morton meter photos 002.jpg, meter photo 001.jpg

Jim,

No need for discussion at the PC meeting, the decision for the flat lots has been made. In the flat lots, the Mayors Office has approved the use of Pay Stations, with pay by space in them. The meters will be IPS Kiosk MS1 model, they cost approx \$7,700. each (w/o install -air time fees). The existing old meter post will have signage to identify the space, this is done in Indianapolis for the on street spaces (see photo). I am working with IPS so the meters will be ordered the first of December 2018 and be paid on Jan 1, 2019 with budgeted money. The IPS order will include the single space meters needed for the College and Walnut install. The Handicapped spaces will have individual meters so disabled parker's don't have to travel to a pay station. The signage being used to identify the pay stations are the same ones used in 2013 when pay stations were placed on Morton St. (see photo).

Even if the meters are ordered and received by January 1, 2019, there are a lot of things that precede the install. Concrete pads have to be pored, and Ballard's set in place to protect the meters from being hit, along with the meter bases, which are set in concrete, and signage install. I am getting quotes and working with the City Street Department on this.

Lot 1 - 4th & Dunn will have 2 Kiosk, 3 single space
Lot 3 - 4th & Washington will have 2 Kiosk, 3 single space
Lot 5 - 6th & Lincoln will have 1 Kiosk, 2 single space
Lot 6 - 3rd & Washington will have 1 Kiosk, 2 single space

The pay by space Kiosk were chosen so parkers don't have to travel back to their cars to get their plate numbers, like the same situation with the pay and display meters.

I will need a map of the Trade District to determine the number of parking spaces. Handicapped spaces will have to be included as well as a possible loading zone. I am against pay and display, as it is not only an extra trip for the parker, but enforcement is a nightmare. When the pay and display meters were on Morton St. in 2013, Parking Officers had problems seeing the receipt on the car dash, some would slide down, couldn't see large pick-up trucks, people would place them upside down, etc. I would recommend pay by space Kiosk MS1 meters, but not totally apposed to this area being a test area for pay by plate option. Pay by plate can be problematic as an example, on the plates for the State of Indiana, the number 0 is often confused by the letter O. This happens frequently with Park Mobile users. If decided the pay by plate isn't working, the area could become pay by space easily.

Thank you,

Raye Ann Cox
Manager
Bloomington Police Department
Parking Enforcement Division
401 N. Morton St. Suite 240
City of Bloomington, IN 47402
812-349-3436
coxr@bloomington.in.gov

On Wed, Oct 31, 2018 at 1:34 PM Jim Blickensdorf <jjim@grazieitaliano.com> wrote:

Raye Ann,

Concerning the trades district from our last meeting:

1. Scott's indicated that you did some research on the costs for IPS's MS1 pay station. Can you forward information about the kiosk, pricing, etc to me ?
2. How many kiosks do you see being installed in the trade district ?
3. If kiosks are installed, what's the plan to sign the area or spaces to direct people to pay stations ?

Along the same lines, Od 18-11 is going to force a change in technology in the metered lots. I'm hoping that kiosks are installed in place of the coin meters. Has there been a decision made on that ? Has anything been purchased or do you have to wait for the funds in the 2019 budget to be available ? I'd hope that we'll be doing pay-by-plate, and not pay-and-display or pay-by-space. Has any decision been made on that? Is this something that should or could be discussed at our next PC meeting ?

Jim

signature_1143341311



[Jim Blickensdorf, founder](#)
[Grazie Italiano](#)
[106 West 6th Bloomington, IN 47401](#)
[812.323.0303](#) | [Facebook](#) | [Twitter](#)

Subject: Fwd: [Planning] Concerns about volunteer activity & parking changes
Date: Wednesday, November 14, 2018 at 9:23:14 AM Eastern Standard Time
From: Scott Robinson
To: Jim Blickensdorf
Attachments: Usher Feedback Document.docx

Jim,
Maybe include this in the next packet as public comments...
-Scott

----- Forwarded message -----

From: **Hannah Duncan** <duncanh@bloomington.in.gov>
Date: Tue, Nov 13, 2018 at 8:22 AM
Subject: Fwd: [Planning] Concerns about volunteer activity & parking changes
To: Scott Robinson <robinsos@bloomington.in.gov>

Hi Scott,

This came through P&T - let me know if I should pass it on to anyone else.

Best,
Hannah

----- Forwarded message -----

From: **Anne Stichter** <volunteer@buskirkchumley.org>
Date: Fri, Nov 9, 2018 at 5:41 PM
Subject: [Planning] Concerns about volunteer activity & parking changes
To: <planning@bloomington.in.gov>, <starowis@bloomington.in.gov>
Cc: Alec Castro <acastro@buskirkchumley.org>, Danielle McClelland <director@buskirkchumley.org>

Good evening,

My name is Anne Stichter and I am the Event & Volunteer Manager at the Buskirk-Chumley Theater. I am writing this evening in response to the changes to City Parking that are scheduled to take effect at the beginning of the new year, and to express concern about the effect this will have on volunteerism at the BCT. Our work, as well as the work of many nonprofit organizations in the downtown area, is highly dependent on the gifted time of our volunteers, and the risk posed is severe.

Shortly after the changes were announced, members of our volunteer community began to articulate their concerns about their ability and willingness to continue giving their time if evening free parking options are taken away and they are required to shoulder costs in order to do so. Attached you will find a collection of statements they have submitted about the effect that these changes will have on their volunteer activity.

As the Volunteer Manager of the BCT, I am concerned about the possibility of these changes becoming a deterrent to volunteering. So far in 2018, our volunteers have contributed over 3,000 hours to help make running our events possible - an amount we can ill afford to replace with staff time, nor can we take on the expense of time and money to subsidize volunteer parking.

We ask that you consider these arguments and what might be done to prevent these changes having such a negative impact on downtown nonprofit organizations.

Sincerely,

Anne Stichter
Event & Volunteer Manager

Buskirk-Chumley Theater
114 E Kirkwood Ave.
Bloomington, IN 47408
(812) 676-3030
buskirkchumley.org

--

Scott Robinson, AICP
Assistant Director
City of Bloomington Planning and Transportation Department
PO Box 100 • Showers Center City Hall • 401 N. Morton St. Suite 130
Bloomington, IN 47402
p • (812) 349-3423 • f (812) 349-3520

Dear City of Bloomington,

I am a volunteer usher at the Buskirk-Chumley Theater. For over four years, I have served the community by helping patrons enjoy their experiences at the BCT. This theater is truly a magical place in downtown Bloomington. The BCT brings together and builds community. I am also a single parent and work full time. As much as I have loved becoming a part of the BCT community, the changes to parking will assuredly limit my volunteer time. I am already intimidated to walk downtown after we clean up after a show. I have stopped walking back to the IU Law School parking lot after being harassed on multiple occasions. I have relied on the availability of free parking, sometimes just behind the theater and on most nights by the Bloomington Police Department. As a long time BCT volunteer, I am sad to think that my time there may be coming to a close. As a tax payer and voter, I think that your policy is short-sighted and will impoverish the Bloomington community more than it will enrich it.

Sincerely,
Cynthia A. Ramlo

I am not sure how to reply to this latest action by the City of Bloomington to grab some more money at the expense of those of us on a very fixed budget. I volunteer for several organizations in the area all of which provide FREE PARKING adjacent to the location of where I volunteer. The fact that the City of Bloomington has failed to do the same and now intends to add insult to injury by taking away free locations within walking distance available for a venue that is in a symbiotic relationship with the City I would suggest possibly is a direct attack on the Buskirk-Chumley Theater or at least it's operating plan. Perhaps the City (or the Buskirk) will need to hire folks for positions currently filled by we volunteers. Once more the thoughtless corporate mindset outweighs the value of inclusiveness. At least we know where we stand with the current City leadership. Sad.

Gary Arbeiter

As a volunteer at the BCT for many events over the years, parking can be an issue when the event is not on Sunday. The possibility that the 4th St. Parking garage will not be free after 6pm has a negative impact on my willingness to volunteer at the BCT. It is one thing to give up my time to volunteer. It is another to have to pay to volunteer.

This also makes us less enthusiastic about attending other events downtown in the future. We still won't give up on theatre at the Waldron, but marginal events like the Gallery Walk will be deemed not worth the trouble. Please keep the 4th St. parking garage free after 6pm.

Thanks,
David Gudaitis

This greatly impairs my volunteering abilities...this currently is one BIG reason I do not volunteer as much as in the past. The hassle of finding a parking space in general and a close one to Buskirk-Chumley is a major problem for me because of safety concerns walking back to my car at night alone. Have heard this reasoning from many other senior volunteers, especially women! A poor decision on city's part, especially for "civic parking" downtown.

Molly Stewart

First, these changes will impact our patrons as well. Where are we going to find 400+ more parking spaces?

My personal situation is such that I can pay for most of the parking required by the hours for volunteering. But do I want to? No. I'm already giving hours of my time and don't want to pay to be a volunteer. This will make me reconsider how often I volunteer. Thanks for listening.

Sincerely,
Valerie Merriam

Like many volunteers in the community, I am retired and living on a limited, fixed budget. I am very glad to give of my time to the community through volunteering and receive many intangible benefits doing so.

However, the proposed changes to parking options in the downtown will mean limiting my volunteering hours. An average shift I work at the Buskirk-Chumley Theater is 5 hours, often 5 or more times a month. Under the proposed fee schedule, I would be paying from \$3-\$5 per volunteer slot just to park my car on the street, IF I can find a space downtown (and correctly guess when I will be finished with my shift to get back to the car before the meter runs out). It may be hard to believe, but I don't have an extra \$25 in my monthly budget for parking when I volunteer. One parking ticket would seal the deal and I wouldn't be able to volunteer downtown.

The news that the 4th street garage is closing will mean the other garages will be in demand, and I expect much more time and frustration finding a parking spot just to get to my volunteer shift. As an usher at the Buskirk-Chumley, my shifts often run until late at night, and parking in the proposed free spaces, or the Morton garage, are just too far for me to walk late at night by myself. I live out in the county, and so bicycle, scooter, or bus are not options for me to get downtown to volunteer.

Please leave the 3 free hours at the garages and the lot behind the Buskirk-Chumley, OR issue volunteer parking passes for those of us who need them.

Liz Rob

Volunteering is attractive to me partly because it is a positive way to be involved in the community without spending much money. When I volunteer at the Buskirk-Chumley Theater, I park in the 4th St. Parking Garage. If free parking becomes unavailable, I am likely to volunteer less at the BCT.

I also volunteer weekly as an English tutor for the public library's VITAL program. When the library parking lot is full, I use the parking garage. If free parking in the garage becomes unavailable, I will reconsider volunteering at the library.

While I frequently bicycle the two miles from my house to downtown that is not always possible, especially in the winter. So, I hope that the City of Bloomington will continue to provide free parking to help promote an accessible downtown, particularly for volunteers who are already giving their time for free.

Sincerely,
Ellen Tamura

I, Gail Dunning, a volunteer usher at Buskirk Chumley-Theater, am very concerned that I may not be able to continue my dedication to that entity and others in the downtown area due to the new parking fee structure about to take effect.

Gail Dunning

I am pretty certain that unless there is specified safe parking for the ushers, I will definitely be more careful as to when I can usher. Right now I mostly park in the 4th street garage if there are no spots behind the BCT.

Thank you,
Amy Dyken

I would like to respond about the changes to parking the city is planning to initiate. I am currently restricting most of my volunteering downtown in Bloomington to Sundays when on-street parking is free. On other days when I volunteer, I use the parking garages. These planned changes will greatly affect my decisions to volunteer downtown in the future

Caren Stoll

Subject: Fwd: Garage Parking for Downtown Businesses

Date: Monday, November 26, 2018 at 10:05:15 PM Eastern Standard Time

From: Stephen Volan

To: Jim Blickensdorf

For discussion at Commission meeting

----- Forwarded message -----

From: **City Council** <council@bloomington.in.gov>

Date: Mon, Nov 26, 2018 at 15:29

Subject: Fwd: Garage Parking for Downtown Businesses

To: Allison Chopra <chopraa@bloomington.in.gov>, Andy Ruff <ruffa@bloomington.in.gov>, Chris Sturbaum <sturbauc@bloomington.in.gov>, Dan Sherman <shermamd@bloomington.in.gov>, Dave Rollo <rollod@bloomington.in.gov>, Dorothy Granger <grangerd@bloomington.in.gov>, Isabel Piedmont-Smith <piedmoni@bloomington.in.gov>, Jim Sims <simsji@bloomington.in.gov>, Stacy Rhoads <rhoadss@bloomington.in.gov>, Stephen Volan <volans@bloomington.in.gov>, Susan Sandberg <sandbers@bloomington.in.gov>

Hello Everyone,

Below is an email from Royale Hair Parlor on the square who has concerns that the new parking garage pass fees do not address the needs of service industry employees.

Melissa

----- Forwarded message -----

From: **Stephanie DiVohl** <stph.dlln@gmail.com>

Date: Wed, Nov 21, 2018 at 3:26 PM

Subject: Garage Parking for Downtown Businesses

To: <council@bloomington.in.gov>

Dear Council,

I am a co-owner of Royale Hair Parlor on the square in Bloomington. I am writing you regarding the changes to the monthly parking garage passes.

At Royale we have 12 employees that work 40 hours a week, between 10am and 8pm, Tuesday through Saturday.

The new parking garage pass fees favor those who work Monday through Friday between the hours of 9am and 6pm, but severely penalizes those of us who work in the service industry.

The parking passes need to allow for shift parking for those who are employed at downtown restaurants, hair salons, and other shops. An option that allows for even 10 hours a day at the same rate as the current "downtown employee pass" would allow for shift employees to park during their work hours.

Thank you,

Stephanie DiVohl

Royale Hair Parlor

--

Office of the Common Council

City of Bloomington

[401 N. Morton](#), P.O. Box 100

Bloomington, Indiana 47402

(v:) 812.349.3409 (f:) 812.349.3570 (e:) council@bloomington.in.gov
www.bloomington.in.gov/council

--

== Steve

Stephen Volan, Member, District VI
Common Council, City of Bloomington, IN
+1-812-333-0900



UNIFORM CONFLICT OF INTEREST DISCLOSURE STATEMENT

State Form 54266 (R2 / 6-15) / Form 236
STATE BOARD OF ACCOUNTS

Indiana Code 35-44.1-1-4

A public servant who knowingly or intentionally has a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D Felony. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant. "Dependent" means any of the following: the spouse of a public servant; a child, stepchild, or adoptee (as defined in IC 31-9-2-2) of a public servant who is unemancipated and less than eighteen (18) years of age; and any individual more than one-half (1/2) of whose support is provided during a year by the public servant.

The foregoing consists only of excerpts from IC 35-44.1-1-4. Care should be taken to review IC 35-44.1-1-4 in its entirety.

1. **Name and Address of Public Servant Submitting Statement:** Jim Blickensdorf, 106 W.
6th Street, Bloomington, IN 47404
2. **Title or Position With Governmental Entity:** Chair, City of Bloomington Parking Commission
3. a. **Governmental Entity:** City of Bloomington
b. **County:** Monroe
4. **This statement is submitted (check one):**
a. ☐ as a "single transaction" disclosure statement, as to my financial interest in a specific contract or purchase connected with the governmental entity which I serve, proposed to be made by the governmental entity with or from a particular contractor or vendor; or
b. ☒ as an "annual" disclosure statement, as to my financial interest connected with any contracts or purchases of the governmental entity which I serve, which are made on an ongoing basis with or from particular contractors or vendors.
5. **Name(s) of Contractor(s) or Vendor(s):** Authentic Southern Concepts, LLC
6. **Description(s) of Contract(s) or Purchase(s)** *(Describe the kind of contract involved, and the effective date and term of the contract or purchase if reasonably determinable. Dates required if 4(a) is selected above. If "dependent" is involved, provide dependent's name and relationship.):*
I am the owner of Authentic Southern Concepts, LLC. I would like to continue to be able to provide quotes for catering City events
and to be eligible to cater such events if the City chooses my company.

7. **Description of My Financial Interest** *(Describe in what manner the public servant or "dependent" expects to derive a profit or financial benefit from, or otherwise has a pecuniary interest in, the above contract(s) or purchase(s); if reasonably determinable, state the approximate dollar value of such profit or benefit.):*

My profit, if any, will depend on the number and size of events that the City hires my company to cater.

(Attach extra pages if additional space is needed.)

8. **Approval of Appointing Officer or Body** *(To be completed if the public servant was appointed by an elected public servant or the board of trustees of a state-supported college or university.):*

I (We) being the _____ President _____ of
(Title of Officer or Name of Governing Body)

City of Bloomington Common Council and having the power to appoint
(Name of Governmental Entity)

the above named public servant to the public position to which he or she holds, hereby approve the participation to the appointed disclosing public servant in the above described contract(s) or purchase(s) in which said public servant has a conflict of interest as defined in Indiana Code 35-44.1-1-4; however, this approval does not waive any objection to any conflict prohibited by statute, rule, or regulation and is not to be construed as a consent to any illegal act.

| | |
|-------------------------|--|
| _____ | _____ |
| _____ | _____ |
| _____ | <u>President, Bloomington Common Council</u> |
| <u>Elected Official</u> | <u>Office</u> |

9. **Effective Dates** *(Conflict of interest statements must be submitted to the governmental entity prior to final action on the contract or purchase.):*

| | |
|--|--|
| _____ | <u>TBD</u> |
| <u>Date Submitted (month, day, year)</u> | <u>Date of Action on Contract or Purchase (month, day, year)</u> |

10. **Affirmation of Public Servant:** This disclosure was submitted to the governmental entity and accepted by the governmental entity in a public meeting of the governmental entity prior to final action on the contract or purchase. I affirm, under penalty of perjury, the truth and completeness of the statements made above, and that I am the above named public servant.

Signed: _____
(Signature of Public Servant)

Date: _____
(month, day, year)

Printed Name: _____
(Please print legibly.)

Email Address: jim@grazieitaliano.com

Within fifteen (15) days after final action on the contract or purchase, copies of this statement must be filed with the State Board of Accounts by uploading it here https://gateway.ifionline.org/sboa_coi/ which is the preferred method of filing, or by mailing it to the State Board of Accounts, Indiana Government Center South, 302 West Washington Street, Room E418, Indianapolis, Indiana, 46204-2765 and the Clerk of the Circuit Court of the county where the governmental entity took final action on the contract or purchase.