



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 14 December 2022 at 6:30pm
Special Session



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
SPECIAL SESSION
WEDNESDAY | 6:30 PM
14 DECEMBER 2022

Council Chambers (#115), Showers Building, 401 N. Morton Street

The meeting may also be accessed at the following link:

<https://bloomington.zoom.us/j/84558930939?pwd=YmI1cTZZOVZ2endiOEZHzi9lVHJBdz09>

I. ROLL CALL

II. AGENDA SUMMATION

III. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

Note: There are no recommendations from Council committees associated with any of the items listed under Legislation for Second Readings and Resolutions.

- A. Resolution 22-20 – A Resolution Responding to Monroe County Board of Commissioners Ordinance 2022-46
- B. Ordinance 22-36 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Proposal to Amend Chapter 20.02 “Zoning Districts” and Related Sections to Establish an Overlay District and Related Development Standards for the Hopewell Neighborhood
- C. Ordinance 22-37 – To Amend the City of Bloomington Zoning Maps by Adding the Transform Redevelopment Overlay (TRO) to Certain Below-Described Property

IV. LEGISLATION FOR FIRST READINGS

- A. Ordinance 22-38 – To Amend the City of Bloomington Zoning Maps by Rezoning A 87.12 Acre Property from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI) – Re: Northeast Corner of W. Fullerton Pike and S. State Road 37 (Monroe County Government, Petitioner)
- B. Appropriation Ordinance 22-06 – An Ordinance Appropriating the Proceeds of the City of Bloomington, Indiana, General Revenue Annual Appropriation Bonds of 2022, Together With All Investments Earnings Thereon, for the Purpose of Providing Funds to Be Applied to the Costs of Certain Capital Improvements for Public Safety Facilities, and Paying Miscellaneous Costs In Connection with the Foregoing and the Issuance of Said Bonds and Sale Thereof, and Approving and Agreement of the Bloomington Redevelopment Commission to Purchase Certain Property

V. COUNCIL SCHEDULE

- A. 2023 Annual Council Legislative Schedule

VI. ADJOURNMENT

Auxiliary aids are available upon request with adequate notice. Please call (812) 349-3409 or email council@bloomington.in.gov.

Posted: 09 December 2022



**City of Bloomington
Office of the Common Council**

NOTICE

Wednesday, 14 December 2022

Special Session at 6:30 pm

This meeting will be held in the Council Chambers (Suite #115, City Hall, 401 N. Morton St) and may also be accessed electronically via Zoom (see information below).

Join Zoom Meeting

<https://bloomington.zoom.us/j/84558930939?pwd=YmI1cTZZOVZ2endiOEZHZi9lVHJBdz09>

Meeting ID: 845 5893 0939

Passcode: 985554

One tap mobile

+13126266799,,84558930939# US (Chicago)

+16469313860,,84558930939# US

Find your local number: <https://bloomington.zoom.us/j/84558930939?pwd=YmI1cTZZOVZ2endiOEZHZi9lVHJBdz09>

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



MEMO FROM COUNCIL OFFICE ON:

Resolution 22-20 – A Resolution Responding to Monroe County Board of Commissioners Ordinance 2022-46

Synopsis

Resolution 22-20 expresses the Bloomington Common Council’s support for the formation of a Capital Improvement Board in furtherance of the Convention Center expansion project.

Relevant Materials

- Resolution 22-20
- [Indiana Code 36-10-8](#) – Capital Improvement Boards in Certain Counties
- County Commissioners Ordinance 2022-46
- County Council Resolution 2022-30
- City Administration Memorandum dated November 23, 2022
- City Administration Memorandum dated October 28, 2022

Summary

This resolution would express the Common Council’s support for the use of a Capital Improvement Board (CIB) to further a Monroe County Convention Center (“Convention Center”) expansion project.

In 2017, through [Resolution 17-38](#), the Council supported the passage of a county-wide food and beverage tax to fund expansion of the Convention Center. Shortly thereafter, the Monroe County Council adopted an ordinance imposing such a tax, which has been collected since that time. The tax is authorized by state law ([Indiana Code 6-9-41](#)) and may be used only to finance, refinance, construct, operate, or maintain a convention center, a conference center, or related tourism or economic development projects.

In the years since, both city and county officials have met at various times to advance the Convention Center expansion project. Most recently, the County Commissioners took the step of creating a CIB to manage and direct the affairs of the Convention Center and its expansion. The creation and operation of a CIB is detailed in state law under [IC 36-10-8](#), a statute included in this packet. The statute addresses board membership and appointments, meetings, powers, budgets and bonding, and joint and cooperative planning, among other items. The County Council has recently expressed support for the creation of a CIB as well.

The city administration has issued memoranda and documents expressing its view that a 501(c)(3) organization would be a better entity to manage and oversee the expansion project. The reasons for this view are detailed in the included memos from the administration.



City of Bloomington Indiana

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Ordinance 2022-46 was adopted by the County Commissioners on November 9, 2022 and states that it “takes effect upon passage by the Commissioners and the Commissioners’ receipt of the City of Bloomington Mayor and Common Council’s agreement with the terms of [the] Ordinance. ... If the terms in this section are not met by January 1, 2023, this Ordinance is void.”

Council President Sandberg has requested that a resolution be prepared for the Common Council’s consideration to give the Council an opportunity to express its position on the matter before the end of 2022. As written, Resolution 22-20 expresses the Council’s support for the creation of a CIB and calls on the city administration to continue work with county officials to advance the Convention Center project through the use of a CIB. The resolution acknowledges that there may be matters of CIB operations unresolved by County Commissioners Ordinance 2022-46 and requests that the City and County continue to work together, through creation of an interlocal agreement, if needed, to advance the Convention Center project through use of a CIB.

Contact

Council President Sandberg, sandbers@bloomington.in.gov, (812) 349-3409

Common Council Office, council@bloomington.in.gov, (812) 349-3409

RESOLUTION 22-20

**A RESOLUTION RESPONDING TO
MONROE COUNTY BOARD OF COMMISSIONERS ORDINANCE 2022-46**

- WHEREAS, the Monroe County Convention Center (“Convention Center”) was built in 1923 for the Graham Motor Sales company and converted to a Convention Center in 1991; and
- WHEREAS, Monroe County government established, maintained, and has operated the Convention Center for more than thirty years, using Innkeeper’s Tax Funds provided for by Indiana Code §6-9-4 et seq. and appropriated by the Monroe County Council (“County Council”); and,
- WHEREAS, the Indiana General Assembly enabled the County Council to enact a County Food and Beverage Tax in 2009, with the passage of P.L. 176-2009, SEC. 21; and
- WHEREAS, in October 2017 through the adoption of Resolution 17-38, the City of Bloomington supported the passage of a Food and Beverage Tax by the County Council and pledged the City’s cooperation, as needed, in the administration and use of the tax proceeds to fund the expansion of the Convention Center; and
- WHEREAS, in 2017, the County Council adopted its Ordinance 2017-51, which authorized the Monroe County Food and Beverage Tax (“Tax”) and affirmed the state-law provisions providing for a Food and Beverage Tax Advisory Commission (“Commission”) to “coordinate and assist efforts of the County and City of Bloomington fiscal bodies” and requiring legislative action to seek and receive the Commission’s recommendations of all expenditures prior to the legislative approval of any expenditures of Tax proceeds; and
- WHEREAS, the Monroe County Commissioners (“County Commissioners”), County Council, Bloomington Common Council (“Common Council”), and Mayor (collectively, “Elected Officials”) met on at least three occasions in 2019 in order to resolve issues regarding construction and future operation and management of the Convention Center before discussions were delayed by the COVID-19 pandemic; and
- WHEREAS, in 2022, the City of Bloomington administration expressed a wish to move forward with the Convention Center project and expressed urgency due to the possibility of state legislation that would rescind the local Food and Beverage Tax; and
- WHEREAS, a Capital Improvement Board (“CIB”), discussed in 2019 by the Elected Officials and authorized pursuant to Indiana Code §36-10-8 et seq., is the entity preferred by the County Commissioners and County Council to direct Convention Center site selection, design, construction, and operations, as it is a governmental entity created for this very purpose, protected by the Tort Claims Act, transparent, and publicly accountable; and
- WHEREAS, on November 9, 2022, the County Commissioners established the framework for a CIB with the passage of their Ordinance 2022-46, referenced and attached hereto as Exhibit A; and
- WHEREAS, on November 29, 2022, the County Council supported the creation of a CIB as outlined by the County Commissioners in their Ordinance 2022-46 and accepted “its responsibilities as they pertain to the CIB and continued maintenance of the Convention Center”; and

WHEREAS, the Mayor and relevant city officials provided the County Commissioners, the County Council, and the Common Council with two memoranda, dated October 28, 2022 and November 23, 2022, which discussed the reasons the city administration believed that a properly constructed 501(c)(3) nonprofit corporation held the greatest potential for achieving a successful convention center expansion; and

WHEREAS, the city administration's November 23, 2022 memorandum included a list of several components that the administration saw as essential to any prospective CIB, some of which components might require an interlocal agreement to implement;

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

SECTION 1. The Common Council supports the efforts taken by County officials to form a CIB and requests that the city administration continue to work with County officials to advance the Convention Center project through the use of a CIB, including negotiating any necessary interlocal agreements to resolve matters not addressed in County Commissioners Ordinance 2022-46.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, 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 _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Resolution 22-20 expresses the Bloomington Common Council's support for the formation of a Capital Improvement Board in furtherance of the Convention Center expansion project.

IC 36-10-8 Chapter 8. Capital Improvement Boards in Certain Counties

- 36-10-8-1 Application of chapter
- 36-10-8-2 Definitions
- 36-10-8-3 Continuation; creation; authority to finance capital improvements
- 36-10-8-4 Membership; terms; vacancies; removal; oath; reimbursement of expenses
- 36-10-8-5 Organizational meeting; officers; bylaws; quorum; approval of actions
- 36-10-8-6 Name; powers
- 36-10-8-7 Additional powers
- 36-10-8-8 Budget; preparation; review
- 36-10-8-9 Deposit of net income from operation of capital improvements
- 36-10-8-10 Payment of certain operational expenses from capital improvement fund
- 36-10-8-11 Handling and expenditure of funds; treasurer; controller; reports; audits
- 36-10-8-12 Capital improvement fund; deposit of tax revenues; expenditures
- 36-10-8-13 Capital improvement bond fund; amount of revenue to be deposited; excess revenues; use of funds
- 36-10-8-14 Revenue bonds; authority to issue; procedure
- 36-10-8-15 Bonds; covenant with purchasers; continuation of statute
- 36-10-8-16 General obligation bonds; authority to issue; procedure
- 36-10-8-17 Bonds; application of proceeds to construction cost; deposit in reserve subaccount
- 36-10-8-18 Tax exemption
- 36-10-8-19 Joint and cooperative planning, financing, construction, operation, and maintenance agreements
- 36-10-8-20 Dissolution of boards created under [IC 18-7-18](#); escheat of funds
- 36-10-8-21 Capital improvement board of managers operations; annual report

IC 36-10-8-1 Application of chapter

Sec. 1. This chapter applies to all counties not having a consolidated city.

As added by Acts 1982, P.L.218, SEC.3. Amended by P.L.16-1983, SEC.22.

IC 36-10-8-2 Definitions

Sec. 2. As used in this chapter:

"Board" refers to a capital improvement board of managers subject to or created under this chapter.

"Net income" means the gross income after deducting:

- (1) the necessary operational expenses of the board in performing its duties (the expenses not to exceed the amount budgeted or approved); and
- (2) any reserve provided for in the budget.

As added by Acts 1982, P.L.218, SEC.3.

IC 36-10-8-3 Continuation; creation; authority to finance capital improvements

Sec. 3. (a) If a county had in existence on January 1, 1982, a capital improvement board of managers that was created under [IC 18-7-18](#) (before its repeal on February 24, 1982), that board continues to exist and is subject to this chapter. In any other county to which this chapter applies, a capital improvement board of managers may be created by ordinance of the county legislative body.

(b) A county to which this chapter applies may finance, construct, equip, operate, and maintain a capital improvement under this chapter.

As added by Acts 1982, P.L.218, SEC.3. Amended by P.L.213-1986, SEC.11; P.L.163-1987, SEC.8; P.L.3-1990, SEC.143.

IC 36-10-8-4 Membership; terms; vacancies; removal; oath; reimbursement of expenses

Sec. 4. (a) The board is composed of seven (7) members.

(b) The county executive shall determine in the creating ordinance which units within the county shall make appointments to the board. In addition, the creating ordinance must provide that no more than four (4) of the members be affiliated with the same political party. The creating ordinance must also provide staggered terms for the appointments.

(c) Notwithstanding subsection (b), if a board was created under [IC 18-7-18](#) (before its repeal on February 24, 1982), three (3) members shall be appointed by the executive of the second class city and three (3) members shall be appointed by the executive of the county. Those members shall select the seventh member, who serves as president. One (1) of the members appointed by the city executive must be engaged in the hospitality industry in the city. No more than two (2) of the members appointed by the city executive may be affiliated with the same political party and no more than two (2) of the members appointed by the county executive may be affiliated with the same political party. In addition, each member must have been a resident of the county for at least one (1) year immediately preceding the member's appointment. Initial terms of the members are as follows:

(1) One (1) of the members appointed by each appointing authority for a term ending January 15 of the year following the appointment.

(2) Two (2) of the members appointed by each appointing authority for a term ending January 15 of the second year following the appointment.

(3) The seventh member serves for a term ending January 15 of the second year following the appointment.

(d) Subsequent terms of members are for two (2) years. All terms begin on January 15. A member serves until a successor is appointed and qualified. A member may be reappointed after the member's term has expired.

(e) If a vacancy occurs on the board, the appointing authority shall appoint a new member. That member serves for the remainder of the vacated term.

(f) A board member may be removed for cause by the appointing authority who appointed the member.

(g) Each member, before entering upon the member's duties, shall take and subscribe an oath of office in the usual form. The oath shall be endorsed upon the member's certificate of appointment. The certificate shall be promptly filed with the records of the board. However, if the board was created under [IC 18-7-18](#) (before its repeal on February 24, 1982), the certificate shall be filed with the clerk of the circuit court of the county in which the board is created.

(h) A member may not receive a salary, but is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties.

As added by Acts 1982, P.L.218, SEC.3. Amended by P.L.163-1987, SEC.9; P.L.3-1990, SEC.144; P.L.176-2009, SEC.27; P.L.229-2011, SEC.267.

IC 36-10-8-5 Organizational meeting; officers; bylaws; quorum; approval of actions

Sec. 5. (a) Immediately after January 15 each year, the board shall hold an organizational meeting. They shall elect one (1) of the members vice president, another secretary, and another treasurer to perform the duties of those offices. The officers serve from the date of their election until their successors are elected and qualified.

(b) The members may adopt the bylaws and rules that they consider necessary for the proper conduct of their duties and the safeguarding of the funds and property entrusted to their care. A majority of the members constitutes a quorum, and the concurrence of a majority of the board is necessary to authorize any action.

As added by Acts 1982, P.L.218, SEC.3.

IC 36-10-8-6 Name; powers

Sec. 6. The board may, acting under the name "(name of county) county capital improvement board of managers", or, if the board was created under [IC 18-7-18](#) (before its repeal on February 24, 1982), "(name of the county) and (name of the city) capital improvement board of managers", do the following:

- (1) Acquire by grant, purchase, gift, devise, lease, or otherwise, and hold, use, sell, lease, or dispose of, real and personal property and any rights and interests in it necessary or convenient for the exercise of its powers under this chapter.
- (2) Construct, reconstruct, repair, remodel, enlarge, extend, or add to any capital improvement under this chapter and condemn, appropriate, lease, rent, purchase, and hold any real property, rights-of-way, materials, or personal property needed for the purposes of this chapter, even if it is already held for a governmental or public use.
- (3) Control and operate a capital improvement, and receive and collect money due to the operation or otherwise relating to the capital improvement, including employing an executive manager and other agents and employees that are necessary for the acquisition, construction, and proper operation of the improvements and fixing the compensation of all employees with a contract of employment or other arrangement terminable at the will of the board. However, a contract may be entered into with an executive manager and associate manager for a period not longer than four (4) years at one (1) time and may be extended from time to time for the same or shorter periods.
- (4) Let concessions for the operation of restaurants, cafeterias, public telephones, news and cigar stands, vending machines, caterers, and all other services considered necessary or desirable for the operation of a capital improvement.
- (5) Lease a capital improvement or a part of it to any association, corporation, or individual, with or without the right to sublet.
- (6) Fix charges and establish rules and regulations governing the use of a capital improvement.
- (7) Accept gifts or contributions from individuals, corporations, limited liability companies, partnerships, associations, trusts, or foundations and funds, loans, or advances on the terms that the board considers necessary or desirable from the United States, the state, or a political subdivision or department of either, including entering into and carrying out contracts and agreements in connection with this subdivision.
- (8) Acquire the site for a capital improvement, or a part of a site by conveyance from the redevelopment commission of a city within the county in which the board is created or from any other source, on the terms that may be agreed upon.
- (9) If the board was created under [IC 18-7-18](#) (before its repeal on February 24, 1982), exercise within and in the name of the county the power of eminent domain under general statutes governing the exercise of the power for a public purpose.
- (10) Receive and collect all money due for the use or leasing of a capital improvement and from concessions and other contracts, and expend the money for proper purposes, but any employees or members of the board authorized to receive, collect, and expend money must be covered by a fidelity bond, the amount of which shall be fixed by the board. Funds may not be disbursed by an employee or member of the board without prior specific approval by the board.
- (11) Provide coverage for its employees under [IC 22-3](#) and [IC 22-4](#).
- (12) Purchase public liability and other insurance considered desirable.
- (13) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including the enforcement of them.
- (14) Maintain and repair a capital improvement and all equipment and facilities that are a part of it, including the employment of a building superintendent and other employees that are necessary to maintain the capital improvement.
- (15) Sue and be sued in its own name, service of process being had upon the president or vice president of the board or by leaving a copy at the board's office.
- (16) Prepare and publish descriptive material and literature relating to the facilities and advantages of a capital improvement and do all other acts that the board considers necessary to promote and

publicize the capital improvement and serve the commercial, industrial, and cultural interests of Indiana and its citizens by the use of the capital improvement. It may assist and cooperate with public, governmental, and private agencies and groups for these purposes.

(17) Promote the development and growth of the convention and visitor industry in the county.

(18) Transfer money from the capital improvement fund established by this chapter to any Indiana not-for-profit corporation for the promotion and encouragement of conventions, trade shows, visitors, and special events in the county.

As added by Acts 1982, P.L.218, SEC.3. Amended by P.L.3-1990, SEC.145; P.L.8-1993, SEC.519; P.L.176-2009, SEC.28.

IC 36-10-8-7 Additional powers

Sec. 7. The board may hire architects, engineers, accountants, attorneys, and consultants in connection with the preparation of plans and specifications for a capital improvement and its financing, paying for it as provided under section 12 of this chapter. The acquisition of a site for a capital improvement, the adoption of plans and specifications, the advertising for bids, and the awarding of contracts for the erection or equipping of the capital improvement shall be done by the board under statutes governing these activities by cities or counties. Title to or interest in any property acquired shall be held in the board's name, and the board has complete and exclusive authority to sell, lease, or dispose of it and to execute all conveyances, leases, contracts, and other instruments in connection with it.

As added by Acts 1982, P.L.218, SEC.3.

IC 36-10-8-8 Budget; preparation; review

Sec. 8. The board shall prepare a budget for each calendar year covering the projected operating expenses, estimated income, and reasonable reserves. It shall submit the budget for review, approval, or rejection to the fiscal body of the county and, if the board was created under [IC 18-7-18](#) (before its repeal on February 24, 1982), also the fiscal body of the second class city. The board may make expenditures only as provided in the budget as approved, unless additional expenditures are approved by the respective fiscal bodies.

As added by Acts 1982, P.L.218, SEC.3. Amended by P.L.3-1990, SEC.146.

IC 36-10-8-9 Deposit of net income from operation of capital improvements

Sec. 9. The net income received by the board from the operation of capital improvements under this chapter shall be deposited semiannually on June 1 and December 1 in the capital improvement fund provided in section 12 of this chapter. However, if there are bonds outstanding, the net income from the convention center shall be deposited in the capital improvement bond fund provided in section 13 of this chapter.

As added by Acts 1982, P.L.218, SEC.3.

IC 36-10-8-10 Payment of certain operational expenses from capital improvement fund

Sec. 10. All operational expenses actually incurred by the board within the approved budget necessary to be paid before the receipt of income by the board from the leasing or use of a capital improvement, and any expenses that cannot be paid from that income because of an excess of expenses over income, shall be met and paid by funds in the capital improvement fund.

As added by Acts 1982, P.L.218, SEC.3.

IC 36-10-8-11 Handling and expenditure of funds; treasurer; controller; reports; audits

Sec. 11. (a) The treasurer of the board is the official custodian of all funds and assets of the board and is responsible for their safeguarding and accounting. The treasurer shall give bond for the faithful performance and discharge of all duties required of the treasurer by law in the amount and with surety and other conditions that may be prescribed and approved by the board. All funds and assets in the capital improvement fund and the capital improvement bond fund created by this chapter and all other funds, assets, and tax revenues held, collected, or received by the county treasurer for the use of the board shall be promptly remitted and paid over by the county treasurer to the treasurer of the board, who shall issue receipts for them.

(b) The treasurer of the board shall deposit all money coming into the treasurer of the board's hands as required by this chapter and [IC 6-7-1-30.1](#), and in accordance with general statutes relating to the deposit of public funds. Money so deposited may be invested and reinvested by the treasurer in accordance with [IC 5-13](#) and in securities that the board specifically directs. All interest and other income earned on investments becomes a part of the particular fund from which the money was invested. All funds invested and fully safeguarded and secured as provided in [IC 5-13-9](#) are exempt from assessments under [IC 5-13-12](#).

(c) The board shall appoint a controller to act as the auditor and assistant treasurer of the board. The controller shall serve as the official custodian of all books of account and other financial records of the board and has the same powers and duties as the treasurer of the board or the lesser powers and duties that the board prescribes. The controller, and any other employee or member of the board authorized to receive, collect, or expend money, shall give bond for the faithful performance and discharge of all duties required of the controller, employee, or member in the amount and with surety and other conditions that may be prescribed and approved by the board. The controller shall keep an accurate account of all money due the board and of all money received, invested, and disbursed in accordance with generally recognized governmental accounting principles and procedure. All accounting forms and records shall be prescribed or approved by the state board of accounts.

(d) The controller shall issue all warrants for the payment of money from the funds of the board in accordance with procedures prescribed by the board, but a warrant may not be issued for the payment of a claim until an itemized and verified statement of the claim has been filed with the controller, who may require evidence that all amounts claimed are justly due. All warrants shall be countersigned by the treasurer of the board or by the executive manager. Payroll and similar warrants may be executed with facsimile signatures.

(e) If there are bonds outstanding issued under this chapter, the controller shall deposit with the paying agent or officer within a reasonable period before the date that any principal or interest becomes due sufficient money for the payment of the principal and interest on the due dates.

(f) At least annually the controller shall submit to the board a report of the controller's accounts exhibiting the revenues, receipts, and disbursements and the sources from which the revenues and receipts were derived and the purpose and manner in which they were disbursed. The board may require that the report be prepared by an independent certified public accountant designated by the board. The handling and expenditure of funds is subject to audit and supervision by the state board of accounts.

As added by Acts 1982, P.L.218, SEC.3. Amended by P.L.19-1987, SEC.56; P.L.127-2017, SEC.388.

IC 36-10-8-12 Capital improvement fund; deposit of tax revenues; expenditures

Sec. 12. Unless there are bonds outstanding under this chapter, any tax revenues received by the board from the treasurer of the state as provided by law shall be deposited in a separate and distinct fund called the "capital improvement fund". Any money in the fund may be expended by the board without the necessity of an appropriation to pay:

- (1) operating expenses and maintain reasonable reserves;
- (2) for services of architects, engineers, accountants, attorneys, and consultants;
- (3) for all or part of the cost of a capital improvement;
- (4) the principal on, or interest of, any bonds issued under this chapter that cannot be paid from money in the capital improvement bond fund; or
- (5) for any other purpose that has been budgeted and approved under section 8 of this chapter.

As added by Acts 1982, P.L.218, SEC.3.

IC 36-10-8-13 Capital improvement bond fund; amount of revenue to be deposited; excess revenues; use of funds

Sec. 13. (a) If there are bonds outstanding issued under section 14 of this chapter, the treasurer of the board shall deposit in a separate and distinct fund called the "capital improvement bond fund" all tax revenues received as provided by law until there are sufficient funds from those tax revenues, the proceeds of the bonds, or both of these sources, in the capital improvement bond fund to provide the amount required by the resolution or resolutions or trust agreement or agreements pursuant to which the bonds are issued. The treasurer of the board shall then deposit sufficient tax revenues in the fund to maintain such amounts in the fund as are required by the resolution or resolutions or trust agreement or agreements. The various accounts within the capital improvement bond fund shall be held by the treasurer of the board or by an escrow agent, depository, or trustee as may be provided in the resolution or resolutions or trust agreement or agreements pursuant to which the bonds are issued.

(b) Any excess tax revenues not required by this section to be deposited in the capital improvement bond fund shall be deposited in the capital improvement fund, or, in the discretion of the board, in any special fund that may be established by the board for the payment of principal and interest on any bonds outstanding issued under this chapter. Amounts in the capital improvement bond fund shall be applied to the payment of principal of the bonds and the interest on them and to no other purpose.

As added by Acts 1982, P.L.218, SEC.3.

IC 36-10-8-14 Revenue bonds; authority to issue; procedure

Sec. 14. (a) A capital improvement may be financed in whole or in part by the issuance of revenue bonds payable solely out of the net income received from the operation of a capital improvement and from the tax revenues provided by law that are required by this chapter to be deposited in the capital improvement bond fund.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall adopt a resolution authorizing the issuance of revenue bonds. The resolution must state the date or dates on which the principal of the bonds will mature (not exceeding forty (40) years from the date of issuance), the maximum interest rate to be paid, and the other terms upon which the bonds will be issued.

(c) The board shall submit the resolution to the county executive, or, if the board was created under [IC 18-7-18](#) (before its repeal on February 24, 1982), to the executive of the second class city, who shall review it. If the executive approves the resolution, then the board shall take all actions necessary to issue bonds in accordance with the resolution. The board may enter into a trust agreement with a trust company as trustee for the bondholders. An action to contest the validity of bonds to be issued under this section may not be brought after the fifteenth day following the receipt of bids for the bonds.

(d) The bonds shall be sold at public sale in accordance with [IC 5-1-11](#). All bonds and interest are exempt from taxation in Indiana to the extent provided in [IC 6-8-5](#).

(e) When issuing revenue bonds, the board may covenant with the purchasers of the bonds that any funds in the capital improvement fund may be used to pay the principal on, or interest of, the bonds that cannot be paid from money in the capital improvement bond fund.

(f) The revenue bonds may be made redeemable before maturity at the price or prices and under the terms that are determined by the board in the authorizing resolution. The board shall determine the form of bonds, including any interest coupons to be attached, and shall fix the denomination or denominations of the bonds and the place or places of payment of the principal and interest, which may be at any bank or trust company within or outside Indiana. All bonds must have all the qualities and incidents of negotiable instruments under statute. Provision may be made for the registration of any of the bonds as to principal alone or to both principal and interest.

(g) The revenue bonds shall be issued in the board's name and must recite on the face that the principal of and interest on the bonds is payable solely from the net income received from the operation of the capital improvement or from the net income and other funds made available for this purpose. The bonds shall be executed by the manual or facsimile signature of the president of the board, and the seal of the county shall be affixed to them. The seal shall be attested by the manual or facsimile signature of the county auditor. Any coupons attached must bear the facsimile signature of the president of the board.

(h) This chapter constitutes full and complete authority for the issuance of revenue bonds. No law, procedure, proceedings, publications, notices, consents, approvals, orders, acts, or things by the board or any other officer, department, agency, or instrumentality of the state, the county, or any municipality is required to issue any revenue bonds except as may be prescribed in this chapter.

(i) Revenue bonds issued under this section are legal investments for private trust funds and the funds of banks, trust companies, insurance companies, building and loan associations, credit unions, banks of discount and deposit, savings banks, loan and trust and safe deposit companies, rural loan and savings associations, guaranty loan and savings associations, mortgage guaranty companies, small loan companies, industrial loan and investment companies, and other financial institutions organized under statute.

As added by Acts 1982, P.L.218, SEC.3. Amended by P.L.3-1990, SEC.147; P.L.42-1993, SEC.99.

IC 36-10-8-15 Bonds; covenant with purchasers; continuation of statute

Sec. 15. The Indiana general assembly covenants with the purchasers of any bonds issued under this chapter that the statute authorizing the levy of a specific tax within the county the proceeds of which are required by this chapter to be deposited in a specific fund created under this chapter will not be repealed, amended, or altered in any manner that would reduce or adversely affect the levy and collection of the tax levied, or reduce the rates or amounts of the tax, as long as the principal of, or interest on, any bonds is unpaid. The board, on behalf of the county, is authorized to make a similar pledge or covenant in any agreement with the purchasers of any bonds issued under this chapter or in any resolution or trust agreement pursuant to which the bonds are issued.

As added by Acts 1982, P.L.218, SEC.3.

IC 36-10-8-16 General obligation bonds; authority to issue; procedure

Sec. 16. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county or, if the board was created under [IC 18-7-18](#) (before its repeal on February 24, 1982), also of the city, if the board determines that the estimated annual net income of the capital improvement, plus the estimated annual tax revenues to be derived from any tax revenues made available for this purpose, will not be sufficient to satisfy and pay the principal of and interest on all bonds issued under this chapter, including the bonds then proposed to be issued.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the county executive authorizing the issuance of general obligation bonds, or, if the board was created under [IC 18-7-18](#) (before its repeal on February 24, 1982), by the fiscal body of the city authorizing the issuance of general obligation bonds. The resolution must set forth an itemization of the funds and assets received by the board, together with the board's

valuation and certification of the cost. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the proper officers, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum amount payable in any year as principal and interest on the bonds issued under this chapter, including the bonds proposed to be issued, at the maximum interest rate set forth in the resolution. The bonds issued may mature over a period not exceeding forty (40) years from the date of issue.

(c) Upon receipt of the resolution and certificate, the proper officers may adopt them and take all action necessary to issue the bonds in accordance with the resolution. An action to contest the validity of bonds issued under this section and sold at a public sale may not be brought after the fifteenth day following the receipt of bids for the bonds.

(d) The provisions of all general statutes relating to:

(1) the filing of a petition requesting the issuance of bonds and giving notice;

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by [IC 6-1.1-20-3.1\(a\)](#); or

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by [IC 6-1.1-20-3.5\(a\)](#);

(3) the giving of notice of the determination to issue bonds;

(4) the giving of notice of a hearing on the appropriation of the proceeds of bonds;

(5) the right of taxpayers to appear and be heard on the proposed appropriation;

(6) the approval of the appropriation by the department of local government finance; and

(7) the sale of bonds at a public sale or at a negotiated sale after June 30, 2018, and before July 1, 2023;

apply to the issuance of bonds under this section.

As added by Acts 1982, P.L.218, SEC.3. Amended by P.L.3-1990, SEC.148; P.L.90-2002, SEC.520; P.L.219-2007, SEC.146; P.L.146-2008, SEC.796; P.L.176-2009, SEC.29; P.L.125-2018, SEC.10; P.L.38-2021, SEC.105.

IC 36-10-8-17 Bonds; application of proceeds to construction cost; deposit in reserve subaccount

Sec. 17. (a) All money received from any bonds issued under this chapter shall be applied solely to the payment of the construction cost of the capital improvement for which the bonds are issued. The cost may include:

(1) planning and development of the capital improvement and all buildings, facilities, structures, and improvements related to it;

(2) acquisition of a site and clearing and preparing the site for construction;

(3) equipment, facilities, structures, and improvements that the board considers necessary or desirable to make the capital improvement suitable for use and operation;

(4) architectural, engineering, consultant, and attorney fees;

(5) incidental expenses in connection with the issuance and sale of bonds; and

(6) interest during construction.

(b) To the extent authorized and directed in any resolution of the board or in any trust agreement providing for the issuance of bonds under section 14 of this chapter, proceeds of these bonds may be deposited in the reserve subaccount of the capital improvement bond fund established under section 13 of this chapter. However, the amount deposited, when added to any amount in that subaccount, may not exceed the maximum amount required to be in the subaccount by section 14 of this chapter, taking into consideration the bonds then being issued.

As added by Acts 1982, P.L.218, SEC.3.

IC 36-10-8-18 Tax exemption

Sec. 18. All property owned or used and all income and revenues received by the board are exempt from special assessments and taxation in Indiana for all purposes.

As added by Acts 1982, P.L.218, SEC.3.

IC 36-10-8-19 Joint and cooperative planning, financing, construction, operation, and maintenance agreements

Sec. 19. The board and the state, any department, agency, or commission of the state, or any department, agency, or commission of municipal or county government may enter into agreements, contracts, or leases with each other on the terms that are agreed upon, providing for joint and cooperative planning, financing, construction, operation, or maintenance of a capital improvement or of the buildings, facilities, structures, or improvements that are necessary or desirable in connection with the use and operation of a capital improvement. The buildings, facilities, structures, or improvements may include:

- (1) facilities for the comfort of visitors and other persons using the capital improvement;
- (2) parking lots and garages;
- (3) walks and pedestrian ways;
- (4) landscaping, lighting, and beautification; and
- (5) open spaces, malls, or plazas desirable to produce a unified architectural and artistic setting for the capital improvement.

As added by Acts 1982, P.L.218, SEC.3.

IC 36-10-8-20 Dissolution of boards created under IC 18-7-18; escheat of funds

Sec. 20. (a) This section applies only to a board that was created under [IC 18-7-18](#) (before its repeal on February 24, 1982).

(b) If the board is dissolved voluntarily or involuntarily, any funds in the possession of the board or to the credit of the board in the possession of the state escheat to the general fund of the county.

As added by Acts 1982, P.L.218, SEC.3. Amended by P.L.3-1990, SEC.149.

IC 36-10-8-21 Capital improvement board of managers operations; annual report

Sec. 21. (a) This section applies only to a board that was created under [IC 18-7-18](#) (before its repeal on February 24, 1982).

(b) On or before March 31 each year, the executive manager shall submit to the board an annual report of the operations of the convention and visitor center.

As added by P.L.176-2009, SEC.30.

ORDINANCE 2022- 46

**AN ORDINANCE OF THE MONROE COUNTY BOARD OF COMMISSIONERS
CREATING A CAPITAL IMPROVEMENT BOARD TO DIRECT
CONVENTION CENTER SITE SELECTION, DESIGN, CONSTRUCTION, AND OPERATIONS**

WHEREAS, Monroe County Government established, maintained, and has operated the Monroe Convention Center (“Convention Center”) for more than thirty years, using Innkeeper’s Tax Funds provided for by Indiana Code 6-9-4 et seq. and appropriated by the Monroe County Council (“County Council”); and,

WHEREAS, the Monroe County Board of Commissioners (“Commissioners”) have purchased real property, funded through bonds and appropriations approved by the County Council, for the expansion of the Convention Center; and,

WHEREAS, the Indiana General Assembly enabled the County Council to enact a County Food and Beverage Tax in 2009, with the passage of P.L. 176-2009, SEC. 21; and,

WHEREAS, the County Council, relying upon assurances of collaboration and partnership issued by the City of Bloomington Common Council and Mayor of Bloomington, the County Council adopted Ordinance 2017-51, which authorized the Monroe County Food and Beverage Tax (“Tax”); and,

WHEREAS, local enabling Ordinance 2017-51 confirmed and affirmed the state-law provisions providing for a Food and Beverage Advisory Commission (“Commission”) to *“coordinate and assist efforts of the County and City of Bloomington fiscal bodies”* and requiring legislative action to seek and receive the Commission’s recommendations of all expenditures prior to the legislative approval of any expenditures of Tax proceeds; and,

WHEREAS, the Commissioners wish to follow state law procedures and those procedures which are required by Ordinance 2017-51, including reliance upon Commission to coordinate and assist the City and the County Council regarding the utilization of Tax receipts and requiring legislative oversight and action, which may not be contradicted or delegated under the guise of Indiana’s Home Rule authority; and,

WHEREAS, the Commissioners, County Council, City, and Mayor (“Elected Officials”) met on at least three occasions in 2019 in order to resolve issues regarding construction and future operation and management of the Convention Center; and,

WHEREAS, the discussions were delayed due to the COVID-19 pandemic; and,

WHEREAS, in 2022, the City of Bloomington expressed a wish to move forward with the project and expressed urgency due to the possibility of state legislation which would rescind the local Food and Beverage Tax; and,

WHEREAS, the City’s offer did not reflect the status of the negotiations from 2019 with the Commissioners; and,

WHEREAS, the Commissioners wish to move forward with the 2019 structure, which included a CIB, however, there is a concern that the City does not; and,

WHEREAS, a Capital Improvement Board (“CIB”), discussed by the Elected Officials and authorized pursuant to Indiana Code 36-10-8 et seq., is a natural option to direct Convention Center site selection, design, construction, and operations, as it is a governmental entity created for this very purpose, protected by the Tort Claims Act, and completely transparent and publicly accountable; and,

WHEREAS, the Commissioners do not support the creation of an independent 501c3 corporation, due to the lack of legally-required transparency, the lack of Tort Claim liability protection, and the inherent risks that are associated with the “flexibility” provided to a 501c3; and,

WHEREAS, the Commissioners wish to see the Convention Center expansion and its ongoing operations advance and be directed by a bipartisan, neutral CIB, which is composed of appointments made by the City and County, who are empowered under state law and Ordinance 2017-51; and,

WHEREAS, the Commissioners look forward to working with their City colleagues to expeditiously move forward making appointments to a CIB so that the Convention Center expansion may proceed and the process no longer stalled.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA.

Section 1. A Capital Improvement Board ("CIB") is hereby created, pursuant to Indiana Code 36-10-8 et seq. to manage and direct the affairs of the Monroe County Convention Center ("Convention Center") and its expansion.

Section 2. The CIB shall be composed of seven (7) members, consistent with IC 36-10-8-4. The units of government which shall make appointments to the CIB are Monroe County and the City of Bloomington. Specifically, Monroe County ("County") shall appoint three (3) members and the City of Bloomington ("City") shall appoint three (3) members. Those six (6) members appointed shall recommend the seventh appointment. The city shall appoint three members to the CIB, no more than 2 of which may be from the same political party. The county shall appoint three members to the CIB, no more than 2 of which may be from the same political party. To create staggered appointments, the first round of appointments made by the City AND the County will include one member who has a 1 year appointment. Subsequent appointments will be two-year appointments to the CIB.

Section 3. The CIB shall have all authority permitted by law, however, the CIB shall not be allowed to employ or have appointed to the Board of Directors any Monroe County or City of Bloomington elected officials, employees, or board members who oversee any potential local governmental funding stream, such as Redevelopment funds, Innkeepers tax, or Food and Beverage Tax. It is the intent of the Commissioners, with this limiting provision, to avoid conflicts of interest and to ensure independent and fair decision-making by the CIB.

Section 4. The CIB shall select the site for the expansion of the Convention Center, choosing between the north and the east options outlined by the formerly-created Steering Committee created by a Memorandum of Understanding signed by the Mayor of Bloomington and the Commissioners, and the need for additional amenities including a parking garage.

Section 5. In accordance with Section 6 and 7, this ordinance is subject to both the City of Bloomington and the Commissioners both agree to provide the requisite land and facilities for this project. The Commissioners vow to work with their colleagues at the City to transfer the necessary real property for the actual expansion, execute all agreements, and take any/all steps necessary in order to allow the CIB to fulfill the statutory duties contained in Indiana Code 36-10-8 et seq., including the financing, construction, equipping, operating, and maintaining of the capital improvements that are and will be a part of the Monroe County Convention Center. The building and parking lot currently utilized for County Election Operations will not be made available until the conclusion of the November General Election in 2024.

Section 6. Since the project requires City of Bloomington and Monroe County participation, the formation of the CIB and the need for speedy action, this ordinance is contingent upon the City of Bloomington's agreement with the terms of this Ordinance by January 1, 2023.

Section 7. This Ordinance takes effect upon passage by the Commissioners and the Commissioners' receipt of the City of Bloomington Mayor and Common Council's agreement with the terms of this Ordinance. Any subsequent legal or administrative action which may be necessary for the furtherance of this Ordinance and to

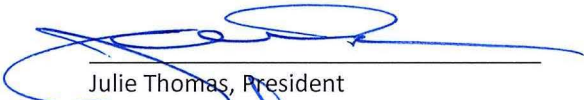
equip and organize a CIB is hereby authorized. If the terms in this section are not met by January 1, 2023, this Ordinance is void.

Approved this 9 day of NOVEMBER 2022, by the Board of Commissioners of Monroe County, Indiana.

MONROE COUNTY BOARD OF COMMISSIONERS

"AYES"

"NAYS"



Julie Thomas, President

Julie Thomas, President



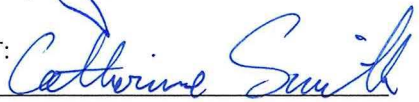
Penny Githens, Vice President

Penny Githens, Vice President



Lee Jones, Member

Lee Jones, Member

ATTEST: 

Catherine Smith, Auditor

RESOLUTION 2022-30
A RESOLUTION IN SUPPORT OF CREATING A CAPITAL IMPROVEMENT BOARD AS OUTLINED IN
MONROE COUNTY BOARD OF COMMISSIONERS ORDINANCE 2022-46

WHEREAS, Monroe County Government established, maintained, and has operated the Monroe Convention Center (“Convention Center”) for more than thirty years, using Innkeeper’s Tax Funds provided for by Indiana Code §6-9-4 et seq. and appropriated by the Monroe County Council (“County Council”); and,

WHEREAS, the County Council adopted Resolution 77-8 authorizing the Innkeeper’s tax pursuant to authority granted to the Council by the Indiana General Assembly by the enactment of Indiana Code §6-9-4 et seq., and;

WHEREAS, the County Council adopted most recent, Ordinance 2010-37, pledging Innkeeper’s Tax revenues to financially support expenses relating to the Convention Center; and,

WHEREAS, the County Council approved through bonds and appropriations the funding for the Monroe County Board of Commissioners (“Commissioners”) to purchase real property for the expansion of the Convention Center; and,

WHEREAS, the Indiana General Assembly enabled the County Council to enact a County Food and Beverage Tax in 2009, with the passage of P.L. 176-2009, SEC. 21; and,

WHEREAS, the County Council, relying upon assurances of collaboration and partnership issued by the City of Bloomington Common Council and Mayor of Bloomington, the County Council adopted Ordinance 2017-51, which authorized the Monroe County Food and Beverage Tax (“Tax”); and,

WHEREAS, local enabling Ordinance 2017-51 confirmed and affirmed the state-law provisions providing for a Food and Beverage Advisory Commission (“Commission”) to *“coordinate and assist efforts of the County and City of Bloomington fiscal bodies”* and requiring legislative action to seek and receive the Commission’s recommendations of all expenditures prior to the legislative approval of any expenditures of Tax proceeds; and,

WHEREAS, the Commissioners, County Council, City, and Mayor (“Elected Officials”) met on at least three occasions in 2019 in order to resolve issues regarding construction and future operation and management of the Convention Center before discussions were delayed by the COVID-19 pandemic; and,

WHEREAS, in 2022, the City of Bloomington expressed a wish to move forward with the project and expressed urgency due to the possibility of state legislation which would rescind the local Food and Beverage Tax; and,

WHEREAS, a Capital Improvement Board (“CIB”), discussed by the Elected Officials and authorized pursuant to Indiana Code §36-10-8 et seq., is a natural option to direct Convention Center site selection, design, construction, and operations, as it is a governmental entity created for this very purpose, protected by the Tort Claims Act, and completely transparent and publicly accountable; and,

WHEREAS, on November 9, 2022, the Commissioners established the framework for the CIB with the passage of Ordinance 2022-46, marked as Exhibit A, referenced and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF MONROE COUNTY, INDIANA, as follows:

1. The County Council supports the efforts taken by the Commissioners by the passage of Ordinance 2022-46 and the formation of the CIB in furtherance of the Convention Center expansion project.

2. The County Council willing accepts its responsibilities as they pertain to the CIB and continued maintenance of the Convention Center and looks forward to working with their County and City colleagues to move forward in the expansion of the Convention Center.

Approved this 29th day of November, 2022, by the Board of Commissioners of Monroe County, Indiana.


Presented to the Monroe County Council and adopted this 29th day of November, 2022.

* * * * *

MONROE COUNTY COUNCIL


“AYES”

“NAYS”



Kate Wiltz, President

Kate Wiltz, President



Trent Deckard, President Pro Tempore

Trent Deckard, President Pro Tempore



Marty Hawk, Member

Marty Hawk, Member



Geoff McKim, Member

Geoff McKim, Member



Cheryl Munson, Member

Cheryl Munson, Member



Peter Iverson, Member

Peter Iverson, Member



Jennifer Crossley, Member

Jennifer Crossley, Member

ATTEST:



Catherine Smith, Monroe County Auditor

Date: 11/30/2022

MEMO

From: Corporation Counsel Beth Cate
City Controller Jeffrey Underwood
Public Engagement Director Mary Catherine Carmichael
To: Mayor John Hamilton
Deputy Mayor Don Griffin
Date: November 23, 2022
Re: Options for Convention Center expansion - CIB or 501c3

BACKGROUND

Recently you received a memo comparing and contrasting the relative benefits of a 501c3 nonprofit organization and a Capital Improvement Board (CIB) to achieve the construction and ongoing management function for a convention center expansion. (See attached memo of 10/28/22.) The goals for a convention center expansion project are to improve the marketability of Bloomington as a convention destination while expanding and diversifying the meeting spaces available to locals.

The 10/28//22 memo recommended a 501c3 for several reasons. Primary among them is a belief that a 501c3 holds the greatest potential for achieving a successful convention center expansion that will be architecturally significant, appropriately sized and fitted, and completed in an efficient and timely manner.

On November 9, 2022, the County Commissioners, apparently in reaction to the City's proposal to use a 501c3 for this purpose, and in a brief public meeting with virtually no notice or public input, adopted an ordinance to establish a CIB and asked the City Council and Administration to endorse that ordinance and approach. The ordinance (attached below), indicates it will automatically expire if those endorsements are not received before January 1, 2023. For reasons outlined below, we believe that ordinance, unless substantially altered, should not be endorsed, and the 501c3 continues to offer the much preferable approach to a successful expansion. However, with appropriate modifications, a CIB could potentially be workable.

CIB OPTION

In 2018-19 City and County officials extensively considered and discussed the state-law-defined CIB option for expansion. While officials did not reach final agreement, in December 2019 discussions among the parties sought to identify potential compromises that would allow more representation for the City in decisions regarding the project. Even if a CIB were created with all the potential compromises outlined at the time, City administration officials continued to believe that a CIB posed challenges to being efficient and effective in achieving excellent results for design, construction, and operation, and those concerns persist. But, the City understood at the time that the County recognized and agreed with the need to share decisional authority regarding a CIB with the City.

The recent county ordinance, however, excludes nearly all of the many avenues for inclusion of the City and therefore does not offer a valid path forward. If a CIB were instead created with the following characteristics and assurances, which reflect issues discussed in 2019 as well as ongoing concerns, it could potentially oversee the expansion project. How effective the CIB would be would depend substantially on the demonstrated commitment of the County and City to provide it with the necessary resources to pursue the project expeditiously, how independently the CIB is permitted to operate, and the composition of its board of directors, among other factors.

We consider the following components to be essential to any prospective CIB. None of these is included in the recent ordinance; some will likely require an interlocal agreement to implement:

1. Equal representation on the Convention and Visitors Commission (CVC):
 - a. The County and City each appoint 2 of the 4 CVC members other than the Memorial Union representative. As with CIB, appointees may not be elected officials or work for the City or County.
 - b. City Administration and City Council will determine who makes the City appointments to the CVC; County Commissioners and Council will determine County appointments
2. Approval by both County & City Fiscal bodies of the annual CIB budget
3. Approval by both County & City Fiscal bodies of CIB-issued bonds
4. Approval by both County & City Fiscal bodies of the annual CVC budget
5. County commitment to continued appropriation of Innkeeper's tax proceeds to the CIB to fund convention center (CC) operations, maintenance, etc.
6. Authorization by both City and County for the CIB to select and contract with an entity/entities to operate/manage the expanded CC
7. Authorization by both City and County for the CIB to decide and oversee the process for selecting any hotelier(s) with which to partner
8. Authorization by both City and County for the CIB to decide location(s) of expanded CC components, including Site Plan for exhibit/meeting space, any hotel(s), garage(s), and connections among components
9. Authorization by both City and County for the CIB to hire/retain incidental staff support as needed
10. Expeditious transfer to the CIB of all City and County property purchased via the Innkeepers or Food & Beverage taxes (i.e. no later than 90 days after establishment of the CIB), or the CIB dissolves.
11. Appointment of the City Controller as the statutory CIB Controller
12. To the extent permitted by law, authorization by both City and County for the CIB to have outside, independent audits in lieu of State Board of Accounts audits
13. Authorization by both City and County for the CIB to control the naming of the new, expanded CC
14. Commitment by the City and County to negotiate swiftly and in good faith, prior to CIB establishment, the necessary interlocal agreement(s) to achieve the foregoing components and any additional components such as staffing needs of the CVC and CIB

15. Inclusion in such interlocal agreement(s) of terms that prevent alteration, during the term of any bond(s) issued to support CC expansion, of agreed-to terms governing CIB establishment and operations and City-County mutual rights and obligations. If state law or other mandates substantively affect these mutual rights and obligations, the parties must agree to maintain the negotiated balance of participation by the City and County. If no agreement can be reached, the parties must then establish a 501c3 or alternative governance structure that will maintain the balance.

These components help assure shared oversight and authority for the project and ongoing operations. In addition, reflecting concerns about certain statutory powers and authorities discussed in the 10/28/22 memo, all the parties should affirm publicly and explicitly that they will not use their approval and oversight authorities – including over bonding and annual budgets – to intervene in the basic decisions and activities of the CIB to locate, design, build, and operate the CC and to determine future uses of properties transferred to it for CC-related activities.

While these components help assure extensive process and involvement of relevant public bodies, for that same reason they also threaten extensive bureaucracy and delays, because acquiring multiple approvals may prove extremely cumbersome and unwieldy. A 501c3, in contrast, can avoid these cumbersome structures while assuring balance and full public accountability.

It is our belief that if the 15 proposed components listed above were amended into a CIB agreement, a CIB could potentially be a workable framework to accomplish the project. We understand the County Council plans to meet on November 29 and may consider the CIB approved by the Commissioners at that time. It is our hope that they would not endorse the CIB as approved and that we could continue negotiations and land either on terms of an amended CIB agreement that both county and city officials could support by the end of 2022, or turn to the 501c3 option. We continue to believe that it will be important to be able to demonstrate to the General Assembly that we are making progress delivering on the intended use of the F&B tax dollars.

501c3 OPTION

The 501c3 option we have recommended has elicited some concerns about public accountability and workability, before details were even released. We continue to believe the 501c3 option as outlined in the 10/28/22 memo is more likely to succeed in launching a timely and high-quality expansion. As detailed in that memo, a 501c3 can fully address expressed concerns, incorporating the components of a CIB that assure public transparency and accountability, including open meetings and records, financial audits and accountability, appropriate insurance against loss, and more. Notably, the current convention center has been operated by a 501c6 non profit organization for the past 30 years without issue. We are proposing a c3 instead of a c6, as it is better suited to the design and building phases of convention center expansion, while retaining the ability for robust stakeholder and public input.

A 501c3, besides being flexible – for example avoiding rigid board composition requirements of state law CIBs or imbalanced approval requirements of specific bodies – can assure more efficient oversight from a range of public entities.

For example:

- The CVC need not be adjusted. Its all-county appointments can remain, and have full authority to determine assignments of the Innkeeper's Tax for ongoing operations.
- The County Council retains full authority over the existence of the F&B tax – whether to adjust or terminate it. (An exception in state law is that the tax may not be lowered if it is required to service appropriately approved, existing debt.) In an ideal world, cities could approve their own F&B tax structure, but there doesn't appear to be the political will within the General Assembly to go that route.
- The Food and Beverage Tax Advisory Commission (FABTAC), a body equally representing the county and city bodies, retains full authority to approve or disapprove of all uses of the F&B revenues, consistent with state law. The City Council would have authority over the annual budget of the 501c3 and its bonding, reflecting the fact that virtually all funding for the design and construction of the expansion will come from F&B revenues generated in the city. Any F&B revenue bond would have to be approved by both the City Council and the FABTAC.
- The County Commissioners retain appointment authority for members of the FABTAC and the CVC, and authority to direct the uses of the F&B tax collected outside city limits.

In total, five public agencies would have some form of oversight either direct or through the approval process: county commissioners, county council, city council, FABTAC and the CVC. The city administration's authority exists only in the appointment of the members of the governing body. If the city-owned College Square site is chosen (as recommended in 2019) as the location for the expanded facility, and the city's portion of the F&B tax is dedicated to the project, it would follow that the City would desire a strong interest in assuring success of the project. We believe this extensive shared oversight assures robust and fair public involvement and control, while significantly lessening the risk of duplicative or overly cumbersome processes.

In order to address concerns about accountability that have been expressed:

- The 501c3 board can and should create a specific advisory board for the convention center expansion project – one that is inclusive of all stakeholders, to provide ongoing, regular advice, ideas and feedback.
- The 501c3 board should hold monthly meetings that are open to the public.
- Those monthly meetings should allow time for public comment.
- A website that includes access to financial and other documents should be developed and kept up to date.
- Indiana Open Door Law practices should be implemented.
- Annual independent and public financial audits should be implemented.
- An expanded convention center facility should be marketed with the existing convention center. The two properties should complement each other, not compete.

- The current management structure should be utilized for both facilities, being operated as an integrated whole.

All of these components could and will be incorporated into the founding documents of a 501c3.

Bylaws for 501c3 organizations have enough flexibility to allow the customization we desire. The bylaws shall address the rules under which the organization will operate as a 501c3 organization under all applicable laws, establish duties and limits of governance powers for officers and the board of directors, establish committees, rules for financial operations and reporting, record keeping and insurance and indemnification obligations. As currently conceived, the 501c3 would contain bylaws that would include specific purposes for its operation, including aiding the design and building of an expansion to the public convention center. The 501c3 would be prohibited from distributing or otherwise using net earnings to members, directors, officers, or any other person except to pay reasonable compensation for services and to pay for activities that further its mission. It would also be prohibited from having a substantial part of its activities used for lobbying, political activity in favor of a political campaign or on behalf of any candidate for public office.

The 501c3 would have five (5) members of its board of directors and officers elected from the board. Four (4) of the directors would be appointed by the Mayor and one director would be appointed by the city council. Officers would be determined by the board of directors, including a president, vice president, secretary, treasurer, and any other officer the board determines is necessary. The board would prescribe the authority of the officers to act on its behalf. The books and records of the 501c3 would be made public as though they were subject to the provisions of Indiana's Access to Public Records Act (Ind. Code Chapter 5-14-3). Similarly, any general or special meeting of the 501c3 would follow the provisions of Indiana's Open Door Law (Ind. Code Chapter 5-14-1.5), unless explicitly modified by the organization's bylaws. Pending support from city and county bodies, bylaws reflecting this or a modified version of this structure will be created in short order.

The 501c3 approach also could allow the city, if desired, to coordinate development and operations of other city-owned assets in the downtown area, including potentially the Waldron, the Buskirk-Chumley, The Mill and other Trades District property, and/or Hopewell, the former hospital site if desired at a future date.

An expansion project is estimated to require at least 3 years between a launch of the organization leading the project and opening of the new facility. We are concerned that a CIB approach could take substantially longer than that given the potentially cumbersome, duplicative, and fraught review and oversight process, including the history of the project to date. We believe a 501c3 offers a substantially better path to success, while assuring full public oversight and involvement.

Attachments:

1. "Convention Center Proposed Plan" Memo, published 10/28/22
2. County Commissioners Ordinance 2022-46, passed 11/9/22

MEMO

From: Corporation Counsel Beth Cate
Controller Jeff Underwood
Public Engagement Director Mary Catherine Carmichael

To: Mayor John Hamilton & Deputy Mayor Griffin
Date: October 28, 2022
Re: Convention Center Expansion Project

Convention Center proposed plan

Goals for convention center expansion - The goal for a convention center expansion project is to improve the marketability of Bloomington as a convention destination while expanding and diversifying the meeting spaces available to locals.

Key features of mechanism(s) used to achieve those goals - City of Bloomington prefers the flexibility of a 501c3 for several reasons; primary among them is a belief that a 501c3 holds the greatest potential for building a successful convention center expansion that will be architecturally significant, appropriately sized and fitted, and completed in a timely manner.

Staff have investigated and evaluated options to achieve an appropriate governing body for an expanded convention center project to be built on City of Bloomington owned land. Two models were considered: a Capital Improvement Board (CIB) as established in state law, and a charitable nonprofit organization (501c3) as defined under state and federal law, and any related interlocal or other agreements.

Several key points guide this analysis:

- A CIB or 501c3, would have various authorities depending on the statutory and any interlocal contract specifics.
- An additional entity, the Convention and Visitors Commission (CVC), directs annual operating funds provided to supplement operational needs of the convention center. These funds, derived from the local innkeepers tax, are decided by the CVC whose 5 members are, pursuant to state law, appointed exclusively by the county (3 by council, 2 by commissioners, with quite specific requirements for 4 of the 5 members). The CVC's budget is annually reviewed and controlled by the county council.
- The County Council voted to establish a Food and Beverage Tax in Monroe County. The city's portion of those funds have (largely) been collecting since its inception. This vote took political courage, and that body should be commended for its forward thinking and action. A Food and Beverage Advisory Committee exists to determine the appropriateness of F&B tax expenditures. Written approval from a majority of members is required for expenditures.

- The ongoing F&B tax is not a given. The County Council or the Indiana General Assembly could vote to discontinue the tax should they see fit.
- By state statute, a CIB is created by action of the county commissioners. Appointment powers to name the members of the CIB may be delegated by the commissioners (for example, designating that some of the CIB members be appointed by other governmental bodies). Certain statutorily-prescribed powers, however, may not be delegated and result in specific authorities:
 - The County Commissioners must approve any bond issue by the CIB
 - The County Council must approve the CIB's annual budgets
- A 501c3 entity may be established with a wide range of possible board and oversight structures, operational procedures, and fully equal authority with a CIB.

The administration has made clear that any such organization would need to be fully collaborative with appropriate county entities and share involvement, including the creation of at least one advisory body. Staff recommends the advisory body's membership include representatives from the city council, county commissioners, county council, tourism and hospitality industries, the arts communities, Indiana University, and not-for-profit organizations.

Based on these points, certain conclusions follow.

A CIB is essentially a county body, with specific powers inextricably assigned to the county, including approval of any bond sales and the annual CIB budgets. Regardless of how CIB members are appointed, control of a CIB remains with county – not city or shared – government in these important ways.

By contrast, a 501c3 can be designed more flexibly and can embrace diverse voices and representation to assure effective and representative management over the affairs of the entity. In particular, the 501c3 can be established with autonomy over its own operating budget and its own authority to issue bonds through one or the other governmental entities, or the neutral Indiana Finance Authority. In any of these circumstances, direct public oversight from at least four bodies is assured:

1. The County Council which controls the F&B tax
2. The CVC, which controls necessary operating funding
3. The FABTAC, which controls expenditures of the F&B funding, and
4. The City Council, which must establish authority for and bonding of the 501c3

In terms of coordinating and accelerating downtown development and prosperity, a 501c3 with its more flexible governance structure also could potentially accept additional city properties at some point in the future. Possible examples include the Buskirk Chumley Theater, the Waldron Arts Center, the Mill and Trades District, and perhaps the Hopewell development. As such, a 501c3 structure centered with the City of Bloomington offers significant potential.

Some factors that differ between a CIB and 501c3 have been offered as recommending a CIB. We won't attempt to respond in detail to all these factors, but offer some basics:

- A CIB has statutory tort claim liability protection and a 501c3 would not, but information from individuals consulted in the insurance industry suggests that the relevant insurance coverages required for the two options do not differ substantially in cost, especially where the entity operations are properly structured.
- Annual audited fiscal review and public reporting and meeting requirements are easily incorporated into a 501c3's permanently binding governing documents.
- Board makeup and size can be more flexibly defined in a 501c3.

Note that even if a 501c3 builds and owns an expansion of the convention center, the management and daily operations can be fully integrated with the current center. Indeed, that approach seems advisable and efficient. Thus while different ownership would allow timely and efficient construction of new facilities, the operations can be unified.

The city has remained steadfast in committing its portion of the Food and Beverage tax to expand the convention center. Over the last six years the possibility of partnering with Monroe County government in creating a CIB was explored, and while some progress was made, ultimately the City and County were unable to reach agreement on the best path forward. If the City of Bloomington is to have the ability to move forward with an expanded convention center project in a timely fashion, it will need decision making ability to achieve success and efficiency. With time pressure coming from a General Assembly ready to remove the F&B tax option from those communities who have collected but not employed those funds, there is no time to continue unfruitful debate.

The path of a traditional CIB would require that the City – which will dedicate tens of millions of dollars and coordinate multiple very significant and complex downtown redevelopments – depend upon the frequent approvals of a county body that has demonstrated very different approaches, values, and vision for the convention center project. After six years of unsuccessful negotiations, this path is untenable.

A 501c3 offers advantages in flexibility and real balance among various parties. It may also offer a more successful long-term structure for a vibrant and entrepreneurial center – both in its design and construction, and in its coordination with so much happening in the downtown. We urge further discussion with relevant parties to explore this option.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-36 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Proposal to Amend Chapter 20.02 "Zoning Districts" And Related Sections to Establish an Overlay District and Related Development Standards for the Hopewell Neighborhood

Synopsis

This petition contains a text amendment that proposes to add the Transform Redevelopment Overlay (TRO) to the Unified Development Ordinance in order to address the charge in [Resolution 22-17](#).

Relevant Materials

- [Ordinance 22-36](#)
- Certification form from Plan Commission
- Attachment A & staff memo, including red-line amendments showing changes proposed by the ordinance to the UDO
- [Resolution 22-17](#)

Summary

This ordinance and a companion ordinance (22-37) follow from action taken by the Council earlier this year related to amendments to the City's Unified Development Ordinance (UDO). On September 21, 2022, the Council adopted [Resolution 22-17](#) to initiate a UDO amendment process. The resolution directed the Plan Commission to prepare a proposal to establish an overlay zoning district for the Hopewell neighborhood, located at the former IU Health Bloomington Hospital site. An overlay district is a zoning district that is applied over one or more established zoning districts and contains additional standards for properties in the district beyond the standards contained in the base zoning district(s).

One use for overlay districts is to help guide or encourage certain types of development within an area. The resolution provided guidance to the Plan Commission on the types of policy items that should be addressed in proposed development standards for the overlay district. The specific development standards and proposed changes to the UDO are detailed in the staff memo and in Attachment A to [Ordinance 22-35](#), included in this packet. Attachment A provides a redline version of affected UDO provisions, showing the proposed changes in context. Among other changes, the proposal would add a new subsection (b) entitled TRO: Transform Redevelopment Overlay to [BMC 20.02.060](#). As this entire subsection would be newly-added language to the UDO, it is not highlighted as bold red text, which is typically used to show added language in UDO proposals.



On November 14, 2022, the Plan Commission held a public hearing and considered these UDO text changes as case number ZO-51-22. The proposal received a favorable recommendation from the Plan Commission by a vote of 7-0. It was certified to the Council on November 22, 2022.

UDO Text Amendments Generally

Proposals to amend the text of the UDO are governed by local code under [BMC 20.06.070](#) and by state law under Indiana Code (IC) 36-7-4 in the “600 Series – Zoning Ordinance”. As a threshold matter, state law provides that the purpose of the local planning and zoning laws are “to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

1. that highway systems be carefully planned;
2. that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
3. that the needs of agriculture, forestry, industry, and business be recognized in future growth;
4. that residential areas provide healthful surroundings for family life; and
5. that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.”

Further, in considering UDO text amendments, both state and local codes require the legislative body to pay reasonable regard to:

1. the Comprehensive Plan;
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of sensitive environmental features (a local criteria)
5. the conservation of property values throughout the jurisdiction; and
6. responsible development and growth.

Importantly, these are factors that a legislative body must *consider* when deliberating on zoning ordinance proposals. However, nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors. Notably, Indiana courts have found that comprehensive plans are guides to community development, rather than instruments of land-use control. A municipality must consider all factors and make a balanced determination. *Borsuk v. Town of St. John*, 820 N.E.2d 118 (2005).



IC 36-7-4-607 provides the following procedure that applies to a proposal to amend or partially repeal the text of the UDO.

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. This proposal received a favorable recommendation from the Plan Commission by a vote of 7-0. The Council must consider this recommendation before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt, reject, or amend the proposal. The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on a proposal that received a positive recommendation within 90 days after certification, the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within the 90 days after a proposal is certified to it, the Council can adopt, reject or amend the proposal. If the Council amends or rejects a proposal, the Council must return that proposal to the Plan Commission along with a written statement of the reasons for the amendment or rejection. Doing so would start a 45-day period for the Plan Commission to consider the Council's amendment or rejection.
- If the Plan Commission approves of the Council's amendment or fails to act within 45 days, the ordinance would stand as passed by the Council. If the Plan Commission disapproves of the amendment or rejection, the Council's action on the original amendment or rejection stands only if confirmed by another vote of the Council within forty-five (45) days after the Plan Commission certifies its disapproval.

These detailed procedures may seem cumbersome, but are designed to ensure that there is a dialogue between the Plan Commission and the Council.

Contact

Scott Robinson, Director, Planning and Transportation Department, 812-349-3423,

robinsos@bloomington.in.gov

Jacqueline Scanlan, Development Services Manager, 812-349-3423,

scanlanj@bloomington.in.gov

ORDINANCE 22-36

**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –**

**Re: Proposal to Amend Chapter 20.02 "Zoning Districts" and Related Sections to Establish
an Overlay District and Related Development Standards for the Hopewell Neighborhood**

WHEREAS, the Common Council, via Resolution 22-17, directed that a Unified Development Ordinance (UDO) text amendment proposal be considered by the Plan Commission to establish an overlay district and related development standards for the Hopewell neighborhood consistent with the guidance contained in the resolution; and

WHEREAS, on November 14, 2022, the Plan Commission voted to favorably recommend an amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified the amendment proposal to the Common Council on November 22, 2022; and

WHEREAS, in preparing and considering the proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth;

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

SECTION 1. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION 2. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-51-22, (hereinafter “Attachment A”)
 - (B) Any Council amendments thereto (“Attachment B”)

SECTION 3. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION 4. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition contains a text amendment that proposes to add the Transform Redevelopment Overlay (TRO) to the Unified Development Ordinance in order to address the charge in Resolution 22-17.

ORDINANCE CERTIFICATION


In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 22-36 is a true and complete copy of Plan Commission Case Number ZO-51-22 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 14, 2022.

Date: November 22, 2022



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 22nd day of November, 2022.



Nicole Bolden, City Clerk

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

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No _____ X

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

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

This is a Zoning Text Amendment request to create a new Zoning Overlay that will not produce any fiscal impact.

Case # ZO-51-22 Memo (Ordinance 22-36)

To: Bloomington Common Council

From: Jackie Scanlan, AICP Development Services Manager

Date: November 22, 2022

Re: TRO – Transform Redevelopment Overlay (Hopewell Neighborhood Overlay) Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-51-22 on November 14, 2022 and voted to send the petition to the Common Council with a positive recommendation with a vote of 7-0. The packet of information provided to the Plan Commission for ZO-51-22 is below.

ZO-51-22 TRO – Transform Redevelopment Overlay (Hopewell Neighborhood Overlay) Text Amendments to Unified Development Ordinance

The Common Council initiated a proposal to amend Title 20 (the Unified Development Ordinance “UDO”). The resolution (22-17) directs that a that a UDO text amendment proposal be prepared by the Plan Commission to establish an overlay district and related development standards for the Hopewell neighborhood consistent with the guidance contained in the resolution. The resolution specifics the development standards that the Plan commission should address and provides policy guidance on how those standards should be adjusted from what exists in the base zoning districts.

The Planning and Transportation Department has drafted an amendment to the UDO for the Plan Commission’s review which creates an overlay which is designed to address the guidance in resolution 22-17. The specified development standards and proposed changes are as follows:

- Subdivision standards should require alleys in the area;
 - Table 02-30: IS Subdivision Development Standards requires that 100% of newly created lots are served by alleys and that all alleys are required to meet Transportation Plan guidance.
- Increase impervious surface maximums;
 - Table 02-29: TRO District Dimensional Standards allows for mixed-use & nonresidential zoned properties within the overlay to increase their impervious surface maximum by 25% percentage points above the underlying base zoning district. Residential zoned properties have an increase of 15% percentage points. Increases are in addition to the standards of the underlying base zoning district. (e.g. a property with the underlying base zoning district MM (60% base) would be allowed a 85% maximum impervious surface coverage)
- Reduce landscape area;

- Table 02-29 decreases the minimum required amount of landscape area to allow for the changes to impervious surface maximums.
- Reduce side and rear building setbacks;
 - Table 02-29 reduces side building setbacks to 0 feet within the overlay. Rear setbacks for mixed-use & nonresidential districts are reduced to 0 feet. In residential districts the minimum rear setback is 10 feet.
- Eliminate minimum parking requirements;
 - 20.02.050(8)(A) removes the minimum vehicle parking requirement for all properties within the overlay.
- Require drive access off alleys rather than streets;
 - 20.05.050(7)(A)(i) prohibits driveways accessing a street if a platted alley is adjacent.
- Reduce minimum lot sizes;
 - Table 02-29 reduces minimum lot width to 35 feet. There is no minimum lot area for mixed-use & nonresidential zoned properties. In residential districts the minimum lot area is 1,500 (0.034 acres).
- Require pedestrian-scale development standards for first-floor residential uses
 - 20.02.050(6)(A)(i) requires that multifamily dwellings be setback 20 feet behind each building façade facing identified streets, and the B-line Trail.
 - 20.02.050(6)(A)(ii) requires that any multifamily dwelling unit which has a front building wall facing a street be raised 2 to 5 feet above the sidewalk level.
 - 20.02.050(9)(B)(iv)(1) requires that front building setback not generate unusable or dead space. Front setbacks are required to be landscaped or provide outdoor commercial areas.
 - 20.02.050(9)(B)(iv)(2) requires that primary buildings include a courtyard visible from the sidewalk that provides an active and usable open space.
 - 20.02.050(9)(b)(v)(3)(a) requires that a minimum of 20% of the total wall/façade area of ground floor residential facades contain glass or framed facades.
 - 20.02.050(9)(b)(vi)(1) limits the maximum building floor plate to 5,000 square feet without incentives.

In addition the guidance of Resolution 22-17 the Planning and Transportation Department has included other proposed regulations to ensure that developments within the overlay meet the goals of the Comprehensive Plan, promotes redevelopment, encourages public and private investment, and provides desirable residential neighborhood. The proposed overlay also includes:

- A modification to the allowed use table within the overlay to expand the permitted uses, and exclude other uses;
- New use-specific standards for dwelling, multifamily and restaurant uses;
- A requirement for parking to be constructed solely of permeable pavers;
- A requirement for the installation of street lighting;
- A modification to expand building materials;
- New requirements for pedestrian entries;
- New regulations on exterior facades to prevent blank walls;

- A modification in landscaping standards to encourage interior plantings.

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Chapter 20.02: Zoning Districts

20.02.010 Zoning Districts Established

(a) Summary Table of Zoning Districts

The following zoning districts are established as shown in Table 02-1. All development shall comply with all other applicable regulations in this UDO including, without limitation, Chapter 20.03: (Use Regulations) and Chapter 20.04: (Development Standards & Incentives).

Table 02-1: Summary Table of Zoning Districts

Prior District Name	District Name
Residential	
RE – Residential Estate	R1 - Residential Large Lot [New]
RS - Residential Single-Family	R2 - Residential Medium Lot
RC - Residential Core	R3 - Residential Small Lot
---	R4 - Residential Urban [New]
RM - Residential Multifamily	RM - Residential Multifamily
RH - Residential High-Density Multifamily	RH - Residential High-Density Multifamily
MH - Manufactured/Mobile Home Park	RMH - Manufactured/Mobile Home Park
Mixed-Use	
---	MS - Mixed-Use Student Housing
CL - Commercial Limited	MN - Mixed-Use Neighborhood-Scale
CG - Commercial General	MM - Mixed-Use Medium-Scale
CA - Commercial Arterial	MC - Mixed-Use Corridor
BP - Business Park	ME - Mixed-Use Employment
IN - Institutional	MI - Mixed-Use Institutional
CD - Commercial Downtown	MD - Mixed-Use Downtown
MD - Medical	MH - Mixed-Use Healthcare
Nonresidential	
IG - Industrial General	EM - Employment
QY - Quarry	EM - Employment
---	PO – Parks and Open Space [New]
Planned Development District	
PUD - Planned Unit Development	PUD – Planned Unit Development
Overlay Zoning Districts	
CSO - Courthouse Square	DCO - Downtown Character Overlay
DCO - Downtown Core Overlay	DCO - Downtown Character Overlay
UVO - University Village Overlay	
DEO - Downtown Edges Overlay	
DGO - Downtown Gateway Overlay	
STPO - Showers Technology Park Overlay	
---	TRO – Transform Redevelopment Overlay [New]

(b) TRO: Transform Redevelopment Overlay

(1) Purpose

The TRO is intended to promote redevelopment that establishes a brand new identity for land use and natural attributes in order to significantly change the area from its current condition. Development principles include mixed-use, green building, grid circulation, higher densities, diversity of housing types, and workforce/affordable housing. The overlay is intended to encourage public and private investment to improve and stimulate the economic vitality and social character of areas within the TRO.

(2) Applicability

The Transform Redevelopment Overlay may be established in a district other than R1, R2, R3, RMH, MS, MD, or PUD subject to 20.06.070(b) Zoning Map Amendment. In no case shall the TRO overlap with another overlay district.

(3) Other Applicable UDO Sections

The Transform Redevelopment Overlay shall supersede the regulations of the underlying base zoning district for all specific regulations that are included within this section. If no specific and differing regulations are included, the regulations of the underlying base zoning district shall apply.

(4) Dimensional Standards

The following table is a summary of the Transform Redevelopment Overlay dimensional standards. Additional Standards from the underlying base zoning district from Section 20.40.010 (Dimensional Standards) shall apply if no specific standard is included below.

Table 02-29: TRO District Dimensional Standards

Lot Dimensions (Only for lots created after the effective date)		
	Lot area (minimum)	Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 1,500 square feet (0.034 acres)
	Lot width (minimum)	35 feet
	Lot width (maximum)	Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 70 feet
Building Setbacks		Single Family, Duplex, Triplex, or Fourplex Dwelling
C	Build-to range	Mixed-Use & Nonresidential Zoning Districts: 0 to 15 feet Residential Zoning Districts: 10 to 20 feet
	Building facade build-to percentage (minimum)	Mixed-Use & Nonresidential Zoning Districts: 75% Residential Zoning Districts: 50%
D	Side (minimum)	0 feet [1]
E	Rear (minimum)	Mixed-Use & Nonresidential Zoning Districts: 0 feet [1] Residential Zoning Districts: 10 feet [1]
		R4 district standards apply [2]
Other Standards		
	Maximum impervious surface coverage increase	Mixed-Use & Nonresidential Zoning Districts: 25% percentage points [2] Residential Zoning Districts: 15% percentage points [2]
	Minimum landscape area decrease	Mixed-Use & Nonresidential Zoning Districts: 25% percentage points [2] Residential Zoning Districts: 15% percentage points [2]
	Primary structure height (minimum)	2 stories, not less than 20 feet
		No minimum

Notes:

- [1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards)
- [2] In such cases a front setback is established
- [3] Increases and decreases are in addition to the standards of the underlying base zoning district. (e.g. a property with the underlying base zoning district MM (60% base) would be allowed a 85% maximum impervious surface coverage)

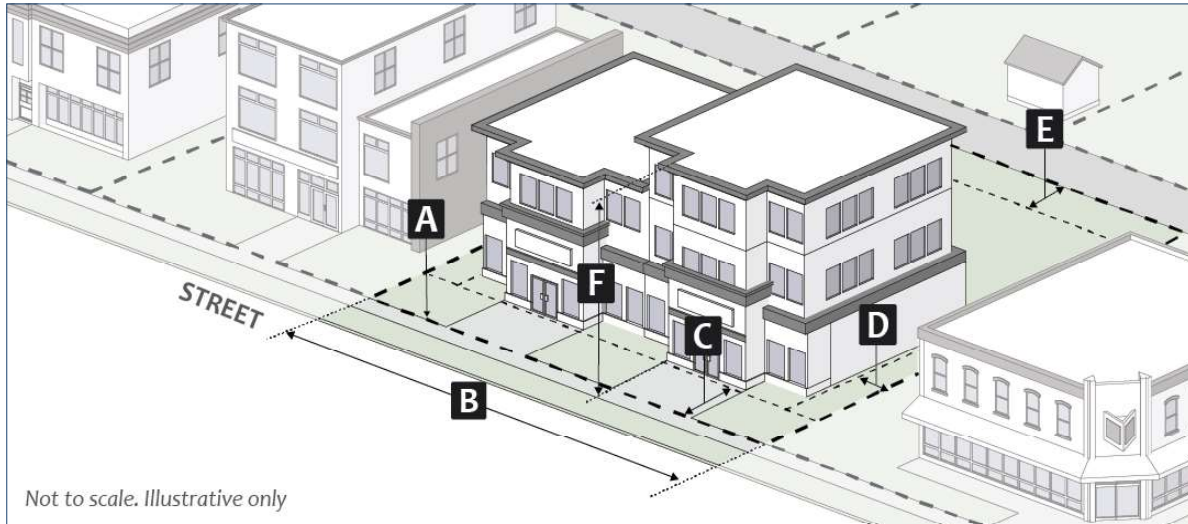


Figure 47: TRO Dimensional Standards

(5) **Allowed Use Table Modifications**

(A) **Excluded Uses**

The following uses are prohibited within the TRO: Fraternity or sorority house, Opioid rehabilitation home, small, Crematory, Mortuary, Methadone treatment facility, Kennel, Country club, Sexually oriented business, Check cashing, Building supply store, Firearm sales, Pawn shop, Liquor or tobacco sales, Retail sales, big box, Vehicle fuel station, Student housing or dormitory

(B) **Permitted Uses**

The following uses are permitted within the TRO: Dwelling, single-family (attached)*, Dwelling, duplex*, Dwelling, triplex*, Dwelling, fourplex*, Dwelling, multifamily**, Dwelling, live/work*, Restaurant**

* = base zoning district use-specific standards apply

** = overlay use-specific standards apply only

(6) **Use-Specific Standards**

The lists of Permitted, Conditional, Accessory, Conditional Accessory, and Temporary uses listed in Table 3-1 (Allowed Use Table) are modified within the TRO as follows:

(A) **Dwelling, Multifamily**

- i. Multifamily dwelling structures with frontage along a street, identified in the Transportation Plan as Main Street, Shared Street, or General Urban, and structures along the B-Line Trail

shall have ground floor dwelling units located at least 20 feet behind each building facade facing any public street, or the B-Line Trail.

- ii. Ground floor dwelling units with a front building wall facing a street shall be raised 2 to 5 feet above the sidewalk level.
- iii. Each dwelling unit shall have direct access to a covered balcony, patio, or porch with an average depth of at least 5 feet located adjacent to or overlooking a common open space, right-of-way, or B-Line Trail.
- iv. Any portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building facade facing a public street.

(B) Restaurant

- i. In the RM and RH zoning districts, the restaurant shall contain no more than 5,000 gross square feet of floor area.

(7) Access and Connectivity

(A) Driveways and Access

i. Alley Access:

A driveway accessing the street shall be prohibited if the side or rear setback is adjacent via a platted alley.

ii. Surface Material:

Except for, single-family, duplex, triplex, and fourplex uses, entrances and drives shall be constructed solely of permeable pavers.

(8) Parking and Loading

(A) Minimum Vehicle Parking Requirement:

Minimum vehicle parking requirements shall not apply to developments in the TRO.

(B) Maximum Vehicle Parking Requirements:

i. Housing Living Uses:

Maximum vehicle parking allowance listed in Table 04-10: Maximum Vehicle Parking Allowance, shall apply to developments in the TRO. Except multifamily uses, which shall be limited to a maximum of 0.5 spaces per bedroom.

ii. All Other Uses:

The maximum vehicle parking allowance, listed in Table 04-10: Maximum Vehicle Parking Allowance, shall be reduced by 50% in the TRO.

(C) Surface Material:

Except for single-family, duplex, triplex, and fourplex residences and parking structures all vehicle parking shall be constructed solely of permeable pavers.

(9) Site and Building Design

(A) Street Lighting Plans Generally:

- i. Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works.
- ii. Pedestrian scaled street lighting shall not exceed 15 feet in height.

(B) Building Design

i. Exceptions

1. Single-family, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this section 20.02.050(b). Such residential dwellings units shall be subject to the architectural standards of Section 20.04.070(d)(3) (Building Design).
2. Restoration and rehabilitation of structures designated as "Notable" or "Outstanding" on the City of Bloomington Survey of Historic Sites and Structures or those buildings in local historic districts shall not be subject to the architectural standards of this section 20.02.050(b). Such buildings shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit) as required.

ii. Materials

All facades of a primary building shall consist of one or more of the following primary and secondary exterior finished materials

1. **Primary Exterior Finish Materials**

- [a] Masonry;
- [b] Brick;
- [c] Natural Stone;
- [d] Transparent Glass;
- [e] Cementitious siding;
- [f] Precast concrete;
- [g] Metal (except corrugated);or
- [h] Wood

2. **Secondary Exterior Finish Materials**

- [a] Stucco, plaster, or similar systems (excluding EIFS);
- [b] Split-faced block;or
- [c] Other products that replicate the appearance and durability of the above materials, as approved by staff.

3. **Prohibited Exterior Finish Materials**

- [a] EIFS;
- [b] Vinyl; and
- [c] Highly reflective materials

iii. **Primary Pedestrian Entry**

1. At least one primary pedestrian entrance shall be provided from a sidewalk adjacent to every facade facing a street, public park, or the B-Line trail.
 - [a] Public access to nonresidential uses shall be provided at sidewalk grade via a sidewalk adjacent to a facade facing a street, public park, or the B-Line trail.
 - [b] Pedestrian entrances located within 0 to 5 feet of the front property line shall be recessed a minimum of four feet into the front building facade.
2. Pedestrian entries shall incorporate at least one of the following architectural design features:
 - [a] A portico;
 - [b] A buttress and arched entry;
 - [c] Pilasters or a facade module projecting from the exterior wall plane;
 - [d] A raised corniced entryway parapet (which may exceed building height by up to three feet) or a gable;
 - [e] Rusticated masonry;
 - [f] A front porch; or

[g] Other architectural designs as approved by the staff.

iv. Landscaped Frontage and Courtyards

1. Landscaped Frontage: Front building setbacks shall not generate unusable or dead space. Portions of a property between the right-of-way and the primary facade of a structure shall include a landscaped space which screens blank walls and is planted with grass or other vegetative ground cover. Landscaped outdoor commercial space, including outdoor seating, may be utilized to meet this requirement when contiguous with a commercial use. Landscaped private yards or patio areas may be utilized to meet this requirement when adjacent to a dwelling unit.
2. Courtyards: Primary buildings shall include courtyards equal to five percent of the building's total footprint. In no case shall a required courtyard be less than 250 square feet. The courtyard shall be visible from a sidewalk. Pedestrian entrances are permitted and encouraged to access from the courtyard. Mixed-use structures which feature a commercial use on the ground floor are exempt from this requirement. Reconfiguration of open space required by this UDO does not satisfy this requirement. Courtyards shall include one of the following features:
 - [a] A plaza space with ornamental paving and integral landscape planters;
 - [b] A landscaped patio area with outdoor seating for at least eight persons;
 - [c] A landscaped garden area; or
 - [d] Other landscaped areas as approved by the staff.

v. Exterior Facades

1. Generally: All facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:
 - [a] A minimum of 20% of the total wall/facade area of all upper floor facades shall contain transparent glass or framed facade openings; and
2. Primary buildings with frontage along streets identified in the Transportation Plan as Main Street, Shared Street, or General Urban or along the B-Line Trail; or portions of primary buildings containing ground floor nonresidential uses shall incorporate the following design elements to avoid blank, uninterrupted walls:
 - [a] A minimum of 60% of the total wall/facade area of all ground floor facades shall contain transparent glass or framed facade open areas consisting of display windows, or entries and doors; and
 - [b] A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least 5 feet is required along at least 60% of the first floor of all primary facades. Retractable awnings may be used to meet this requirement; and
3. All other facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:

- [a] A minimum of 20% of the total wall/facade area of all ground floor residential facades shall contain transparent glass or framed facade open areas consisting of entries and doors; and
- [b] A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least 5 feet is required along at least 20% of the first floor of all primary facades. Retractable awnings may be used to meet this requirement.

vi. Building Size Maximum

1. Building Floor Plate

The maximum building floor plate for a structure in the TRO shall be 5,000 square feet per building, pursuant to the measurement standards in Section 20.040.020(g) (Building Floor Plate). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.40.110(d) has been earned, the maximum building floor plate shall be 10,000 square feet per building. If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.040.10(d) have been earned, the maximum building floor plate shall be 15,000 square feet per building.

2. Building Height

The maximum building height shall not exceed the underlying base zoning district, except as necessary to accommodate additional height earned through this section:

[a] Eligibility

In addition to the eligibility criteria in 20.04.110(c) (2), affordable housing projects seeking increased maximum primary structure height shall comply with the following criteria:

- i. The building shall contain six or more dwelling units; and
- ii. Unit size and bedroom mix for deed-restricted units shall be comparable to those for market-rate units.

[b] Tier 1 Projects

Projects that meet the Tier 1 affordability standards may increase the primary structure height by two floors of building height, not to exceed 24 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

[c] Tier 2 Projects

Projects that meet the Tier 2 affordability standards may increase the primary structure height by two floors of building height, not to exceed 24 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

- [d] Projects achieving both Tier 1 and Tier 2 affordability standards may increase the primary structure height of four floors of building height, not to exceed 48 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).
- [e] Sustainable Development Bonus
 - i. Tier 1 Projects: Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet.
 - ii. Tier 2 Projects: Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet. The additional floor of building height granted under this subsection shall be limited to 50 percent of the building footprint area of primary structure, and that additional floor shall be set back at least 10 feet further than the lower floors of the building.

(10) Landscaping, Buffering, and Fences

(A) Buffer Yards

Developments within the TRO are not required to provide buffer yards.

(B) Landscaping

i. Interior Plantings

The minimum landscape area on a site, as established in this section or areas not covered by an impervious surface or required buffer yard shall be planted with the following

1. A minimum of one canopy tree per 500 square feet. Open areas less than 10 feet in width may substitute ornamental trees for required canopy trees.
 - a. Tree location should maximize visibility between windows and the street.
2. A minimum of eight shrubs per 500 square feet. One ornamental tree may be substituted for every four shrubs; however, a substitution shall not exceed 50 of the required shrubs.
3. Shrubs and ornamental trees along foundation walls of a structure shall be planted no closer than two feet and eight feet respectively from the foundation wall.

ii. **Parking Lot Perimeter Plantings**

See Section 20.04.080(h) (1)

iii. **Parking Lot Landscape Bumpouts, Islands, and Endcaps**

See Section 20.04080(h)(2)

(C) **Subdivision Standards**

All subdivisions within the Transform Redevelopment Overlay shall be designed according to the Infill Subdivision (IS) type specified in this Chapter and Chapter 20.05.

(D) **Development Standards**

Table 02-30: IS Subdivision Development Standards

General Standards	
Parent tract size (minimum)	None
Lots served by alleys (minimum percentage)	100% [1]
Block length (maximum)	400 feet
Right of Way Standards	
On-street parking [1]	Per Transportation Plan guidance [2]
Tree plot width (minimum)	Per Transportation Plan, or 7 feet, whichever is greater
Sidewalk/multiuse path width (minimum)	Per Transportation Plan, or 8 feet, whichever is greater

NOTES:

[1] Required to meet Transportation Plan guidance

[2] Where on-street parking is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

(E) Lots

i. Design

1. All new lots shall have frontage on a public street right-of-way or shall be part of a cottage home development with frontage on a public street right-of-way.

(11) Departures

(A) Purpose

Departures are provisions that allow for form based adjustment or deviations from the dimensional, numeric, or building and site design standards of this UDO for properties within the Transform Redevelopment Overlay. Such departures are intended to meet the goals of the specific standard while providing exceptional architectural design which would not otherwise be permitted. Departures are intended to provide an alternative means of compliance by providing greater flexibility when necessary to achieve the goals of the Comprehensive Plan and the Transform Redevelopment Overlay. Departures are not variances and are not intended to circumvent the variance process.

(B) Applicability

- i. Any site plan, or portion of a site plan, as determined by the Planning and Transportation Director to offer a unique and beneficial design under the criteria in this section may be considered for a departure.
- ii. Any project that would qualify for minor site plan review but would require a departure as allowed in this section shall be required to undergo major site plan review.

(C) Limitations on Departures

- i. The departure procedure shall not apply to any proposed modification or deviation that results in:
 1. A change in permitted uses or mix of uses;
 2. A deviation from building or fire codes;
 3. A deviation from engineering standards;
 4. Requirements for public roadways, utilities, or other public infrastructure or facilities; or
 5. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

(D) Departure Review Process

i. Petition Submittal and Handling

A petition for departure shall only be submitted and reviewed concurrently with a petition for a major site plan review. Each UDO standard shall be considered a separate departure

request as it relates to the approval criteria, but multiple departures may be considered in one departure petition.

ii. Review and Decision

1. The Plan Commission shall review and decide the departure petition based on the following criteria:
 - [a] The proposed departure and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies;
 - [b] Provides adequate public services and facilities;
 - [c] Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;
 - [d] Is of a technical nature and is required to provide for an exceptional architectural design which will:
 - i. Significantly enhance the visual appeal of the building;
 - ii. Significantly enhance the perceived quality of the building facades visible from public streets; and
 - iii. Strengthen the public-private interaction at the street level.

RESOLUTION 22-17

TO INITIATE A PROPOSAL TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE) OF THE BLOOMINGTON MUNICIPAL CODE Re: Preparation of a Proposal to Amend Chapter 20.02 “Zoning Districts” and Related Sections To Establish an Overlay District and Related Development Standards for the Hopewell Neighborhood

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019, the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020, the Mayor signed and approved Ordinance 19-24; and

WHEREAS, existing overlay districts have been established in the UDO that prescribe additional development, architectural, and use standards for Downtown Character Overlay Districts; and

WHEREAS, in Resolution 18-06, the Common Council approved the purchase of the legacy site of the IU Health Bloomington Hospital for redevelopment into the new Hopewell neighborhood by the City of Bloomington Redevelopment Commission; and

WHEREAS, the Council considered proposed development standards for the Hopewell neighborhood area as part of Ordinance 22-10, which the Council indicated, through adoption of Amendment 03 to that ordinance, would be more appropriately proposed as part of an overlay zoning district for the area in question; and

WHEREAS, the Bloomington Hospital Site Redevelopment Master Plan Report was issued in January 2021 and envisions 2nd Street as an active community corridor, North/South Streets as neighborhood connectors, an East/West Greenway as a B-Line connection, a well-scaled, walkable neighborhood fabric, diversity and variety of housing types, neighborhood anchors, and active ground floors; and

WHEREAS, to adhere to the Master Plan Report and to the principle of compact urban form, and to provide the opportunity for more housing to meet the housing need indicated in the Bloomington Housing Study of 2020, the current rules in the UDO regarding maximum impervious surface, minimum landscaping, and setback requirements in this area should be revised; and

WHEREAS, pursuant to IC 36-7-4-602, the Common Council may initiate a proposal to amend or partially repeal the text of the UDO and require the Plan Commission to prepare it;

WHEREAS, the Common Council wishes to initiate a proposal to amend the UDO to establish an overlay district containing development standards that will guide development of the Hopewell neighborhood; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council shall pay reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth.

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

SECTION 1. Pursuant to IC 36-7-4-602(b), the Common Council directs the Plan Commission to prepare a proposal consistent with this resolution to amend the text of the UDO to establish an overlay district containing development standards in order to guide development of the Hopewell neighborhood.


SECTION 2. Upon passage of this resolution, the Plan Commission shall review and recommend UDO amendments to the Common Council in response to this resolution and the policy guidance below:

The following policy items should be addressed in the proposal:


- The overlay district boundaries as depicted in Exhibit A, attached hereto, should apply to the zoning districts MM, MN, MI, and RM with lots within or adjacent to the area starting from 2nd Street, to Walker Street, to 1st Street, to Jackson Street (unimproved), to Wylie Street, to Rogers Street, to 1st Street, and to Morton Street;
- Subdivision standards should require alleys in this area;
- Increase impervious surface maximums;
- Reduce landscape area;
- Reduce side and rear building setbacks;
- Eliminate minimum parking requirements;
- Require drive access off alleys rather than streets;
- Reduce minimum lot sizes; and
- Require pedestrian-scale development standards for first-floor residential uses.

SECTION 3. If any section, sentence or provision of this legislation, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this legislation which can be given effect without the invalid provision or application, and to this end the provisions of this legislation are declared to be severable.


PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21 day of September, 2022.


SUSAN SANDBERG, 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 22 day of September, 2022.


NICOLE BOLDEN, Clerk
City of Bloomington

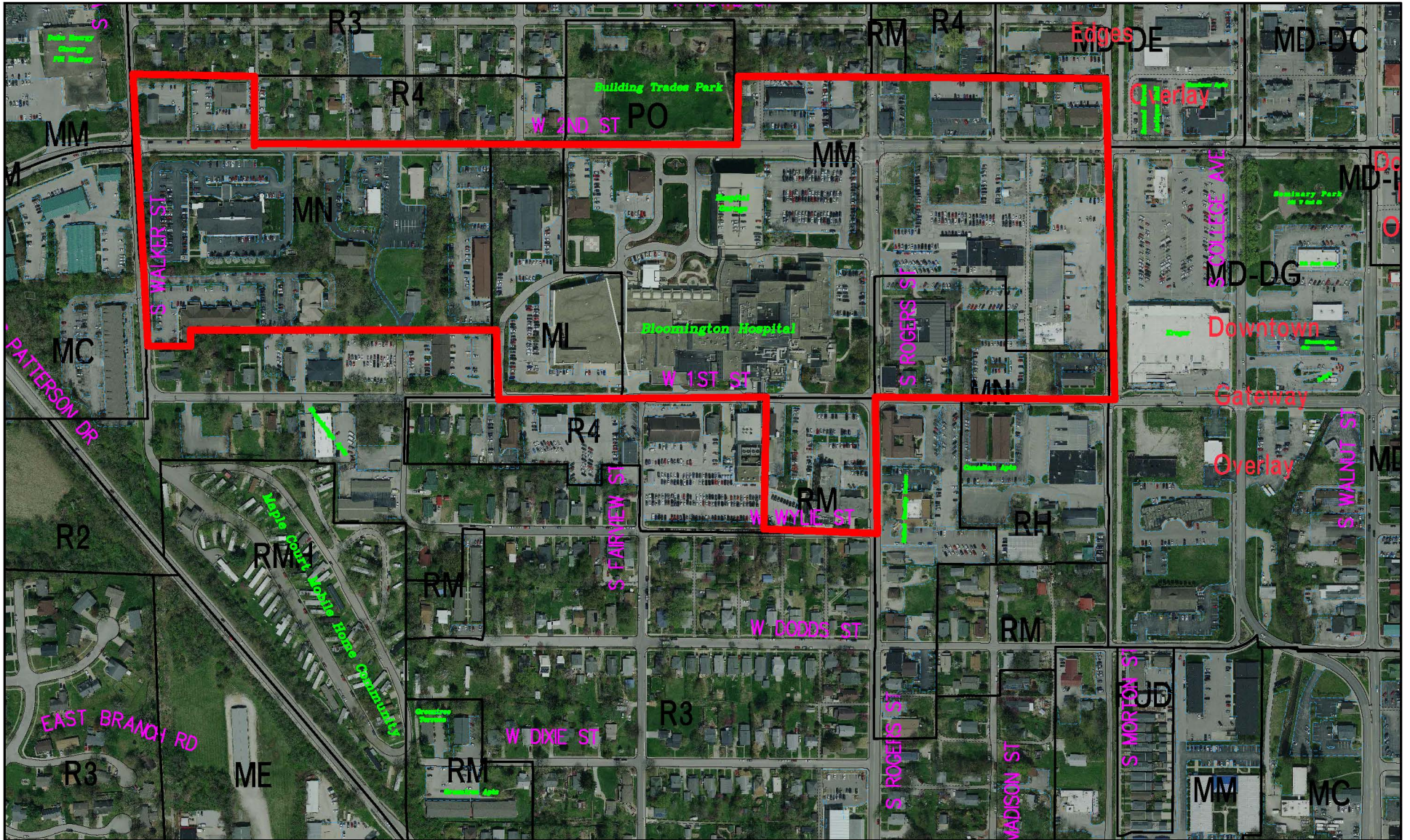
SIGNED by me upon this 22nd day of September, 2022.


JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution initiates a proposal to amend Title 20 (the Unified Development Ordinance or “UDO”) of the Bloomington Municipal Code. The resolution directs that a UDO text amendment proposal be prepared by the Plan Commission to establish an overlay district and related development standards for the Hopewell neighborhood consistent with the guidance contained in the resolution.

Exhibit A



15 Sep 22

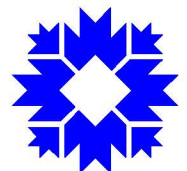


For reference only; map information NOT warranted.

057



City of Bloomington



Scale: 1" = 400'



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-37 – To Amend the City of Bloomington Zoning Maps by Adding the Transform Redevelopment Overlay (TRO) to Certain Below-Described Property

Synopsis

Ordinance 22-37 would add a zoning overlay to properties in the Hopewell neighborhood, located in and around the former Indiana University Hospital location.

Relevant Materials

- Ordinance 22-37
- Certification form from Plan Commission
- Attachment A & staff memo, including map of proposed overlay zone location

Summary

This ordinance and a companion ordinance (22-36) follow from action taken by the Council earlier this year related to amendments to the city's Unified Development Ordinance (UDO). On September 21, 2022, the Council adopted [Resolution 22-17](#) to initiate a UDO amendment process. The resolution directed the Plan Commission to prepare a proposal to establish an overlay zoning district for the Hopewell neighborhood, located at the former IU Health Bloomington Hospital site. An overlay district is a zoning district that is applied over one or more established zoning districts and contains additional standards for properties in the district beyond the standards contained in the base zoning district(s).

One use for overlay districts is to help guide or encourage certain types of development within an area. The resolution provided guidance to the Plan Commission on the types of policy items that should be addressed in proposed development standards for the overlay district. The resolution also specified the overlay district boundaries and attached a map to depict the location of the district. Establishing the overlay zoning district entails amending the text of the UDO (accomplished through [Ordinance 22-36](#)) and amending the official zoning map to reflect the new overlay district. [Ordinance 22-37](#) would add the Transform Redevelopment Overlay district to the zoning map, which would apply to the properties described in the ordinance and depicted in Attachment A.

On November 21, 2022, the Plan Commission held a public hearing and considered this UDO map amendment as case number ZO-52-22. The proposal received a favorable recommendation from the Plan Commission by a vote of 7-0. It was certified to the Council on November 22, 2022.



UDO Zoning Map Amendments Generally

Indiana Code provides the following procedure that applies to a change to the zone maps incorporated by reference into the UDO. Note that many of the procedures are the same as a text amendment.

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. In this case, the proposal to replace the official zoning map received a positive recommendation (7-0) by the Plan Commission. The Council must consider this recommendation before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt or reject the proposal (but not amend). The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on the proposal within 90 days after certification (deadline listed above), the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within 90 days after the proposal was certified, the Council can either adopt or reject the proposal. If the Council adopts (as certified) the proposal, it takes effect as other ordinances of the Council. If the Council rejects the proposal, it is defeated.

Contact

Scott Robinson, Director, Planning and Transportation Department, 812-349-3423, robinsos@bloomington.in.gov

Jacqueline Scanlan, Development Services Manager, 812-349-3423, scanlanj@bloomington.in.gov

ORDINANCE 22-37

**TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY ADDING THE
TRANSFORM REDEVELOPMENT OVERLAY (TRO) TO CERTAIN BELOW-
DESCRIBED PROPERTY**

WHEREAS, the Common Council, via Resolution 22-17, directed that a map amendment proposal be considered by the Plan Commission to establish an overlay district in the Hopewell neighborhood consistent with the guidance contained in the resolution; and

WHEREAS, the Plan Commission has considered this case, ZO-52-22, and recommended that the Transformer Redevelopment Overlay (TRO) be added to the areas described below; and

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the zoning of the properties shown in Attachment A shall be amended to add the Transform Redevelopment Overlay (TRO). The property is further described as follows:

Properties bounded by S. Walker Street, W. 2nd Street, S. Morton Street, and W. 1st Street; however excluding 649 and 651 S. Walker Street and also excluding properties on the north side of W. 1st Street from 1018 W. 1st Street to 822 W. 1st Street; also including the eastern half of 608 W. Wylie Street; and including properties on the north side of W. 2nd Street between Building and Trades Park and S. Morton Street, from 522 W. 2nd Street to 300-308 W. 2nd Street; also including 510 S. Morton Street; also including 525 S. Walker Street and 1010 W. 2nd Street

SECTION 2. This rezoning shall be approved as attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, 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 _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 22-37 would add a zoning overlay to properties in the Hopewell neighborhood, located in and around the former Indiana University Hospital location.

****ORDINANCE CERTIFICATION****

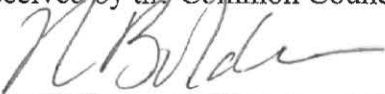
In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 22-37 is a true and complete copy of Plan Commission Case Number ZO-52-22 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 21, 2022.



Date: November 22, 2022

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 22nd day of November, 2022.



Nicole Bolden, City Clerk

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

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No _____ X _____

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

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

Case # ZO-52-22 Memo (Ordinance 22-37)

To: Bloomington Common Council

From: Jackie Scanlan, AICP Development Services Manager

Date: November 22, 2022

Re: TRO – Transform Redevelopment Overlay (Hopewell Neighborhood Overlay) Zoning Map Amendment

The Plan Commission heard case ZO-52-22 on November 21, 2022 and voted to send the petition to the Common Council with a positive recommendation with a vote of 7-0. The packet of information provided to the Plan Commission for ZO-52-22 is below.

ZO-52-22 TRO District Overlay Boundaries

The Common Council initiated a proposal to amend the Official Zoning Map to locate an overlay also established in resolution 22-17. The resolution identified that the overlay’s district boundaries should apply to the zoning districts MM, MN, MI, and RM with lots within or adjacent to the area starting from 2nd Street, to Walker Street, to 1st Street, to Jackson Street (unimproved), to Wylie Street, to Rogers Street, to 1st Street, and to Morton Street. A proposed draft of the Official Zoning Map has been included in the packet.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 22-38 – To Amend the City of Bloomington Zoning Maps by Rezoning a 87.12 Acre Property from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI) - Re: Northeast Corner of W. Fullerton Pike and S. State Road 37 (Monroe County Government, Petitioner)

Synopsis

Ordinance 22-38 would rezone 87.12 acres from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI).

Relevant Materials

- Ordinance 22-38
- Certification from Plan Commission
- Staff Memo from Jackie Scanlan
- Map of surrounding zoning
- Aerial map
- Map showing locations of property zoned “Mixed-Use Institutional”
- Project Memorandum re: New Monroe County Correctional Facility – Anticipated Site Acreage
- Letters from Petitioner
- Environmental Reports prepared for Monroe County (due to their length, these reports are available for inspection in the City Clerk’s Office and available online in a supplemental packet here: https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=11162)

Certified by Plan Commission

Ordinance 22-38 was certified by the Plan Commission to the Council on November 18, 2022 and was given a recommendation of denial by a vote of 6 Ayes, 3 Nays, and 0 abstentions. The Plan Commission considered this rezone request at its October 10th meeting ([minutes](#) and [meeting recording](#)) and again at its November 14th meeting ([meeting recording](#)).

Summary

Ordinance 22-38 would rezone a parcel of property from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI). This rezone request comes forward from Monroe County government as the petitioner. The property owner (Bill C. Brown) has been working with the County on a possible sale of the site to serve as the location of a new County Jail facility (among other potential uses). As noted in the included letters from the Petitioner, the County has been considering which related justice components of the County might also need to be relocated to a new site along with a jail.



Information about the County’s Community Justice Response Committee and criminal justice documents/studies referenced in the Petitioner’s letters can be found here:

<https://www.co.monroe.in.us/departments/board.php?structureid=178>

The use of property for a “jail or detention facility” is currently only allowed in two zones – Employment (EM) and Mixed-Use Institutional (MI). In both zones, the use is conditional, meaning the use is permitted only after a petitioner obtains conditional use approval pursuant to [BMC 20.06.050\(b\)](#) (Conditional Use Permit). The conditional use permit process does not involve Common Council review. In addition to standards that apply generally to the MI zone, the use is also subject to use-specific standards in [BMC 20.03.030\(c\)\(4\)](#) as follows:

- a) Adequate access shall be provided to a street classified as a collector or arterial per the Transportation Plan.
- b) The design and intensity of the use, site, and structure shall be compatible with the surrounding area.
- c) Site design and security measures shall ensure that the peace and safety of the surrounding area shall not be disturbed or impaired.

UDO Zoning Map Amendments Generally

The Council’s review of a proposal to change the City’s zone maps is guided by state statute. Within ninety (90) days after a proposal to amend the zoning map is certified to the Council by the Plan Commission, the Council may adopt or reject the proposal. If the Council fails to act on the proposal within 90 days after certification, the ordinance would be defeated. As a condition to the adoption of a rezoning proposal, the owner of a parcel of real property may be required or allowed to make a commitment concerning the use or development of that parcel, subject to certain requirements contained in state law. (See IC [36-7-4-1015](#)).

Proposals to amend the official zoning map are governed by local code under [BMC 20.06.070](#) and by state law under Indiana Code 36-7-4 in the “600 Series – Zoning Ordinance.” As a threshold matter, state law provides that the purpose of the local planning and zoning laws are “to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

1. that highway systems be carefully planned;
2. that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
3. that the needs of agriculture, forestry, industry, and business be recognized in future growth;
4. that residential areas provide healthful surroundings for family life; and
5. that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.”



City of Bloomington Indiana

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

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

Further, in considering a zoning map amendment, both state and local codes require the legislative body to pay reasonable regard to:

1. the [Comprehensive Plan](#);
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of sensitive environmental features (a local criteria);
5. the conservation of property values throughout the jurisdiction; and
6. responsible development and growth.

I.C. [36-7-4-603](#); BMC [20.06.070](#).

Importantly, these are factors that a legislative body must *consider* when deliberating on zoning ordinance proposals. However, nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors. Notably, Indiana courts have found that comprehensive plans are guides to community development, rather than instruments of land-use control. A municipality must consider all factors and make a balanced determination. *Borsuk v. Town of St. John*, 820 N.E.2d 118 (2005).

Zoning Commitments

As a condition to the adoption of a rezoning proposal, the owner of a parcel of real property may be required or allowed to make a commitment concerning the use of development of that parcel. Commitments are subject to a number of statutory provisions as to form, binding effect, modification, termination, and effectiveness. Indiana Code provides that commitments shall be recorded and that after recording, commitments are binding on subsequent owners or any other person who acquires an interest in the property. Commitments may contain terms providing for their expiration or terms that provide that the commitment automatically terminates. During the time a rezoning proposal is being considered by the Council, it is possible for an owner to make a new commitment or modify the terms of a commitment that was made when the proposal was being considered by the Plan Commission.

Contact

Jackie Scanlan, Development Services Manager, scanlanj@bloomington.in.gov, (812) 349-3524

ORDINANCE 22-38

TO AMEND THE CITY OF BLOOMINGTON ZONING MAPS BY REZONING A 87.12 ACRE PROPERTY FROM MIXED-USE EMPLOYMENT (ME) TO MIXED-USE INSTITUTIONAL (MI)

**- Re: Northeast Corner of W. Fullerton Pike and S. State Road 37
(Monroe County Government, Petitioner)**

WHEREAS, Ordinance 20-06, which repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, “Unified Development Ordinance” went into effect on April 18, 2020; and

WHEREAS, the Plan Commission has considered this case, ZO-40-22, and forwarded with a negative recommendation the petition from Monroe County Government to amend the zoning map to rezone 87.12 acres from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI); and

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the zoning of the property located at the northeast corner of W. Fullerton Pike and S. State Road 37 shall be amended to be zoned as Mixed-Use Institutional (MI). The property is further described as follows:

A part of the Southwest Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point 884.99 feet West of the Southeast corner of said Southwest Quarter, said point being on the South line of said Southwest Quarter, thence North 00 degrees 00 minutes 00 seconds East for a distance of 2628.76 feet to the North line of said Southwest Quarter, thence South 89 degrees 57 minutes 30 seconds West over and along said North line for a distance of 1682.50 feet to the East right-of-way of State Road 37, thence over and along the East right-of-way by the following courses and distances: South 01 degrees 11 minutes 19 seconds East 310.82 feet Southeasterly 703.88 feet on an arc to the left having a radius of 5564.58 feet and being subtended by a long chord bearing South 04 degrees 47 minutes 19 seconds East 703.41 feet; South 05 degrees 59 minutes 03 seconds East, 293.42 feet; Southeasterly 1266.37 feet on an arc to the left having a radius of 5584.58 feet and being subtended by a long chord bearing South 17 degrees 55 minutes 30 seconds East, 1263.66 feet; South 69 degrees 50 minutes 09 seconds East 215.25 feet; North 89 degrees 16 minutes 53 seconds East 488.72 feet; South 01 degrees 41 minutes 45 seconds East 57.64 feet to the South line of said Southwest Quarter, thence North 89 degrees 32 minutes 51 seconds East over and along said South line for a distance of 505.39 feet to the point of beginning. Containing 90.89 acres, more or less.

EXCEPTING THEREFROM a part of the Southwest Quarter of Section 18, Township 8 North, Range 1 West, Monroe County, Indiana and being that part lying within the right-of-way lines depicted on the Right-of-Way Parcel Plat, marked as EXHIBIT B, in that certain Agreed Finding and Judgment recorded September 1, 2016, at Instrument No. 2016012211, in the office of the Recorder of Monroe County, Indiana and described as follows: Beginning at a point on the South Line of said Section, North 88 degrees 49 minutes 50 seconds West 921.00 feet, (884.99 feet by Instrument Number 2008006074), from the Southeast corner of said quarter Section, said Southeast corner being designated as point “81825” on said Plat; thence North 88 degrees 49 minutes 50 seconds West 505.39 feet along said South Line to the Southwest corner of the above described Parcel ; thence North 0 degrees 14 minutes 08 seconds West 73.33 feet, (57.64 feet by said Instrument Number 2008006074), along a West line of the above described Parcel to a South line of the above described Parcel; thence North 89 degrees 39 minutes 34 seconds West 495.34 feet, (488.72 feet by said Instrument Number 2008006074), along said South Line to the Northeastern boundary of the intersection of State Road 37 and said Fullerton Pike as described in Deed Record 205, page 157; thence North 68 degrees 46 minutes 36 seconds West 215.25 feet along the boundary of the intersection of said State Road 37 and Fullerton Pike to the

Northeastern boundary of said State Road 37; thence along the boundary of said State Road 37, Northwesterly 17.17 feet along an arc to the right having a radius of 5,584.58 feet and subtended by a long chord having a bearing of North 23 degrees 16 minutes 26 seconds West and a length of 17.17 feet to point "4183" designated on said Plat; thence North 87 degrees 49 minutes 24 seconds East 633.67 feet to point "4182" designated on said Plat; thence North 77 degrees 21 minutes 33 seconds East 230.49 feet to point "4181" designated on said Plat, thence South 52 degrees 57 minutes 06 seconds East 157.61 feet to point "4180" designated on said Plat; thence South 89 degrees 25 minutes 55 seconds East 227.35 feet to the East Line of the above described Parcel; thence South 1 degree 03 minutes 00 seconds West 157.61 feet along said East Line to the point of beginning and containing 3.770 acres, more or less, inclusive of the presently existing right-of-way which contains 0.239 acres, more or less, leaving after said exception 87.12 acres, more or less.

SECTION 2. This rezoning shall be approved as attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, 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 _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 22-38 would rezone 87.12 acres from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI).

****ORDINANCE CERTIFICATION****

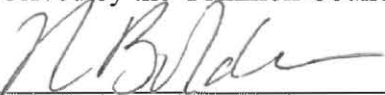
In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 22-38 is a true and complete copy of Plan Commission Case Number ZO-40-22 which was given a recommendation of denial by a vote of 6 Ayes, 3 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 14, 2022.



Date: November 18, 2022

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 18th day of November, 2022.



Nicole Bolden, City Clerk

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

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No _____ X _____

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

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

This is a map amendment request, which will not produce any major fiscal impacts, as it is not development.

Interdepartmental Memo

To: Members of the Common Council
From: Jackie Scanlan, AICP Development Services Manager
Subject: ZO-40-22
Date: November 18, 2022

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case ZO-40-22. The Plan Commission heard this petition at the November 14, 2022 hearing and voted 6-3 to send this petition to the Common Council with a negative recommendation. The Plan Commission report and additional exhibits are attached.

REQUEST: The petitioner is requesting a map amendment (rezone) of approximately 87.12 acres from Mixed-Use Employment (ME) to Mixed-Use Institutional (MI) for the purpose of building a new jail facility.

BACKGROUND:

Area: 87.12 acres
Current Zoning: Mixed-Use Employment (ME)
Comp Plan Designation: Employment Center / I-69 and Interchange Focus Area
Existing Land Use: Vacant
Proposed Land Use: Jail or Detention Facility
Surrounding Uses: North – Vacant / Old Quarry
South – Highway Interchange / Dwelling, Single-family (detached)
East – Quarry
West – Highway Interchange / Dwelling, Single-family

CHANGES SINCE THE OCTOBER HEARING AND UPDATED REPORT: The petition was heard and discussed at the October 10, 2022 Plan Commission hearing. Concerns were discussed related to issues raised in the staff report, as well as the necessity of finding a new location and the available land for the desired use. The petitioner opened the site for tours for the Plan Commission in late October. No additional information has been provided for the packet since that time. The petitioner indicated that a Phase I and a Phase II Environmental study were done, as well as a jurisdictional and wetlands report, but those have not been submitted for review by the Plan Commission. The petitioner also indicated that they were in the process of getting a geotechnical report done, as well as a review and report by a geologist before the next hearing. None of those documents have been received for review by the Plan Commission.

Various assumptions, or starting points, for the petition were discussed at the hearing. One assumption is the size needed for the facility for which the map amendment is sought. The petitioner has submitted various size needs ranging from 20 to more than 40 acres. Per the petitioner at the hearing, the 25 acres is needed for a jail building that could be 2-3 acres in size, with surrounding area for parking and drainage requirements. This assumption has a great effect on the possible locations in the City of Bloomington, as 25 to 40+ vacant acres of developable, properly zoned land is difficult to identify. This assumption is concerning because no information (for example, a site plan) has been submitted to explain the desired amount of land. Additionally, the County petitioned to have a portion of the Thomson PUD amended to allow for a juvenile detention facility, sentencing programs, and a future jail on a portion that is owned by the County

in 2002. That site is currently undeveloped.

The petitioner indicated that the petition site would not be purchased solely for jail purposes, and indicated that there are other needs that need to be filled, such as transitional housing, a detox center, and work/release. Without even a basic site plan, it is difficult to determine whether or not this site can support more than the 40 acres needed for the jail facility and other supportive facilities because of the environmental constraints.

A number of new county jail facilities have been planned or built across Indiana in the last five years, and staff was able to gather some information for the purpose of comparison. The Wabash County facility required 20 acres, Henry County (246 beds and sheriff's office) required 20-30 acres, Delaware County required 21 acres, and Vigo County (494 beds) plans on 22 acres. A comparison or more information about comparable facilities and their required acreage may be instructive to the Plan Commission and Common Council.

A second assumption mentioned by the petitioner in the October hearing is that the facility needs to be located within the corporate boundaries of Bloomington to satisfy the City. The current location of the jail facility and its ancillary supportive services are in the heart of downtown, at 7th Street and College Avenue. Concern about the impacts of moving the facility away from downtown is reasonable, and something that should be part of the discussion of the location of a new facility. However, the City has not been included in discussion of the long-term planning of this new facility, so we are not aware of how the effects of moving were considered.

The petitioner stated at the hearing that Bloomington Transit would work with the petitioner to provide access to the site.

REPORT FROM FIRST HEARING: The petition site is 87.12 acres and is one parcel that is located at the northeast corner of the intersection of West Fullerton Pike and South State Road 37 / Interstate 69. The property is zoned Mixed-Use Employment (ME). The property is currently undeveloped. The property was previously zoned Planned Unit Development (PUD) and received approval to sell its top soil for the I-69 corridor project. The property was subsequently reseeded and vegetation exists where the topsoil was removed. The property immediately to the north is also zoned ME and is currently vacant. Surrounding land uses include other commercial offices and manufacturing buildings. Property to the northeast and east is zoned Quarry (Q), is outside of the corporation boundaries, and contains a previously used quarry (northeast) and an active quarry (east). Property to the south is zoned Limited Business (LB) and Agriculture/Rural Reserve (AG/RR), is located outside of the corporation boundary, and appears to contain single-family residences. State Road 37 / Interstate 69 is to the west, with property immediately to the west being zoned Limited Industrial (IL) at the interchange, with the remainder as Single Dwelling Res 3.5 (RS 3.5) which is a large single-family residential development.

The petitioner is in conversation with the property owner and is planning to purchase the property in order to relocate the existing Monroe County Jail facilities to this location. The petitioner has provided that at least 25 acres are needed for the new jail facility and that, though no details have been determined at this time, additional acreage will likely be needed for supportive services that may be moved to be in close proximity to a new jail location.

The petition site is currently zoned ME, which does not allow for the use 'Jail or Detention Facility'. The use is limited in the Unified Development Ordinance (UDO), the zoning code, to

either the Mixed-Use Institutional (MI) or Employment (EM) zoning districts. The use is ‘Conditional’ in both MI and EM. The petitioner is requesting a map amendment to rezone the property to MI.

The Department has identified a number of areas of concern related to the request, and has communicated those to the petitioner. Responses can be seen in the attached letter from the Monroe County Attorney’s office dated August 29, 2022. The Plan Commission, and ultimately the Common Council, will need to weigh a number of factors when analyzing this request, including the areas of concern identified by the Department, which are discussed briefly below. The largest issue, compliance with the Comprehensive Plan, is discussed in more detail in the next section.

Environmental Site Considerations: The site contains large amounts of closed canopy tree areas along the eastern portion of the site, which will need to be preserved with any development. There are also some low-lying areas and karst features. A previous approval at the site has outlined in some detail the areas that require preservation. The petitioner has stated that no disturbance of those areas is envisioned at this time. Additionally, the Department has heard from neighboring property owners with concerns about stormwater that leaves this site now and how that will change and be addressed in future development. The site was also used as an I-69 soil borrow site and may have issues in the future where top soil will need to be replaced on the site in order for required landscaping to be achieved.

Access: The site will derive vehicular access from West Fullerton Pike. The Transportation Plan includes a roadway connection on the west side of the property to connect to the north. A map amendment does not automatically require right-of-way dedication for that roadway, however, the petitioners have been made aware that any future subdivision will trigger dedication and development of that roadway.

There is no transit service adjacent to the site. Bloomington Transit has indicated that no future transit service is planned adjacent to the site. While the map amendment does not raise immediate concerns about transit access for the site, approving a map amendment in order to allow for the particular use, ‘jail or detention facility’, when no transit access is planned, raises concerns. The petitioner has indicated that they plan to have discussions with Bloomington Transit about future connections.

Site Design: No site plan is required for approval of a map amendment. However, in the case where a map amendment is being requested in order to allow for a particular use, and for one as potentially impactful as a ‘jail or detention facility’ requiring at least 25 acres for development, a site design may be useful for decision makers to weigh potential impacts. The petitioner is currently working on analysis of the site and does not have a site design to share.

COMPREHENSIVE PLAN: The Comprehensive Plan designates this site as ‘Employment Center’ and it is also part of the ‘I-69 and Interchange’ Focus Area. The Comprehensive Plan envisions that Employment Centers will allow “Bloomington to keep pace with the changing economy – the main purpose of the district.” The Department has concerns about whether or not the rezone is supporting this basic goal of the Employment Center area, as the current zoning, ME, seems to support this goal. MI limits the number and type of uses at the site, and the particular use desired by the petitioner further limits the site in meeting the purpose of Employment Center.

The site is in the ‘Employment Center’ designation in the Comprehensive plan, as well as part of

the ‘I-69 and Interchange’ Focus Area. The Employment Center description lists the following:

- Professional and business offices, light assembly plants, flex-tenant facilities, and research and development centers.
- Mix of office and light/high-tech manufacturing uses that provide quality employment opportunities.
- Good access to main thoroughfares and transit service

While MI can provide opportunity for the first and second bullet points above, the Department is concerned that rezoning the property for the specific intent of building a large jail does not support these outcomes of the Employment Center designation. Additionally, the existing zoning, ME, may encourage more of the types of uses desired than the MI district. For the third point, West Fullerton Pike offers excellent vehicular access, however, there is currently no transit to this location. The Department encouraged the petitioners to meet with Bloomington Transit to discuss possible future service. There is no planned service at this time.

The Interchange guidance in the Comprehensive Plan lists the following:

- Offer key opportunities as premier entry points into Bloomington.
- While serving regional employment and commercial interests, the overarching context along the corridor should convey a sense of arrival in Bloomington.
- The interchanges must welcome and invite everyone to access the whole community and not simply provide a generic respite along an interstate highway.

The MI zoning district may offer opportunity for these goals to be met. However, the proposed use, jail or detention facility, for which the rezone is sought, raises questions about how the area can be developed to be a premier entry point into Bloomington, as well as how it will serve regional employment and commercial interests. The goal for development of the interchanges is to invite users into the community, and the Department is concerned about rezoning the property in order to allow a 25 acre jail site on an 80+ acre parcel will accommodate that goal.

The Transform theme is recommended for the development of this area in the Comprehensive Plan and says the following:

- Commercial areas to serve the office, research, and light-manufacturing base

The MI zoning district could allow for some uses that would satisfy this description, but arguably not more than the ME district. And the desired use, jail or detention center, does not support this. Additionally, MI has no ‘Retail Sales Uses’ allowed in the Allowed Use Table (Table 3-1) of the Unified Development Ordinance, and the use ‘restaurant’ is only allowed as an accessory use. The MI zoning district is not designed to allow supportive commercial services.

Zoning Map Amendment: The Plan Commission shall review the zoning map amendment petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the approval criteria in Section 20.06.040(d)(6) Approval Criteria) and the following specific approval criteria:

20.06.040(d)(6)(B) General Compliance Criteria

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING: The request for a map amendment complies with the UDO, and no other applicable regulations are known. Compliance with specific utility, service, and

improvement standards will be assessed at the site development stage. Prior approvals delineated environmental feature preservation, and those areas will be protected.

20.06.040(d)(6)(D) Additional Criteria Applicable to Primary Plats and Zoning Map Amendments (Including PUDs)

- i. Consistency with Comprehensive Plan and Other Applicable Plans
- ii. Consistent with Intergovernmental Agreements
- iii. Minimization or Mitigation of Adverse Impacts
- iv. Adequacy of Road Systems
- v. Provides Adequate Public Services and Facilities
- vi. Rational Phasing Plan

PROPOSED FINDING: The Comprehensive Plan designation for the site is ‘Employment Center’ and it is also part of the ‘I-69 and Interchange’ Focus Area, and is discussed above. The Comprehensive Plan envisions that Employment Centers will allow “Bloomington to keep pace with the changing economy – the main purpose of the district.” The Department has concerns about whether or not the rezone is supporting this basic goal of the Employment Center area, as the current zoning, ME, seems to support this goal. The planned facility for which the map amendment is requested is not a use that is typically considered an employment generator in line with the goals of the Comprehensive Plan. However, the Department recognizes that the community need for such a facility exists. However, an amendment to the Comprehensive Plan to allow the use at this location may be appropriate. The map amendment will not create adverse impacts, though future development will have to consider stormwater runoff, as well as preservation and protection of the environmental features on the site. No new road systems are required with the map amendment, though a roadway connection will be needed with any future subdivision. Discussions with Bloomington Transit are underway for future development at the site. No phasing is necessary for a map amendment.

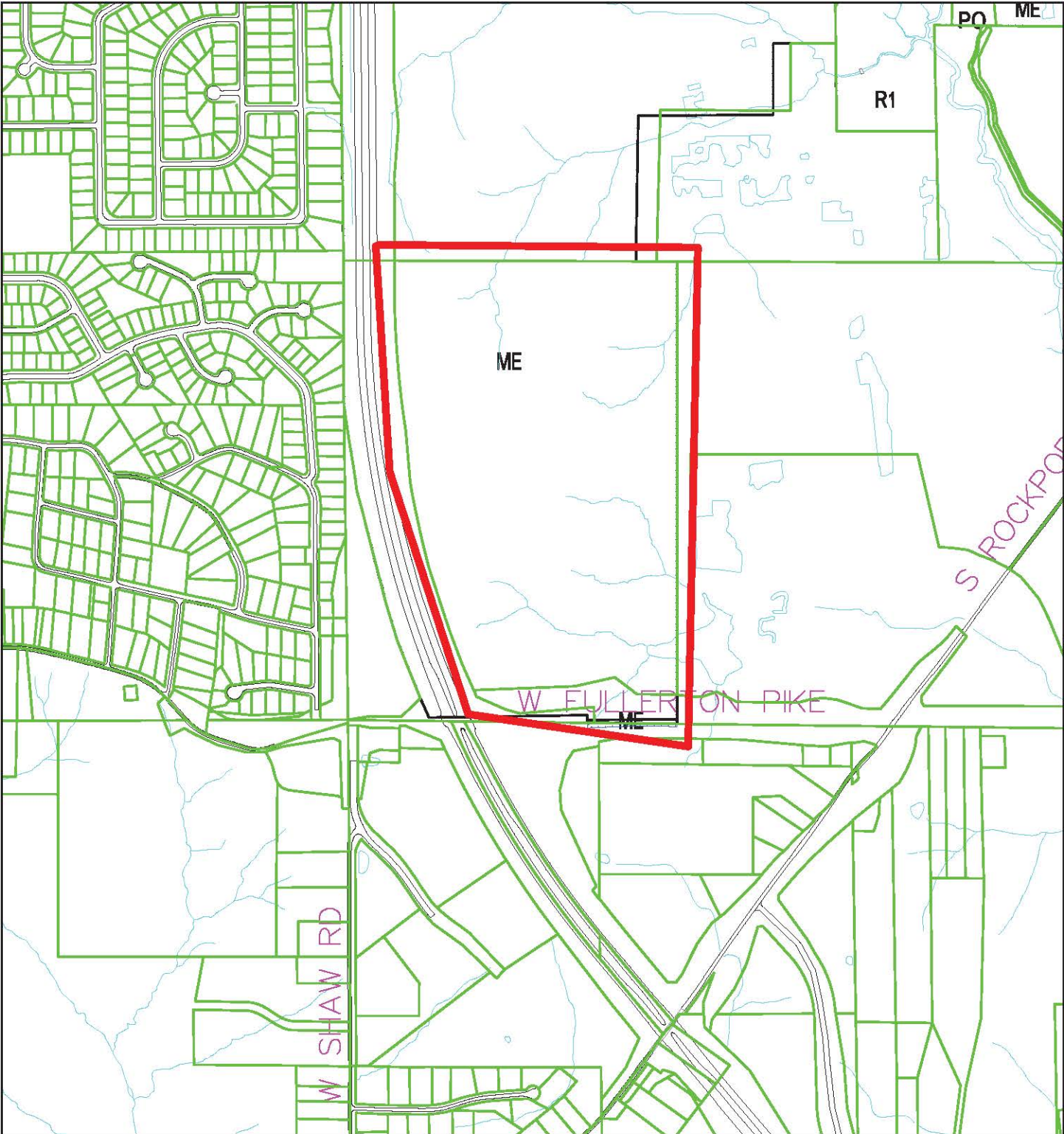
20.06.070(b)(3)(E)(i)(1) Specific Approval Criteria:

- [a] The recommendations of the Comprehensive Plan;
- [b] Current conditions and character of structures and uses in each zoning district;
- [c] The most desirable use for which the land in each zoning district is adapted;
- [d] The conservation of sensitive environmental features;
- [e] The conservation of property values throughout the jurisdiction; and
- [f] Responsible development and growth.

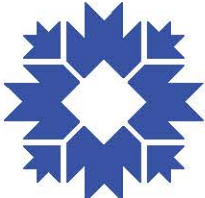
PROPOSED FINDING: The current zoning designation of ‘Employment’ is in line with the Comprehensive Plan designation. There is currently no development on the site. Because the property is desired for employment, a map amendment to move the property away from the Employment zoning designation may not produce the most desirable uses. The sensitive features will be protected during the development phase for the site. It is difficult to indicate what the effect of the map amendment will be on the property values of properties throughout the jurisdiction. While the current jail facility is in need of correction or replacement, doing a map amendment at this location in order to allow for a new facility here may not be the most responsible growth choice.

CONCLUSION: The Department understands the practical and necessary needs for a progressive and comprehensive criminal justice system, including a new or updated jail facility and its associated wrap around services the petitioner is seeking to address. The Department is concerned that not enough information has been presented about why the map amendment is necessary in order to meet those needs. No information has been presented about collaboration with the City or downtown organizations about the impact of redevelopment or relocation of the existing facility. No information has been presented on how the populations served by this facility will be able to access it, and what sort of supportive activities are planned for this location. The petitioner has demonstrated the need for a new facility, but there remain significant concerns about the assumptions made for this petition and the lack of a community-wide conversation about the impact of this map amendment and its intended use. Additionally, the department has technical concerns about this map amendment request and its alignment with the Comprehensive Plan designation for this location, as well as the implications of the desired use and its lack of transit access at this location.

RECOMMENDATION: The Department recommends the Plan Commission forward the petition, ZO-40-22, to the Common Council with a negative recommendation.

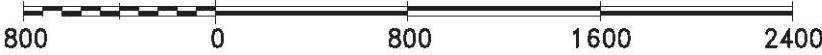


City of Bloomington
Planning

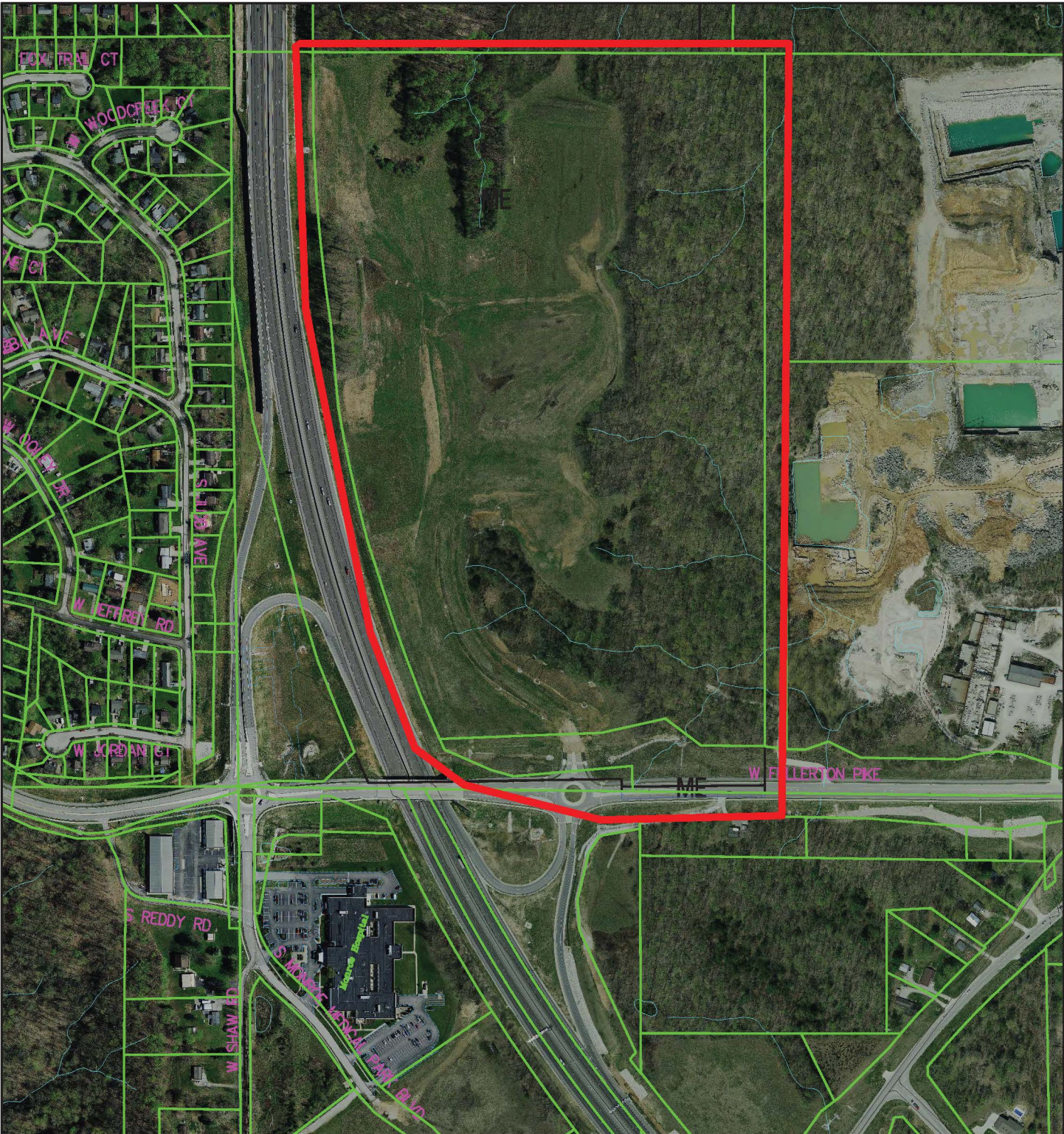


Scale: 1" = 800'

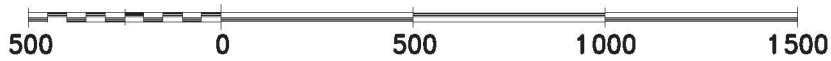
By: scanlanj
29 Jul 22



For reference only; map information NOT warranted.

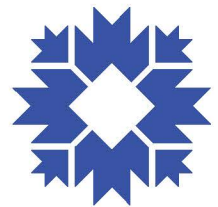


By: scanlanj
29 Jul 22

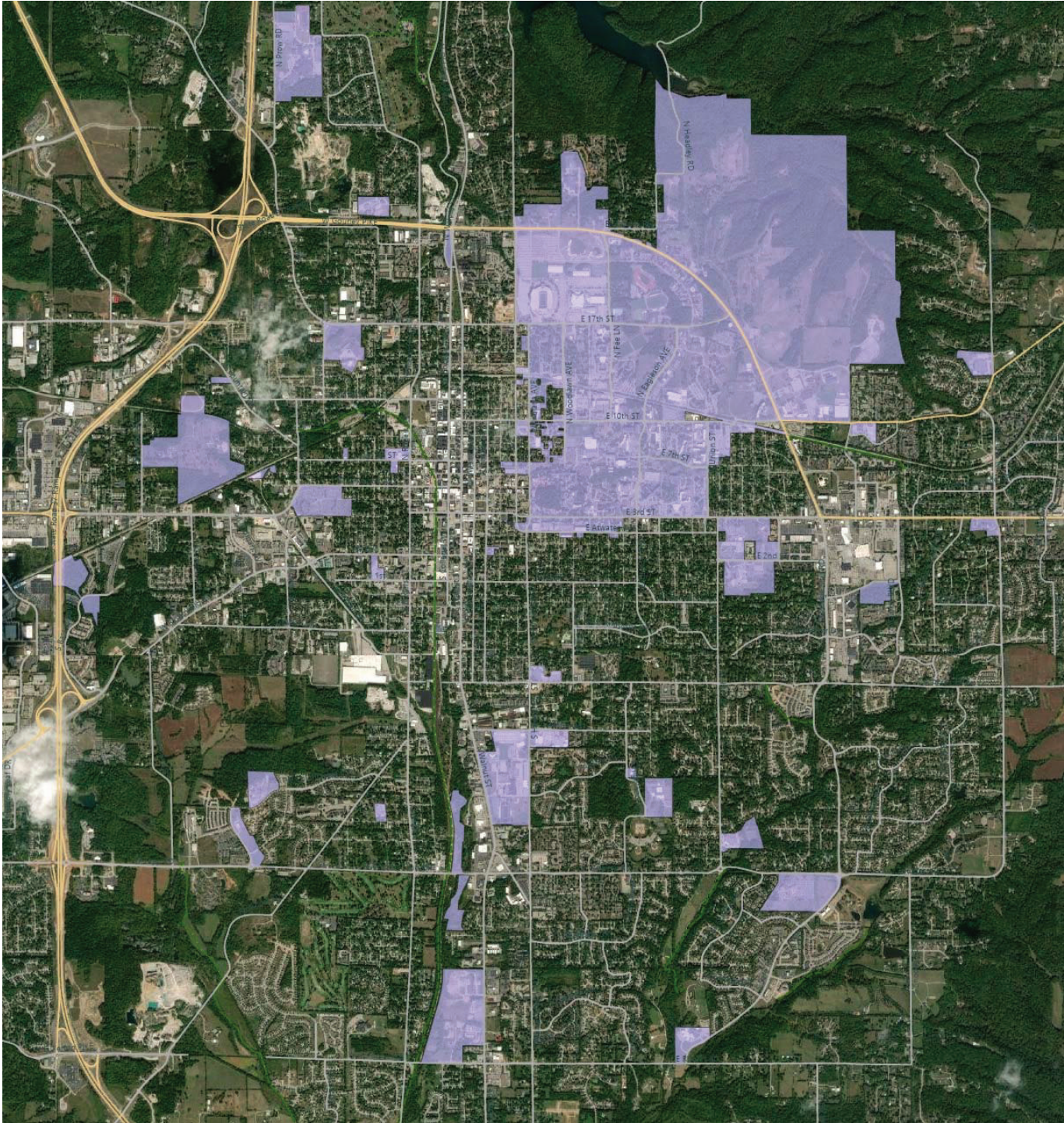


For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 500'



Mixed-Use Institutional Property
Bloomington, IN

November 2022



INNOVATIVE IDEAS
EXCEPTIONAL DESIGN
UNMATCHED CLIENT SERVICE

PROJECT MEMORANDUM

DATE: November 2, 2022
TO: Jeff Cockerill, Monroe County Attorney
FROM: Jeff Hirsch, PLA, LEED AP
Scott Carnegie, AAIA
SUBJECT: New Monroe County Correctional Facility – Anticipated Site Acreage

When selecting a site for a new correctional facility, multiple factors should be considered for determining the acreage necessary to support the development.

Common factors to be considered include:

- Building footprint square footages (main correctional facility, auxiliary buildings such as lawn maintenance storage, fleet maintenance, and ancillary support spaces such as mechanical yard(s), photovoltaic fields, etc.).
 - A one operational level correctional facility is recommended versus a multi-operational level facility due to being more efficient to operate and staff. A one operational level facility building footprint square footage is larger than a multi-level facility.
- Required visitor parking
- Required staff parking - including shift change
- Anti- Terrorism Force Protection (ATFP) standoff distance recommendations for perimeter security
- Additional equipment storage (trailers, specialty tactical vehicles, etc.)
- Local zoning setbacks, required buffer yards, landscaping requirements, etc.
- Local drainage requirements for stormwater management and retention/detention
- Secured outdoor recreation area / evacuation yard
- Vehicular circulation / access for tractor trailers, fire department, trash/recycling trucks, transportation vehicles/buses, etc.
- Full perimeter access drive

In addition to the above, DLZ further considers future expansion of the facility and the associated increased accommodations of parking, stormwater detention, etc.



INNOVATIVE IDEAS
EXCEPTIONAL DESIGN
UNMATCHED CLIENT SERVICE

New Monroe County Correctional Facility
Anticipated Site Acreage
Page 2 of 2

A site of at least 25 buildable acres should adequately support the anticipated size of the new Monroe County Correctional Facility. Reference Attachment A which includes a sampling of various Correctional Facilities identifying the approximate gross square feet (GSF), rated bed capacity and approximate site acreage. The average approximate acreage per rated bed is 0.069 acres.

Accommodations of possible additional future building facilities to accommodate Courts, Community Corrections/Work Release, Juvenile Detention, Diversion Center, Treatment Facility, etc. will require additional acreage - above the recommended 25 minimum acres for the Correctional Facility.

Attachments: A – Monroe County – Site Acreage Comparison

Copy: Laurie Johnson, PE, Eric Ratts, AIA, NCARB - DLZ

MONROE COUNTY - SITE ACREAGE COMPARISON
Attachment A

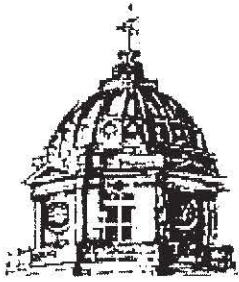
Sheriff's Office & Jail	Approximate Facility Gross Square Footage	Rated Bed Capacity	Approximate Site Acreage
Sullivan County Sheriff's Office & Correctional Facility	56,400	192	15.192
Vigo County Security Center	138,400	504	22.21
Jefferson County Sheriff's Office & Criminal Justice Center	84,656	300	50
Morgan County Sheriff's Office & Jail	60,000	439	15.54
Starke County Sheriff's Office & Justice Center	48,000	148	24
Perry County Sheriff's Office & Detention Center	40,000	134	5.96
Hamilton County Sheriff's Office & Jail	131,773	526	15.44
Elkhart County Criminal Justice Complex	415,890	1,024	80
Vanderburgh County Jail	146,000	553	36.46

TOTALS:

3,820	264.802
-------	---------

APPROXIMATE ACREAGE PER RATED BED:

0.069



OFFICE OF
MONROE COUNTY ATTORNEY
100 W. Kirkwood Avenue, Room 220
Bloomington, Indiana 47404
Telephone: (812) 349-2525
Facsimile: (812) 349-2982
E-mail: legal@co.monroe.in.us

DAVID B. SCHILLING
E. JEFF COCKERILL
LEE F. BAKER
MOLLY TURNER-KING

August 29, 2022

City of Bloomington Planning Department
301 N. Morton Street
Bloomington, IN 47404

Re: Rezone Request for parcel 53-08-18-300-001.000-009.

Dear Planning Department Staff and Plan Commission Members:

Thank you for your questions, I have included your information and questions in this response.

1. Comprehensive Plan | Employment and Interchanges The Employment description includes the following:

Professional and business offices, light assembly plants, flex-tenant facilities, and research and development centers.

Good access to main thoroughfares and transit service

Mix of office and light/high-tech manufacturing uses that provide quality employment opportunities

Using the Transform Theme

Commercial areas to serve the office, research, and light-manufacturing base

The section of the Comprehensive Plan that discussed interchanges includes the following:

Offer key opportunities as premier entry points into Bloomington.

While serving regional employment and commercial interests, the overarching context along the corridor should convey a sense of arrival in Bloomington.

The interchanges must welcome and invite everyone to access the whole community and not simply provide a generic respite along an interstate highway.

How is the project supporting the intent and goals from the Comprehensive Plan, as listed above?

RESPONSE: This project supports the intent and goals of the Comprehensive Plan in a number of ways. Governmental Buildings, such as a Jail, and other Justice related services

by their nature invite access to the whole community and are far from “a generic respite along an interstate highway.” The purpose of the use is the embodiment of the Transform Theme, this facility is expected to deviate from the norm of warehousing inmates, it is to provide much needed services and programs to allow positive change to those who enter the system. The County is exploring other functions for this site to support not only those who have entered to the system, but to serve those who are on a path that has, historically, ended in interactions with the Law Enforcement. Jails have long been the place where those with mental illness, including substance abuse disorder have been housed. The County is a partner to those who wish to see this end, and in doing so will truly create a premier entry point into the City. This use serves not only regional employment and commercial interests, but civic interests as well, by adding to the workforce, increasing public safety, and increasing the quality of life for community members.

At this point, it is difficult to accurately answer the types of employment that will be on site, but it fairly safe to say that there will be professionals working on the site, but highly doubtful that any manufacturing will occur. However, this projects supports many aspects of the vision statement found on Page 14 of the Comprehensive Plan, particularly the following:

1. Fortify our strong commitment to equality, acceptance, openness, and public engagement
2. Deliver efficient, responsive, and forward-thinking local government services
3. Meet basic needs and ensure self-sufficiency for all residents
4. Fortify our progress toward improving public safety and civility
8. Offer a wide variety of excellent educational opportunities for our residents at every stage of life

2. Road Connection

The Transportation Plan shows a road connection on this property (Neighborhood Connector). We cannot compel right-of-way (ROW) dedication for new ROW with a map amendment.

However any future subdivision will require ROW dedication and construction. Nothing should be built or designed or used as preservation in those areas.

Has site design been done with no disturbance to that area in consideration?

RESPONSE: Site design has not occurred at this point. As far as dedicated right of way is concerned, the County does intend to build a roadway that will accommodate law enforcement and public safety personnel as well as the general public. At this time, the County is not seeking a subdivision, the Site design will take into account the transportation plan’s neighborhood connector.

Environmental Site Considerations

There is quite a bit of closed canopy on the site and possibly other environmental features that cannot be disturbed.

The owner has sold much of his topsoil for development of I-69. Future Unified Development Ordinance (UDO) compliance cannot be varied because of this self-created hardship. All

landscaping will be required as the site(s) develop.

Will you have enough area for current and potential future development without disturbance? Have you done a site assessment?

RESPONSE: The County has contracted with DLZ for a site assessment of the property, it should be completed prior to the Plan Commission meeting. In addition the County has contracted for two Phase 1 environmental reviews. In addition, a Phase 2 review has been contracted for, a site reconnaissance review and a Wetland and Jurisdictional water study. One of the attractive feature of this property is the wooded buffer and the County has no intention, at this point, to disturb that area.

Bloomington Transit

You have indicated that you plan to work with Bloomington Transit on access to this site.

Have those discussions occurred?

RESPONSE: No, those discussions have not occurred, however, the County has reached out to begin the conversation.

Site Plan

It is very likely that Common Council and/or the Plan Commission will expect some sort of site plan to get an idea of what is planned for the site.

Will you have such a plan before the September Plan Commission hearing?

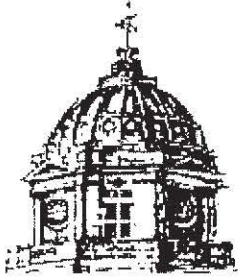
RESPONSE: No, the County is asking for rezone of the property to determine if it is appropriate to move forward with design for this site. County Officials' are in the process of touring other facilities to help inform the site design.

Let me know if you have any further questions.

Sincerely,



Jeff Cockerill



OFFICE OF
MONROE COUNTY ATTORNEY
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Bloomington, Indiana 47404
Telephone: (812) 349-2525
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DAVID B. SCHILLING
E. JEFF COCKERILL
LEE F. BAKER
MOLLY TURNER-KING

July 28, 2022

City of Bloomington Planning Department
301 N. Morton Street
Bloomington, IN 47404

Re: Rezone Request for parcel 53-08-18-300-001.000-009.

Dear Planning Department Staff and Plan Commission Members:

Monroe County is requesting to rezone parcel 53-08-18-300-001.000-009 from ME, Mix-use Employment, to MI, Mixed-use Institutional. This 87.12 acre property is vacant land that is located on Fullerton Pike, bordered by I-69, and is in close proximity to Monroe Hospital. The reason for this request is that an expected use of the property is for the new County Jail facility.

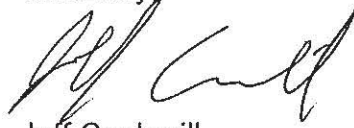
Monroe County Government is required to operate and maintain a Jail, which is not allowed in the ME zone, but is a conditional use in a MI zone. The current jail facility has been operating under a Federal Order regarding its condition since 2009, and in 2019 the County Commissioned a study of the Criminal Justice System, which included the Jail facility. The study showed that the County is not meeting basic constitutional standards, and certainly are not meeting community standards for corrections concerns. In addition, the consultants looked at gaps in our community that lead to incarceration and recommendations to help. The studies can be found here:
<https://www.co.monroe.in.us/departments/board.php?structureid=178>

When relocating the jail, considerations about which related Justice components of the County will need to be relocated need to occur. While no decisions have been made, the potential use would include all of our current justice related functions, including the Courts, Probation, and Community Corrections, Prosecutor, and Public Defender space. In addition, other supportive facilities, such as those described in the reports, may be desired for this area. Other than the Jail use, the remaining uses appear to be consistent with the ME and MI designations.

The reconstruction and connection of Fullerton Pike as an east-west vehicular traffic corridor is scheduled to be completed in 2025. This project provides both roadway and multiuse trail access to the site and will include a connection to the Clear Creek Trail.

The County reviewed many sites utilizing the following criteria, accessible, minimum size of 40 acres, buffers to residential neighborhoods, and prioritized areas within the City Limits to allow the potential for Bloomington Transit service. This was the space that best fit the needs of the County.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Cockerill". The signature is fluid and cursive, with the first name "Jeff" being more prominent and the last name "Cockerill" following in a similar style.

Jeff Cockerill



MEMO FROM COUNCIL OFFICE ON:

Appropriation Ordinance 22-06 – An Ordinance Appropriating the Proceeds of the City of Bloomington, Indiana, General Revenue Annual Appropriation Bonds of 2022, Together With All Investment Earnings Thereon, for the Purpose of Providing Funds to be Applied to the Costs of Certain Capital Improvements for Public Safety Facilities, and Paying Miscellaneous Costs in Connection with the Foregoing and the Issuance of Said Bonds and Sale Thereof, and Approving an Agreement of the Bloomington Redevelopment Commission to Purchase Certain Property

Synopsis

This ordinance makes an additional appropriation to be provided for out of the proceeds of the City of Bloomington, Indiana General Revenue Annual Appropriation Bonds of 2022, authorized by Ordinance 22-30, together with any interest earnings thereon, which will be applied to finance costs of constructing, renovating, replacing, repairing, improving and/or equipping certain facilities for the City's police and fire department, together with the costs of issuance thereof. It also approves of a purchase agreement between the City of Bloomington's Redevelopment Commission, the City of Bloomington, and CFC, LLC for the purchase of a portion of the Showers Building complex for \$8.75 million.

Relevant Materials

- Appropriation Ordinance 22-06
 - Exhibit A - Purchase Agreement between Bloomington Redevelopment Commission, City of Bloomington, and CFC, LLC (with 1st and 2nd amendments)
- Staff Memo from administration (*forthcoming*)
- Materials previously distributed for Ordinance 22-30 also applicable to App Ord 22-06
 - Ordinance 22-30 Exhibit A – Description of projects to be funded
 - Responses to Council Questions (dated 12/2/2022)
 - Presentation slides
 - Draft Feasibility Study (dated 10/26/2022)
 - Draft Showers Cost Estimate
 - Updated cost estimate + summary of options
 - Showers Facility Assessment (09/01/2022)
 - Fire Station 1 Redesign: Due Diligence Report



Summary

Appropriation Ordinance 22-06 appropriates \$29,500,000 (plus any investment earnings) to be provided out of proceeds from bonds recently approved by the Council via Ordinance 22-30. That bond ordinance authorized the issuance of general revenue bonds to finance the costs associated with capital projects aimed at providing improved public safety facilities for the City's police and fire departments. Exhibit A to Ordinance 22-30 (included in this packet) described in general terms the projects for which bond revenues could be spent, including any or all of the following:

- A new downtown fire station facility - acquisition of real property, design, construction and/or equipping thereon;
- Four existing fire station facilities - design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping;
- New consolidated headquarters for the police and fire departments - acquisition of real property (including any portion of the property comprising the existing Showers Building complex not currently owned by the City) and design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property;
- Existing police headquarter facilities - design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping;
- New public safety training center - acquisition of real property and design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property;
- Existing public safety training center - design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping;
- Any (i) property acquisition, (ii) construction, demolition, renovation, improvement and/or excavation work, (iii) utility relocation, (iv) architectural, engineering and/or surveying services, (v) site development work, and (vi) equipment, which are related to the foregoing projects.

The administration has proposed Appropriation Ordinance 22-06 to authorize the expenditure of bond proceeds for the projects listed above. Indiana Code 36-4-7-8 provides that the legislative body may, on the recommendation of the city executive, make further or additional appropriations by ordinance, as long as the result does not increase the city's tax levy that was set as part of the annual budgeting process. The additional appropriation requested by Appropriation Ordinance 22-06 should not result in such an increase to the city's tax levy. Please note that a public notice of the proposed additional appropriation has been published pursuant to Indiana Code 6-1.1-18-5 and that the Council must conduct a public hearing (scheduled for December 21, 2022) on the proposal before adoption.



Approval of Purchase Agreement

In addition to appropriating the bond proceeds, the appropriation ordinance would also approve of a purchase agreement between the Redevelopment Commission (RDC), the City, and CFC, LLC for the purchase of a portion of the Showers Complex building not currently owned by the City. This request for approval is coming forward to the Council because Indiana Code [36-7-14-19](#) requires that the purchase of real estate by the RDC with a payment schedule in excess of three years or in an amount in excess of \$5 million dollars must be approved by the legislative body of the City. Here, the purchase amount is \$8.75 million, with the City expected to pay for the purchase at the time of closing with revenues derived from the bond issuance.

RDC meetings and materials on this topic can be viewed as follows:

July 18, 2022 Redevelopment Commission meeting:

video: <https://catstv.net/m.php?q=11435>; packet:

https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=10590

November 21, 2022 Redevelopment Commission meeting:

video: <https://catstv.net/m.php?q=11914>; packet:

https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=11116

Note that, in Ordinance 22-30, the Council approved of the issuance of bonds with proceeds only to be used for listed capital projects including “the acquisition of real property (including any portion of the property comprising the existing Showers Building complex not currently owned by the City) and the design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property for the purpose of providing a new consolidated headquarters for the police and fire departments to replace their current facilities.”

However, the Council’s approval of the Showers building purchase agreement is a separate requirement that must be met before the RDC and City can purchase the property. A recent example of a similar action that some members might recall is the RDC and City’s purchase of the former hospital site located near 1st Street and 2nd Street. That request came forward to the Council as [Resolution 18-06](#).

With this current request, the administration has bundled into one appropriation ordinance both the appropriation of bond proceeds from Ordinance 22-30 and the approval of a purchase agreement applicable to one of several capital projects listed in Exhibit A to Ordinance 22-30. Should any councilmember wish to consider the approval of the Showers building purchase agreement as a separate question apart from the appropriation, please contact the Council Office.

Contact

Beth Cate, Corporation Counsel, beth.cate@bloomington.in.gov, 812-349-3426

Jeff Underwood, Controller, underwoj@bloomington.in.gov, 812-349-3416

APPROPRIATION ORDINANCE 22-06

AN ORDINANCE APPROPRIATING THE PROCEEDS OF THE CITY OF BLOOMINGTON, INDIANA, GENERAL REVENUE ANNUAL APPROPRIATION BONDS OF 2022, TOGETHER WITH ALL INVESTMENT EARNINGS THEREON, FOR THE PURPOSE OF PROVIDING FUNDS TO BE APPLIED TO THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS FOR PUBLIC SAFETY FACILITIES, AND PAYING MISCELLANEOUS COSTS IN CONNECTION WITH THE FOREGOING AND THE ISSUANCE OF SAID BONDS AND SALE THEREOF, AND APPROVING AN AGREEMENT OF THE BLOOMINGTON REDEVELOPMENT COMMISSION TO PURCHASE CERTAIN PROPERTY

WHEREAS, the Common Council of the City of Bloomington, Indiana (the “Common Council”) has adopted Ordinance 22-30 (the “Bond Ordinance”) authorizing the issuance of the City of Bloomington, Indiana General Revenue Annual Appropriation Bonds of 2022 (the “Bonds”) in an aggregate principal amount not to exceed \$29,500,000, for the purpose of providing funds to (a) pay all or a portion of the costs of the Projects (as defined in the Bond Ordinance), which consist of capital projects to provide improved public safety facilities for the City of Bloomington’s (the “City”) police and fire departments, (b) pay capitalized interest on the Bonds, if necessary, (c) fund a debt service reserve fund or pay the premium for a debt service reserve surety policy, if necessary, and (d) pay the costs incurred in connection with the issuance and sale of the Bonds and all incidental expenses therewith, including the cost of any credit enhancement with respect thereto (if necessary); and

WHEREAS, the Common Council has determined and found that it will be of public utility and benefit and in the best interests of the inhabitants and property in the City to pay the costs of the Projects; and

WHEREAS, the Common Council has found that there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the costs of the Refunding and has authorized the issuance of the Bonds to procure such funds, and that a need exists for the making of the additional appropriation hereinafter set out; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing an additional appropriation of the City have been complied with in accordance with Indiana law; and

WHEREAS, as part of the Projects to be financed with the proceeds of the Bonds, the City, acting by and through the City of Bloomington Redevelopment Commission (the “Commission”), has entered into an agreement, dated July 18, 2022, between the Commission and CFC, LLC (the “Purchase Agreement”) to purchase the portion of the property comprising the existing Showers Building complex not currently owned by the City (the “Showers Building”) at a purchase price that exceeds \$5,000,000, which agreement is contingent upon Council approval by January 31, 2023 of said purchase price and appropriation of financing for the purchase;

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

SECTION 1. Additional Appropriation. There is hereby appropriated the sum of Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000), plus all investment earnings thereon, which appropriation is to be provided for out of the proceeds of the Bonds, including all investment earnings thereon, for the purpose of providing funds to pay the costs of the police and fire department Projects, including related costs and the costs of issuing the Bonds, as provided in the Bond Ordinance. Such appropriation shall be in addition to all appropriations provided for in the existing budget and shall continue in effect until the completion of the described purposes.

SECTION 2. Approval of Purchase Agreement and Property Acquisition. Pursuant to Indiana Code 36-7-14-19, as amended, the Council hereby approves the terms of the Purchase Agreement, attached hereto as Exhibit A, including the Commission's acquisition of the Showers Building at a purchase price which exceeds \$5,000,000.

SECTION 3. Other Actions. Each of the Mayor and the Controller is hereby authorized and directed, for an on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the intent of this Ordinance, including the filing of a report of an additional appropriation with the Indiana Department of Local Government Finance, which determination shall be conclusively evidenced by such officer's having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, this ____ day of _____, 2022.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Indiana, this ____ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED this ____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes an additional appropriation to be provided for out of the proceeds of the City of Bloomington, Indiana General Revenue Annual Appropriation Bonds of 2022, authorized by Ordinance 22-30, together with any interest earnings thereon, which will be applied to finance costs of constructing, renovating, replacing, repairing, improving and/or equipping certain facilities for the City's police and fire department, together with the costs of issuance thereof. It also approves of a purchase agreement between the City of Bloomington's Redevelopment Commission, the City of Bloomington, and CFC, LLC for the purchase of a portion of the Showers Building complex for \$8.75 million.

AGREEMENT FOR PURCHASE OF REAL ESTATE AND ASSETS

THIS AGREEMENT FOR PURCHASE OF REAL ESTATE AND ASSETS, is made by and between The City of Bloomington, Indiana, and its Redevelopment Commission (collectively, "Purchaser"), and CFC, LLC, an Indiana Limited Liability Company ("Seller").

RECITALS

- A. The Seller owns real property and improvements (hereinafter referred to as "Real Estate") as a commercial real estate operation located at 320 West 8th Street, in Monroe County, Indiana, which is more particularly described as follows:

Parcel No.	Legal Description
53-05-33-309-003.000-005	013-69780-03 SHOWERS OFFICE & RESEARCH CENTER; LOT 3

- B. Purchaser recognizes that the Real Estate includes a historic structure, and desires to maintain the character and elements of its uniqueness within the Trades District.
- C. Pursuant to Indiana Code Section 36-1-11-3, the RDC desires to convey the Real Estate to Purchaser and, pursuant to its governing authority, Purchaser desires to accept the Real Estate and any and all improvements located on the Real Estate, subject and according to the terms and conditions of this Agreement.

TERMS AND CONDITIONS

In consideration of the payment of the purchase price set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and the mutual covenants herein contained, Seller and Purchaser agree as follows:

1. **Commission Approval.** This Agreement is contingent upon approval by the Bloomington Redevelopment Commission within thirty (30) days from the Effective Date. In the event that the Redevelopment Commission, in its sole discretion, does not approve the Purchase Agreement within thirty (30) days following acceptance of the Purchase Agreement by SELLER, the Purchase Agreement is rescinded and the sale is terminated. This approval is separate and distinct from the other Conditions in the Purchase Agreement, Due Diligence, Financing and Statutorily Required Process.

2. **Purchase and Sale.** Purchaser hereby agrees to purchase from Seller and Seller hereby agrees to sell to Purchaser the real property located in Monroe County, Indiana legally described as 013-69780-03 SHOWERS OFFICE & RESEARCH CENTER; LOT 3 as shown by the plat thereof recorded in the office of the Recorder of Monroe County, Indiana, and commonly known as 320 W. 8th Street, Bloomington, Monroe County, Indiana, Parcel No. 53-05-33-309-003.000-005 (the "Property"), together with all rights, easements and interests appurtenant thereto, including, but not limited to, any rights, title and interests in and to any streets or other public ways within and adjacent to the Property, along with an assignment of Leases, deposits and rents and vendor and service contracts and personalty associated with the

operation of the Real Estate which personalty shall be itemized and provided to Purchaser within ten (10) days of the Effective Date.

3. **Purchase Price and Manner of Payment.** The purchase price for the Property (the "Purchase Price") shall be Nine Million Two Hundred Fifty Thousand Dollars (\$9,250,000.00). The Purchase Price shall be paid by Purchaser to Seller at the Closing by certified check or cashier's check, or by wire transfer.

4. **Closing.** The purchase and sale of the Property shall be closed within fourteen (14) days after the Purchaser has completed its due diligence, the conditions precedent to closing have been satisfied subject to the terms and conditions set forth in this Agreement, and any necessary bond or financing is approved and closed; all as further set forth in this Agreement. The parties shall agree to a date, time, and location for the closing. The date and event of the consummation of the purchase and sale of the Property as contemplated hereby is referred to herein, respectively, as the "Closing Date" and the "Closing."

5. **Conditions Precedent to Closing.** Purchaser's obligations hereunder shall be subject to the condition that as of the Closing Date there is no breach of any of Seller's representations or warranties hereunder and to the satisfaction of the following additional conditions precedent which shall be determined during the Due Diligence Period which shall be sixty (60) days from the Effective Date, except as expressly otherwise specified herein or agreed by the Parties:

a. **Title Insurance.** Title to the Property shall be good and merchantable and shall be conveyed to Purchaser free and clear of any and all liens, encumbrances, claims and interests of any kind or nature whatsoever except the following:

- (1) current real estate taxes not delinquent;
- (2) matters reflected on the public record, and
- (3) such other leases, liens, rights, and encumbrances as may be approved by Purchaser.

(collectively, "Permitted Exceptions").

As evidence of such title, Seller shall, at Purchaser's sole cost and expense, obtain and deliver to Purchaser, as soon as practicable after the date hereof, but in no event more than **fourteen (14)** days after all parties' execution of this Agreement (such date being referred to herein as the "Effective Date"), a commitment ("Commitment") for an ALTA owner's policy of title insurance issued by Capstone Title Partners, (the "Title Company"), together with legible copies of all instruments identified as exceptions in the Commitment, in which Commitment the Title Insurer shall agree to insure in an amount equal to the Purchase Price that upon delivery of a general warranty deed from Seller to

Purchaser, Purchaser shall have fee simple title to the Property free and clear of all liens, encumbrances, claims, and interests except for Permitted Exceptions. Purchaser shall, within **ten (10)** days after receipt of the Commitment, raise any objections, other than Permitted Exceptions to the Title Commitment. If any exceptions, other than Permitted Exceptions, are not able to be cured by Seller within **thirty (30)** days after receipt of notice thereof from Purchaser, or are not waived by Purchaser, this Agreement shall terminate and neither party shall have any further obligation hereunder. Seller shall cause the final owner's policy of title insurance to be delivered to Purchaser within forty-five (45) days after Closing. Any closing fee charged by Title Company shall be paid by Purchaser.

b. **Survey.** Purchaser may, at Purchaser's sole cost and expense, cause a staked survey of the Property to be prepared (the "Survey"). The Survey must be acceptable to Purchaser in all respects. The Survey shall be ordered by Purchaser immediately following the Effective Date. Any objection to the results of the Survey shall be communicated to Seller not later than **sixty (60)** days following the Effective Date or this condition shall be deemed withdrawn by Purchaser, unless the parties agree to an extension of time. Purchaser acknowledges that deletions of standard exceptions of title may not be available if Purchaser elects not to obtain a proper survey for such purpose.

d. **Environmental Analysis.** Purchaser may, at Purchaser's sole cost and expense, cause an environmental analysis of the Property to be performed that it deems necessary, including Phase II and subsurface examinations (the "Environmental Analysis"). Purchaser shall have the right to enter upon the Property and conduct its Due Diligence upon coordination with Seller. Purchaser shall provide Seller or Seller's designated representative, reasonable notice of its intent to enter upon the Property. Purchaser, at Purchaser's sole expense, shall restore or repair any damage to the Property, including but not limited to soil borings or other holes in the ground, caused by Purchaser's Due Diligence no later than seven (7) days prior to closing or fourteen (14) days following termination of this Agreement. Purchaser, with the consent, consultation and cooperation of Seller, shall have the opportunity to discuss the environmental conditions at the Property with regulatory agencies of the State of Indiana (including, but not limited to the Indiana Department of Environmental Management) with the purpose of reaching an agreement as to a remedial plan that is consistent with Purchaser's intent to develop or renovate the Property. Any objection to the results of the Environmental Analysis shall be communicated to Seller not later than **sixty (60)** days following the Effective Date or this condition shall be deemed withdrawn by Purchaser, unless the parties agree to an extension of time.

e. **Inspections of Property.** Purchaser may, at Purchaser's sole cost and expense, cause inspections of the Property to be performed (the "Inspections"). Purchaser and its employees, agents, contractors and engineers shall, upon reasonable advance notice to and coordination with Seller, have the right to enter the Property for purposes of performing such Inspections. Any objection to the results of the Inspections shall be communicated to Seller not later than **sixty (60)** days following the Effective

Date or this condition shall be deemed withdrawn by Purchaser, unless the parties agree to an extension of time.

f. **Financing.** Purchaser shall have until January 31, 2023 to secure financing in an amount and terms acceptable to Purchaser and, in addition, to obtain approval from the Redevelopment Commission and the Common Council of the City of Bloomington that may be required to obtain such financing. If such a commitment and approvals are not received by Purchaser as provided herein, then either the Seller or Purchaser may terminate this Agreement upon written notice to the other party.

g. **Leases and Contracts.** Closing shall be subject to the Purchaser's review and acceptance of the leases and operational contracts during the Due Diligence period on the Real Estate, which Leases and lease information, including the Parking Lease to benefit tenants and Service/Vendor Contracts, shall be provided to Purchaser within ten (10) days after the Effective Date. Seller has the option to lease back the property from the Purchaser consistent with the provisions in Section 9, below.

6. **Closing Adjustments and Prorations.**

a. **Taxes and Assessments.** All real estate and personal property taxes assessed against the Property for years prior to the year of the Closing and all penalties and interest thereon shall be paid by Seller. All real estate and personal property taxes assessed against the Property for the year of the Closing and due and payable in the year following Closing shall be prorated to the date of Closing. If the amount of such real estate and personal property taxes is not known at the Closing, closing adjustments will be finally made on the basis of the most recent tax rate and assessed valuation for the Property and, if the Property has been taxed as part of a tax parcel including other real estate, a reasonable estimate as to the allocation of taxes between the Property and such other real estate. Purchaser shall have the right, in the name of Seller or Purchaser, to contest or appeal any such tax or assessment. Immediately upon conveyance of the Property, Seller shall pay all property transfer taxes, documentary stamp taxes and gross income or adjusted gross income taxes then due and payable in respect of the transfer hereby contemplated. Any taxes or assessments in respect of the Property not assumed by Purchaser, but which are not due and payable at or prior to the Closing, shall be allowed to Purchaser as a credit against the Purchase Price at the Closing, and Seller shall have no further liability for such taxes or assessments.

b. **Recording Fees.** Seller shall pay all recording costs related to the conveyance of the Property to Purchaser.

c. **Insurance Contracts.** All insurance maintained by Seller in respect of the Property, if any, shall be cancelled as of the Closing Date.

d. **Other Closing Costs.** The parties shall split any other ordinary

and customary closing costs.

7. **Risk of Loss; Condemnation.** All risk of loss or damage to the Property occurring subsequent to the date hereof shall be borne by Seller to and including the Closing Date. If any of the Property shall suffer a loss by fire, flood, tornado, accident or other cause after the date hereof and on or before the Closing Date, or if proceedings to take or condemn the whole or any part of the Property for public or quasi-public use under any statute or by the right of eminent domain are commenced or threatened prior to the Closing Date, then Purchaser may, at its sole option, either consummate or not consummate the transaction contemplated hereby. If Purchaser elects to consummate such transaction, then all insurance proceeds payable in respect of such casualty and/or any and all damages or awards payable in respect of such taking or condemnation shall be paid to Purchaser. If Purchaser elects not to consummate such transaction, this Agreement shall terminate and be of no further force and effect.

8. **Possession of the Property.** Possession of the Property shall be delivered by Seller to Purchaser at the Closing, subject to the rights of tenants. Upon delivery of possession to Purchaser, the Property shall be in the same condition as it is on the date hereof, reasonable wear and tear excepted. Seller agrees to maintain the Property in good condition until possession is delivered to Purchaser.

9. **Occupancy After Closing.** Seller may remain in the portion of the Property it currently occupies (Suite 200 and Units 01, 04 and 05) for up to sixty (60) days following Closing. Seller shall be responsible for payment of a gross lease amount equal to \$10,874.74, pro-rated on the actual number of days Seller is in possession, and insurance on the contents until it vacates the Property. The parties shall enter into a temporary occupancy agreement at closing for all other terms related to the Seller's continued occupancy after closing.

10. **Seller's Obligations at Closing.** At the Closing, Seller agrees to deliver to Purchaser in accordance with the terms of this Agreement the following:

- a. A duly authorized and executed Limited Warranty Deed in recordable form conveying good and marketable title to the Property, subject only to Permitted Exceptions;
- b. A duly authorized and executed Vendor's Affidavit in the form required by the Title Company;
- c. A duly authorized and executed affidavit in a form reasonably satisfactory to Purchaser stating that Seller is not a "Foreign Person" as such term is used in §1445 of the Internal Revenue Code;
- d. A duly authorized and executed sales disclosure statement, as required by I.C. 6-1.1-5.5 et seq., (the "Sales Disclosure Statement");
- e. A duly authorized and executed Assignment of Deposits, Rents and Leases ("Assignment");

- f. A duly authorized Bill of Sale;
- g. A duly authorized assignment of vendor and service contracts (“Service Contracts”);
- h. Such other instruments, documents and considerations which may reasonably be required by Purchaser or Purchaser's counsel to effectuate the Agreement evidenced by this Agreement.

All of the documents and instruments required pursuant to this Paragraph 10 or otherwise in connection with the consummation of this Agreement shall be in a form and manner reasonably satisfactory to Purchaser and Seller.

11. **Purchaser's Obligations at Closing.** At the Closing, Purchaser agrees to deliver to Seller:

- a. The amount of the Purchase Price payable in such form as set forth in Paragraph 3 above, subject to the Closing adjustments and prorations provided for herein;
- b. A duly authorized and executed Sales Disclosure Statement;
- c. Such other instruments, documents and considerations which may reasonably be required by Seller or Seller's counsel to effectuate the Agreement evidenced by this Agreement.

All of the documents and instruments required pursuant to this Paragraph 11 or otherwise in connection with the consummation of this Agreement shall be in a form and manner reasonably satisfactory to Purchaser and Seller.

12. **Seller's Representations and Warranties.** As a material inducement to Purchaser for entering into this Agreement, Seller hereby represents and warrants to Purchaser as follows:

- a. All necessary action has been taken to authorize Seller's execution and performance of this Agreement and the consummation of the transactions herein contemplated;
- b. Seller owns good, marketable and indefeasible fee simple title to the Property free and clear of any and all liens, mortgages, pledges, security interests, conditional sales agreements, charges and other claims, interests or encumbrances except the Permitted Exceptions and those encumbrances that shall be removed at Closing;
- c. There are no known violations of any laws, regulations, codes,

ordinances, orders or requirements affecting the Property, including, but not limited to, applicable laws, regulations, ordinances or requirements relating to the environment, pollution, use, health, and safety;

d. There are no mechanic's or materialmen's liens against the Property, and no unpaid claims for labor performed, materials furnished or services rendered in connection with constructing, improving or repairing the Property in respect of which liens may or could be filed against the Property;

e. There are no claims, actions, suits or investigations pending with respect to or in any manner affecting the Property;

f. All improvements on the Property, including the building and all parking associated with the building, shall be located entirely within the bounds of the Real Estate and there will be no existing violations of zoning ordinances or other restrictions applicable to the Property.

g. Except in the ordinary course of Seller's business operations, Seller shall not sell, assign, transfer, lease, sublease or convey, any right, title or interest whatsoever in or to the Property or any portion thereof without the Purchaser's prior written consent, nor shall Seller amend, modify, terminate or alter any existing document or agreement related to the Property without Purchaser's written consent.

h. Seller knows of no facts, nor has Seller misrepresented or failed to disclose any facts which materially adversely affect the value of the Property. Each of the foregoing representations and warranties shall be and remain true at and as of the Closing Date.

13. **Purchaser's Representations and Warranties.** As a material inducement to Seller for entering into this Agreement, Purchaser hereby represents and warrants that all necessary action has been taken to authorize Purchaser's execution and performance of this Agreement and the consummation of the transactions herein contemplated.

The foregoing representations and warranties of Seller and Purchaser shall survive the Closing for a period of six (6) months from the date of Closing.

14. **Default.** In the event the purchase and sale contemplated by this Agreement is not consummated due to the breach hereof or default hereunder by Seller or Purchaser, or if any representation or warranty made herein is untrue or breached as of the Closing Date, then the non-breaching party may avail itself of any and all remedies at law or in equity, including, but not limited to, a suit for specific performance of this Agreement or for damages for the breach of this Agreement or any of the representations or warranties set forth herein, and shall further be entitled to recover attorneys' fees incurred in connection with any such action.

In the event the purchase and sale contemplated by this Agreement is not consummated

due to the failure, without fault on the part of either party, to satisfy any of the conditions set forth in Paragraph 5 hereof within the respective time periods provided for therein, Purchaser may, at its sole option (a) terminate this Agreement, or (b) elect to waive any of such conditions and proceed with the Closing in accordance herewith.

15. **Notices.** All notices, requests, demands, consents and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been duly and properly given on the date of service if delivered personally or on the date of mailing if deposited in a receptacle of the United States mail, first class postage prepaid, addressed appropriately as follows:

If to Seller: CFC, LLC
Attn.: James E. Murphy, President
P.O. Box 729Bloomington, IN 47402

Copy to: Angela Parker
Carmin Parker P.C.
116 W. 6th Street, Suite 200
Bloomington, IN 47404

If to Purchaser: Bloomington Redevelopment Commission
Attn.: Larry Allen
City of Bloomington Legal Department
P.O. Box 100
Bloomington, IN 47402

Either party may change its address for purposes of this Paragraph by giving the other party written notice of the new address in the manner set forth above.

16. **Confidentiality.** During the Due Diligence Period of this Agreement as set out in Paragraph 5 it will likely be necessary for Sellers to furnish certain information or documentation about the Property upon reasonable request of the Purchaser. Purchaser and Seller recognize that Purchaser, as a public entity, is limited in its ability to keep documents confidential by state law. State law also prohibits the Purchaser from disclosing—among other things—trade secrets and confidential financial information. This prohibition applies regardless of whether the Purchaser ultimately closes on the purchase of the Property. In the event that the Purchaser receives a public records request, the Purchaser will work with Seller to identify all information (including trade secrets and confidential financial information) that the Purchaser is prohibited from disclosing. This section shall not prevent the Purchaser from providing information provided by Seller to staff and other professionals advising the Purchaser.

17. **Assignment.** Neither party may assign its interest in this Agreement without the prior written consent of the other party.

18. **Survival.** All representations and warranties of the parties made herein shall be and remain true at the time of the Closing and shall survive the Closing for a period of six (6)

months and the conveyance of the Property to Purchaser, and shall not be deemed to be merged into the deed to be delivered by Seller to Purchaser hereunder.

19. **Binding on Successors.** This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, representative, successors and permitted assigns.

20. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

21. **Modification.** This agreement may not be changed or modified except by an agreement in writing signed by the party sought to be charged with such modification.

22. **Waiver.** No failure on the part of either party to exercise any power or right given hereunder or to insist upon strict compliance with any obligations specified herein, and no custom or practice at variance with the terms hereof, shall constitute a waiver of either party's right to demand exact compliance with the terms hereof; provided, however, that either party may, at its sole option, waive in writing any requirement, covenant or condition herein established for the benefit of such party without affecting any of the other terms or provisions of this Agreement. No delay on the part of either party in the exercise of any power or right hereunder shall operate as a waiver thereof nor shall any single or partial exercise of any power or right preclude other or further exercise thereof or the exercise of any power or right. All rights and remedies existing under this Agreement shall be cumulative and shall be in addition to those otherwise provided by law.

23. **Entire Agreement.** This Agreement constitutes the entire agreement among the parties hereto and supersedes all prior discussions, letters of intent, agreements, writings and representations between Seller and Purchaser with respect to the Property and the transaction contemplated herein.

24. **Governing Law.** This Agreement shall be governed by the laws of the State of Indiana.

[Signature Page Follows]

IN WITNESS WHEREOF, Purchaser and Seller have executed this Agreement as of the date first hereinabove written.

"SELLER"

CFC, LLC

By: James E. Murphy
James E. Murphy, President

Date: July 13, 2022

"PURCHASER"

REDEVELOPMENT COMMISSION OF
BLOOMINGTON, INDIANA

By: Cindy Kinroney
Cindy Kinroney, President

Date: 7-18-22

THE CITY OF BLOOMINGTON

By: John Hamilton
John Hamilton, Mayor

Date: July 12, 2022

AMENDMENT TO AGREEMENT FOR PURCHASE OF REAL ESTATE AND ASSETS

This Amendment is attached to and made a part of the Agreement for Purchase of Real Estate and Assets between the Bloomington Redevelopment Commission ("RDC") and CFC, LLC ("Purchaser"), for real property and improvements located at 320 West 8th Street, in Bloomington, Indiana ("Real Estate"), effective July 18, 2022, ("Agreement").

1. The Due Diligence Period under Section 5 Conditions Precedent to Closing shall be extended until November 15, 2022 for the following purposes:
 - a. Completion of the Environmental Analysis as defined in Section 5d;
 - b. Completion of analysis and report to determine if the Real Estate is suitable for use as a Commission on Accreditation for Law Enforcement Agencies, Inc. ("CALEA") certified police headquarters.
2. The Occupancy After Closing as provided in Paragraph 9 of the Agreement shall be modified to allow Seller to continue to occupy its current Suites for up to ninety (90) days following the Closing or until April 30, 2023, whichever is later.
3. In all other respects, the Agreement shall remain in effect as originally written.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed the day and year last written below:

"SELLER"

"PURCHASER"

CFC, LLC

**REDEVELOPMENT COMMISSION OF
BLOOMINGTON, INDIANA**

By: James E. Murphy
James E. Murphy, President

By: Cindy Kinnarney
Cindy Kinnarney, President

Date: 9/16/22

Date: 9-16-22

APPROVED AS TO FORM:

THE CITY OF BLOOMINGTON

By: Beth Cate
Beth Cate, Corporation Counsel

Date: 9/16/22

**SECOND AMENDMENT TO AGREEMENT
FOR PURCHASE OF REAL ESTATE AND ASSETS**

This Second Amendment is attached to and made a part of the Agreement for Purchase of Real Estate and Assets and (First) Amendment to Agreement for Purchase of Real Estate and Assets, dated September 16, 2022 (collectively "the Agreement"), between the Bloomington Redevelopment Commission ("RDC") ("Purchaser") and CFC, LLC ("Seller") (collectively, the "Parties"), for real property and improvements located at the common address of 320 West 8th Street, in Bloomington, Indiana ("Real Estate"), effective as of the date of last signature ("Second Amendment").

1. Paragraph 3 of the Agreement shall be amended such that the Purchase Price shall be Eight Million Seven Hundred and Fifty Thousand Dollars and no cents (\$8,750,000.00).
2. The Occupancy After Closing, as stated in Paragraph 9 of the Agreement shall be amended to allow Seller to continue to occupy its current Suites until June 30, 2023 with no requirement for payment of rent, common area maintenance, or other expenses of occupancy, except for Seller's own internal operating costs.
3. The Parties acknowledge that all Due Diligence under the Agreement has been completed or waived, excepting the Conditions Precedent to Closing as provided in paragraph 5(a) and 5(f).
4. In all other respects, the Agreement shall remain in effect as originally written.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed the day
and year last written below:


"SELLER"

"PURCHASER"

CFC, LLC

**REDEVELOPMENT COMMISSION OF
BLOOMINGTON, INDIANA**

By: ^{Designated by:} James E. Murphy
James E. Murphy, President

By: 
Cindy Kinnafeey, President

Date: 11/16/2022

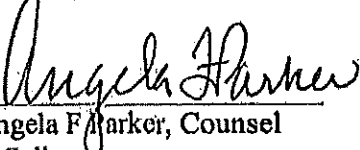
Date: 11/21/2022

APPROVED AS TO FORM:

APPROVED AS TO FORM:

CarminParker, PC

THE CITY OF BLOOMINGTON

By: 
Angela F. Parker, Counsel
to Seller

By: 
Beth Cate, Corporation Counsel

Date: 11/16/2022

Date: 11/16/2022

439480 / 17582-164

EXHIBIT A (To Ordinance 22-30)

DESCRIPTION OF THE PROJECTS

The proceeds of the Bonds will be used to pay all or any portion of the costs of the following capital projects to provide improved public safety facilities for the City's police and fire departments:

(a) the acquisition of real property and the design, construction and/or equipping thereon of a new downtown fire station facility;

(b) the design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping of all or a portion of the City's four existing fire station facilities;

(c) the acquisition of real property (including any portion of the property comprising the existing Showers Building complex not currently owned by the City) and the design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property for the purpose of providing a new consolidated headquarters for the police and fire departments to replace their current facilities;

(d) the design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping of the City's existing police headquarter facilities;

(e) the acquisition of real property and the design, construction, reconstruction, renovation, reconfiguration, repair, improvement and/or equipping of facilities on such real property for the purpose of providing a new public safety training center;

(f) the design, reconstruction, renovation, reconfiguration, replacement, repair, improvement, upgrading and/or equipping of the City's existing public safety training center; and

(g) any (i) property acquisition, (ii) construction, demolition, renovation, improvement and/or excavation work, (iii) utility relocation, (iv) architectural, engineering and/or surveying services, (v) site development work, and (vi) equipment, which are related to the foregoing projects.

Responses to Council Questions re: Ord 22-30, 12/2/22

Assuming passage of Ord 22-30 (and, if needed, an appropriation ordinance to appropriate the proceeds), will any of the capital projects listed in Exhibit A require further Council review/approval at any stage? If so, please describe.

- Council's role involves voting to approve the bonds, to appropriate bond proceeds, and to approve a purchase price for CFC Showers that exceeds \$5M. Council's earlier vote to approve ED-LIT reflected its approval of using ED-LIT funds for debt service on bonds to upgrade public safety facilities, and Council will of course also review and vote on annual budgets that reflect such use of ED-LIT funds.
- In terms of the actual design, renovation, and construction work, as with other capital projects, Council does not have a formal role, unless there is a required zoning change.
- The administration always welcomes input, and Council priorities would be sought for anything affecting the Council's own space and facilities.

If the Council wished to fund some but not all of the projects listed in Exhibit A, how would the administration respond to an amendment to reduce the total bond amount and/or to revise the list of projects?

The administration does not support amendments generally to this ordinance. If there are specific amendments or issues being considered, we would encourage a discussion of those ahead of time.

Could the administration provide a comprehensive list of all city-owned properties and indicate which might be suitable for vetting for a new police/fire public safety campus?

The combined public safety complex/campus option was dismissed as a viable option due to parcel size and location limitations for Fire Station #1. (See next question for more details.)

Can the administration provide any additional information related to other locations analyzed for police or fire headquarters, including rehabs of current headquarters, including reasons why the administration felt like other locations were not suitable for the city's needs?

- Initial research looked at three potential scenarios for Police HQ, Fire HQ, and Fire Station #1:
 - Combined public safety complex/campus for all three items: Dismissed as a viable option due to parcel size and location limitations for Fire Station #1.

- Three separate facilities: Dismissed due to property costs, timeline to complete, and construction costs.
- Two facilities—a separate Fire Station #1 from Police and Fire HQ: Chosen scenario based on feasibility of options, cost savings by combining the two HQs, and the opportunity to increase interdepartmental functions.
- List of sites considered for Fire Station 1:
 - 42 total properties were reviewed, with most options dismissed due to size, location, zoning, lack of infrastructure, and/or accessibility problems.
 - Initially, the current site was not seen as feasible due to the flooding issues that prevented apparatus response from the station. However, CBU later provided modeling reports—which are still in draft form—indicating that the potential for future flooding was reduced to an acceptable risk.
 - This is the recommendation due to overall cost, potential timeline that would not jeopardize our ISO rating and the feasibility of the project.
 - Completed a due diligence study in October 2022 that redesigned the building to eliminate flooding risk from poorly designed plumbing and drainage systems, removed the basement, and brought the facility up to current standards.
 - Other sites considered as realistic options
 - 220 E. 3rd St
 - 229 W. 1st St
 - 503 N. Rogers St
 - 327 W. 1st St
 - 421 W. 1st St
 - 519 W. 11th St
 - Multiple properties coupled together to become feasible
 - 529 S. College Ave
 - 532 S. Walnut St
 - 542 S. Walnut St
 - Multiple properties along Convention Center Expansion Site
- Station 3 and the station 3 site option
 - Evaluated current site, which is appropriate but needs significant repairs/remodeling to address issues identified in the 2019 Fire Station Assessment Study
 - Discussions with IU about the need to replace Station 3 led to a feasibility/due diligence study of land owned by IU. The specific address was requested by IU to not be released publicly; however, the due diligence study completed in 2021 indicated the proposed site was appropriate and a new station would cost between \$10.5 - \$12.6 million (no

inflation costs were included in the estimate). This equates to \$530-\$580 per square foot.

Can the administration provide the facility studies completed for the potential projects, including those that came from the first two architects/public safety experts that JS Held/Deb Kunce drew from?

See attachments

Pros of the Showers purchase specifically:

- BFD has the eventual goal of physically locating all administrative staff in one place. From this perspective, the Showers building offers enough space for now—plus opportunities for future growth—while providing efficiencies for people who engage in our services or between other departments.
- BFD staff can stop by more departments during one trip to City Hall. Fire administration staff routinely travel several times a day to City Hall for mail, meetings, and to engage with other City Hall staff members.
- It will be advantageous for BFD Mobile Integrated Healthcare personnel to be near or co-mingled with the BPD Social Workers and Community Service Specialists plus CFRD staff.
- BPD would benefit from about 50% more square footage with the project.
- BPD would benefit from much higher quality space—including windows—compared with current basement and decades-old office space.
- BPD would benefit from additional coordination with BFD administration and city government as a whole.
- BPD would have access to more on-site parking and covered parking in the Trades District Garage.
- Constituents at City Hall could more easily access public safety services at same time (e.g. building permit review and BFD review).

What are comparables that helped us get the \$3mm estimate on selling the Police station?

- Current police station is 1.08 acres, and comparables indicate that the \$3mm figure is extremely conservative.
- The Turquaz property (NE Corner of 3rd & Lincoln) sold on 11-29-22 for \$2,750,000. It's 15,000 SF on 0.2 acres. This is a great comp in regards to location; however, it is an income-producing property so value is derived from profit and loss statements. It is also a much smaller property.
- The former Zinman property plus 3 adjacent properties (NE corner of 3rd & Grant) sold on 8-30-16 for a total of \$1,425,000. It's now 4 vacant parcels totaling 0.38 acres. This property sold for \$82 a sq.ft. Using these numbers,

the minimum market value of the police station would be \$4,040,900. Property was purchased for development. Current building values are not reflected in market value.

- The former Bunger & Robetson property (S College between W 4th & W 3rd) sold on 7-15-19 for \$4,995,000. It's 39,045 SF on 1.6 acres. This property sold for \$71 a sq.ft. Using these numbers, the minimum market value of the police station would be \$3,372,490. Property was purchased for development. Current building values are not reflected in market value.

Options for other access points to CFC Showers (going west)



(also included in updated slide deck)

More info about timeline in general:

If we do not break ground on Station 1 by the second quarter of 2023 we risk losing our ISO 1 rating since the temporary fire station does not meet the requirements to count as a legitimate fire station.

Why did we offer more for Showers than appraisal?

The appraisals were based on the income that the property was producing. This would be critical if we were purchasing the property as an investor, however we are converting its use into owner occupied. Replacement value is a better indicator for our needs. We

consulted with local commercial real estate brokers David Hardstead and Chris Cockerham and arrived at a conservative price per square foot value between \$200 to \$225. When multiplying \$200/sq.ft. by the total finished square footage of 64,000, we can conclude that anything under \$12,800,000 is reasonable for an owner-occupied purchase.

What is “Plan B”?

If the Council were to reject the plans for the Showers building purchase for a new public safety headquarters, we would focus on the achievable, key needs within our budget resources. (\$26 million net bond proceeds and \$3-5 million CRED). Our most critical needs are the renovations and/or replacements of Fire station #1 and Fire station #3, as the creation of a training/logistics center due to the lease not being renewed on the current facility, and a location for fire administration. With those needs met, we would not have sufficient funds to do a new or major expansion of a police headquarters, so we would plan a renovation at the current police station—to improve its condition—with no increase of square footage and still using the basement. We would likely invest on the order of \$3 million (\$150 per square foot) on those improvements. Fire administration would need to be housed, likely in the new training/logistics center which would increase the project price perhaps \$1 million. These investments of approximately \$14-15 million would allow meeting of critical current needs, but would not create the integration of public safety services, the substantial expansions and improvements for police headquarters and operations, or position us well for future growth.

PROPOSED PROJECTS

- **CFC Showers Building –Purchase** **\$8.75M**
- **CFC Showers Renovation** **\$14.75M**
- **Fire Station #1 – Rebuild** **\$5.5M**
- **Fire Station #3 – Remodel** **\$2.5M**
- **New BFD Training / Logistics Center and Storage Facility** **\$2.5M**

INITIAL RESEARCH – 3 POTENTIAL SCENARIOS

- Combined public safety complex with Police HQ, Fire HQ, and Fire Station #1
 - Due to location limitations for the fire station #1 and parcel size this was dismissed as a viable option
- Three separate facilities
 - This option was dismissed due to property cost, timeline to complete, and construction costs
- Separate Fire Station #1 from Police and Fire HQ
 - This was the chosen scenario based on feasibility of options, cost savings by combining the two HQs, and to increase interdepartmental functions.

PUBLIC SAFETY HQ CONSIDERED

- Initially reviewed larger sites owned by the City
- Considered properties on the market near the center city
- Approached property owners of ideal sites “not on the market” without success

	Approx. Site Size	Fire Station #1 (0.4 acres)	Public Safety HQ (BFD + BPD)	Both	Notes
Trades District	1.3 acres or 2.0 acres	Yes	Yes	Yes	Close proximity to future housing planned within Trades District, loss of opportunity for new businesses, and overall costs of new construction
Legacy Hospital – Block 8	2.0 acres	Yes	Yes	Yes	Close proximity to housing, loss of 50 housing units, and overall costs of new construction
542 S. Walnut (former carwash)	0.5 acres	Yes	Yes	Yes	Site is too small, site drainage issues, and overall costs of new construction
Existing BPD	0.9 acres (plus 0.3 acres of adjacent city parking)	Yes	Yes	No	New addition is possible but does not allow for future expansion without land acquisition and future new construction. Total new build causes temp. locations for BPD for 24 months and higher costs.
CFC Showers Bldg	0.9 acres (plus Trades Garage parking)	No	Yes	No	Recommended to best value and future expansion

OPTION: EXPANSION TO EXISTING BPD



FIRE STATION #1 CONSIDERATIONS

- Current recommendation due to overall cost, potential timeline that would not jeopardize our ISO rating and the feasibility of the project.
- 42 total properties were reviewed, most were dismissed due to size, location, zoning, lack of infrastructure, or accessibility problems. Other sites considered as realistic options
 - 220 E. 3rd St
 - 229 W. 1st St
 - 503 N. Rogers St
 - 327 W. 1st St
 - 421 W. 1st St
 - 519 W. 11th St
 - Multiple properties coupled together to become feasible
 - 529 S. College Ave
 - 532 S. Walnut St
 - 542 S. Walnut St
 - Multiple properties along Convention Center Expansion Site
- Final recommendation is to reconstruct at the current site as recommended in the Feasibility Study (provided separately)

FIRE STATIONS

- **Fire Station #1 – Rebuild
at 300 E. 4th St**
- **Fire Station #3 – Remodel
810 N. Woodlawn Ave**
- **New BFD
Training/Logistics Center
and Storage Facility at
3230 South Walnut**



Fire Station #1

BPD and BFD FACILITY STUDIES

- CFC Showers Building Space Analysis and Architectural Assessment: Spring Point Architects in association with KBA Architects (police/security expert)
- CFC Showers Building Life Safety, Mechanical, and Electrical : Tabor Bruce Architects
- Fire Department Due Diligence and Redesign: Martin Riley Architects & Engineers
- JS Held took this information, validated space assumptions with the Police team, incorporated preliminary study information, and applied current cost models

What has changed since these studies

- Space validation with BPD leadership
- Square Footage reduction
- Dispatch to remain at current location
- Training/workout space to remain at current BPD Training facility
- Reusing more existing walls and layouts
- Consulted ITS to verify approximate IT needs
- Some equipment can be relocated
- Reduced ballistic glass
- Eliminated separate mechanical or electrical system
- Determined generator must serve the entire CFC showers building

PUBLIC SAFETY BUILDING OPTIONS CONSIDERED

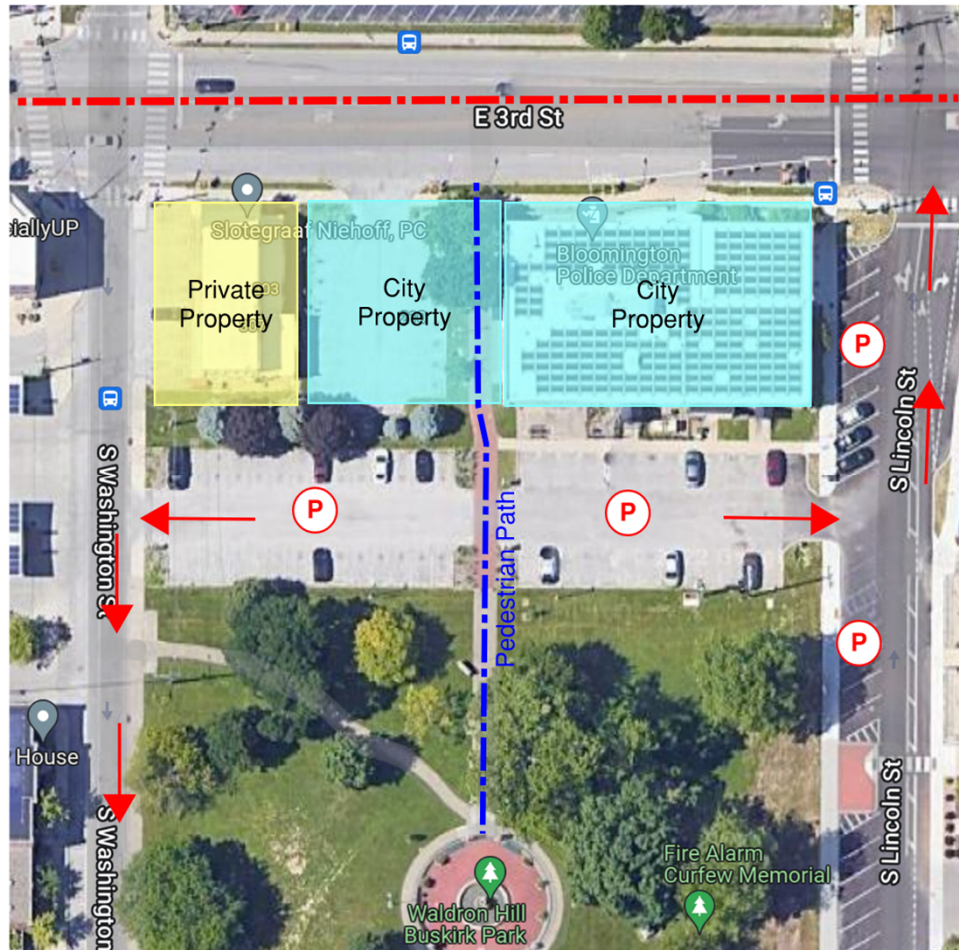
- **Purchase and Renovation of CFC Showers Building**
- **Expansion to existing BPD**
- **New construction of entire facility (without regard to location)**

All options to maintain CALEA certification.

CFC SHOWERS RENOVATION – SPACE PROGRAM

	<u>Square Footage</u>	<u>Staffing Accommodated</u>
• Fire Administration	33,725 SF	30 ppl (20 current + 10 growth)
• Police		109 ppl (includes all budgeted positions)
• Other Hallways/Circulation	12,000 SF	
• Other Build-Out Opportunities	<u>18,275 SF</u>	
• CFC Showers Building Total	64,000 SF	

VEHICLE ACCESS - BPD Existing Site



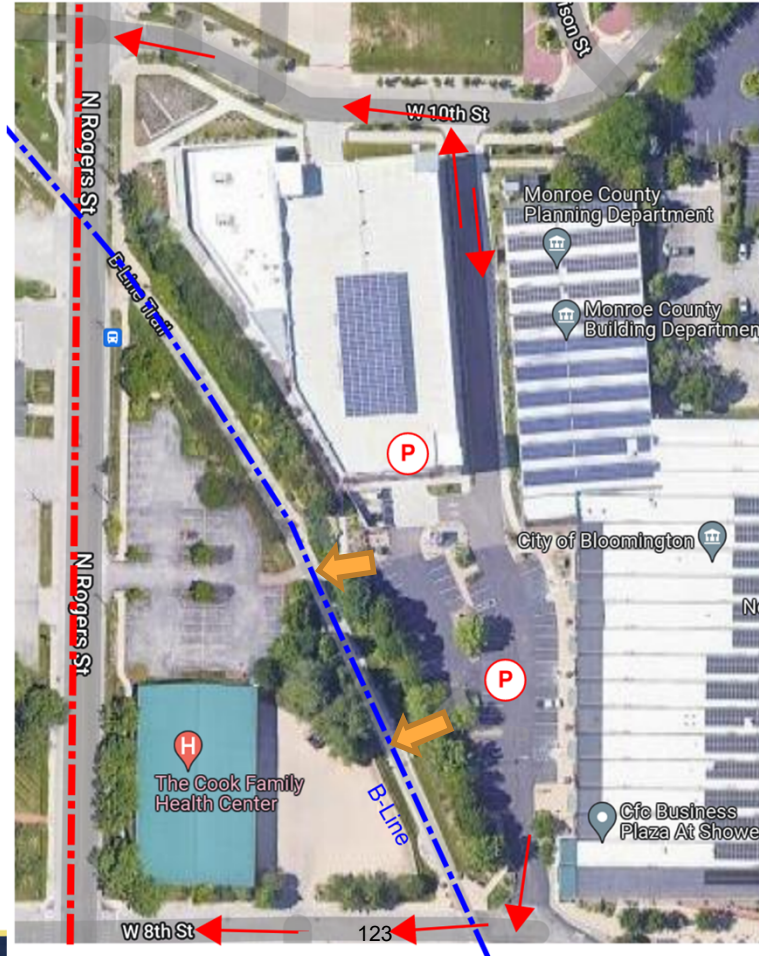
**BPD Surface Parking –
50 spaces**

**BPD Street Parking –
10 spaces**

Total – 60 spaces

VEHICLE ACCESS - Public Safety Building @ Showers Site

Designates Emergency route if north and south routes blocked



Proposed Parking

Guest Parking dedicated – 10 spaces

Showers Surface parking– 35 spaces

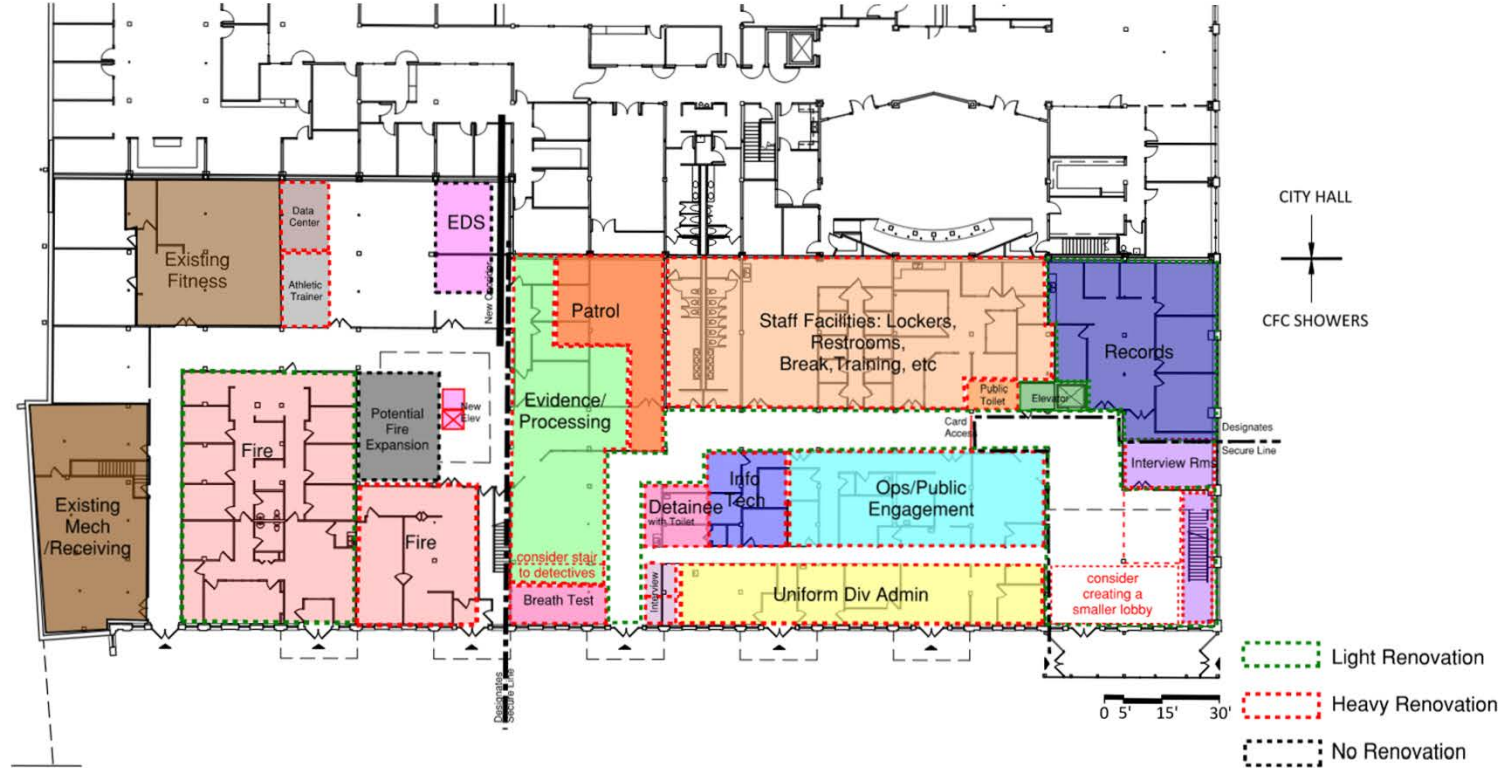
Garage Lower-level– 55 spaces

Main-level parking east side– 40 spaces

Remaining garage – 255 spaces

NOTE: Critical Incident Response Vehicle will remain at Training Facility

CFC SHOWERS BUILDING RENOVATION – 1ST FLR



CFC SHOWERS BUILDING RENOVATION – 2ND FLR



COST COMPARISON

	<u>BFD + BPD Renovate at Showers</u>	<u>BFD + BPD Expand at BPD</u>	<u>BFD + BPD New Building</u>
Total Construction Costs	\$14,750,000	\$25,272,750	\$28,519,300
Add Land/Building Purchase	<u>\$ 8,750,000</u>	<u>\$ 0</u>	<u>\$ 3,000,000</u>
Grand Total	\$23,500,000	\$25,272,750	\$31,519,300
Total Assigned SF	33,725 SF	35,000 SF	35,000 SF
Constr Costs / Assigned SF	\$437/SF	\$722/SF	\$814/SF
Total Cost / Assigned SF	\$697/SF	\$722/SF	\$900/SF
Total Building SF	64,000 SF	35,000 SF	35,000 SF
Total Cost / Total Building SF	\$367/SF	\$722/SF	\$900/SF

DRAFT

FEASIBILITY STUDY

FOR

NEW BLOOMINGTON P.D.
HEADQUARTERS
IN CFC SHOWERS

320 West 8th Street
Bloomington, Indiana

October 26, 2022


springpoint
ARCHITECTSPC



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BLOOMINGTON P.D. HEADQUARTERS IN CFC SHOWERS

INTRODUCTION

BACKGROUND

The Showers building in downtown Bloomington was originally constructed as the Showers Brothers Furniture Factory in 1910. In the mid-1990's the building was renovated and divided into three sections: Bloomington's City Hall (east side of building), Monroe County offices (north end of building) , and leasable office space owned by the developer "CFC" (west side of building).

The existing Bloomington Police Department headquarters are housed in a 20,000 square foot building on two levels constructed in the 1960s. The building has been renovated over time to respond to department and societal changes. The department has outgrown the current building and the basement experienced severe flooding in June of 2021 which disrupted several police department operations, including offices and locker rooms.

The City of Bloomington has an accepted offer to purchase the CFC portion of the Showers building (approximately 64,000 square feet on two levels) and enlisted Springpoint Architects to investigate the relocation of the Bloomington Police Department in a portion of that space.

CONSULTANT TEAM

Springpoint Architects teamed with public safety architectural firm Kaestle Boos of Massachusetts to assist with the BPD study. Kaestle Boos was chosen not only for their extensive work with public safety buildings but also their experience with adaptive reuse of historic buildings into police stations.

Springpoint also enlisted the assistance of Fink, Roberts and Petrie, structural engineers, of Indianapolis to review the existing structural components of the building related to Building Risk Category 4 in the adopted 2014 Indiana Building Code.

In addition, Bloomington PD sought the assistance of the United States Department of Homeland Security, Cybersecurity and Infrastructure Security Agency to have a Protective Security Advisor review the CFC Showers building and site with respect to it becoming a police headquarters.

SUMMARY

The City of Bloomington has a unique opportunity to unite additional departments in one centralized location. While constructing a new police department is ideal from a site and current police operations approach, it is a costly building type. The renovation of a portion of the CFC Showers into the Bloomington Police Department headquarters would allow the department to move out of their current, problematic headquarters building.

REVIEW OF EXISTING
BLOOMINGTON P.D.
HEADQUARTERS
BUILDING

BLOOMINGTON P.D. HEADQUARTERS
IN CFC SHOWERS

REVIEW OF EXISTING HEADQUARTERS BUILDING

The existing Bloomington Police Department headquarters building at 220 East 3rd Street was constructed in the 1960s. Upon completion, the City administration at that time decided to use the building as City Hall in lieu of police headquarters. In the mid-1990's when City Hall moved to the renovated Showers Building, the building on East 3rd was renovated to house the Bloomington Police Department.

LOCATION

The location on East 3rd is centrally located in the City and allows quick access to all directions.



BLOOMINGTON P.D. HEADQUARTERS
IN CFC SHOWERS

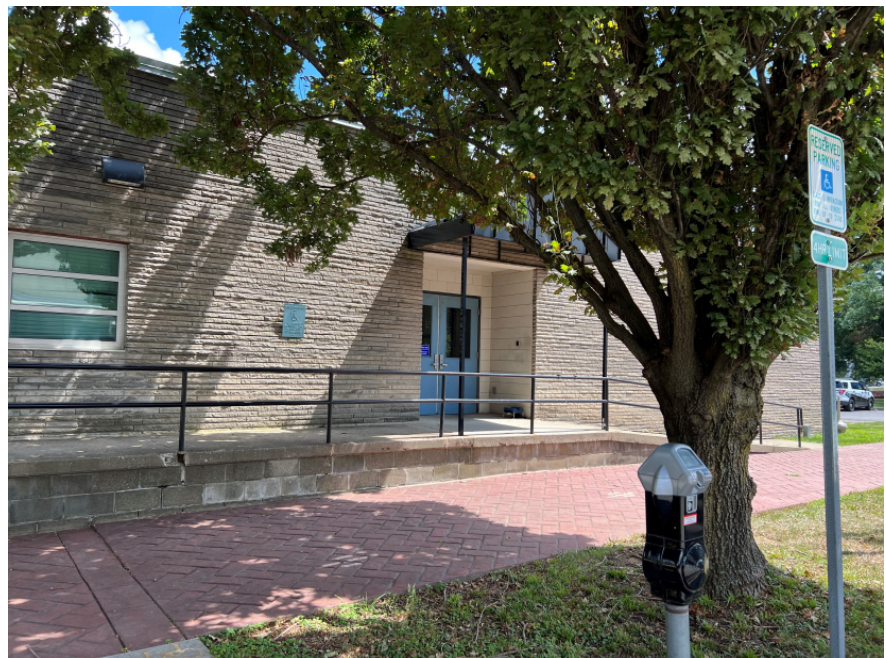
REVIEW OF EXISTING HEADQUARTERS BUILDING

BUILDING ENTRANCES

The building has a prominent public face and entrance along East 3rd. Officer/staff entrances are located on the west and south sides of the building.



FRONT ENTRY (PUBLIC) RAMP



WEST (STAFF) ENTRANCE

BLOOMINGTON P.D. HEADQUARTERS
IN CFC SHOWERS

REVIEW OF EXISTING HEADQUARTERS BUILDING

SITE

The site contains approximately fifty-five (55) officer and fleet parking spaces along with sixteen (16) public parking spaces. There are approximately six (6) additional street spots allocated to the police department. The two entrances to the officer and fleet parking lot have been problematic with the public using the drive lane as a cut through street.



STAFF/FLEET PARKING LOT



PARKING AND REAR (STAFF) ENTRIES

BLOOMINGTON P.D. HEADQUARTERS IN CFC SHOWERS

REVIEW OF EXISTING HEADQUARTERS BUILDING

INTERIOR LAYOUT & AESTHETICS

The interior layout of the main floor has been modified over time. The patrol area is awkwardly arranged. There is a lack of general and detective office space in the building. The records area is undersized. The basement flooded in June 2021 and was only recently reconstructed as useful program space. Water problems in the basement have been ongoing.



PUBLIC WAITING AREA



24/7 PUBLIC SERVICE WINDOW

BLOOMINGTON P.D. HEADQUARTERS
IN CFC SHOWERS

REVIEW OF EXISTING HEADQUARTERS BUILDING

INTERIOR LAYOUT & AESTHETICS

The ceilings are low, the existing fluorescent lighting is dim and there are very few windows (less than 5 in the building). Most of the interior partition walls are painted masonry block.



WORKROOM



LOCKER ROOM (POST FLOOD)

BLOOMINGTON P.D. HEADQUARTERS
IN CFC SHOWERS

REVIEW OF EXISTING HEADQUARTERS BUILDING



TRAINING ROOM



INTERNAL CIRCULATION

REVIEW OF
CFC SHOWERS
BUILDING

BLOOMINGTON P.D. HEADQUARTERS
IN CFC SHOWERS

REVIEW OF EXISTING CFC SHOWERS BUILDING

The Showers Building is located NW of the Bloomington Courthouse Square in downtown Bloomington. The building was renovated in the mid-1990's and was divided into three properties at that time, consisting of Bloomington City Hall, Monroe County Building and CFC Showers.

CFC Showers Building



BLOOMINGTON P.D. HEADQUARTERS IN CFC SHOWERS

REVIEW OF EXISTING CFC SHOWERS BUILDING

BUILDING HISTORY AND STRUCTURE

The building was originally constructed in 1910 as a furniture factory and features a brick façade with a sawtooth roof structure which provides natural light to the interior of the building. The heavy timber floor and roof frame were reinforced with steel framing in the mid-1990's renovation project.

Southwest Entrance Atrium



BLOOMINGTON P.D. HEADQUARTERS IN CFC SHOWERS

REVIEW OF EXISTING CFC SHOWERS BUILDING

CURRENT USE

The CFC Showers Building has been used as leasable office suites. There are seven (7) entrances to the building. Some of the entrances lead directly into office suites and some are access points to the shared hall and atrium spaces or stairs.

Exterior walls within the office suites have been furred out with additional framing and insulated. Interior partitions are primarily framed with drywall. Ceilings at the lower level are suspended acoustical tile. Ceilings at the upper level are open to the sawtooth structure with roof monitor windows.

There are many glazed openings between the suites and circulation areas which contribute to the lively atmosphere and abundant daylight in the building.

Building Entrances



Interior Circulation with Roof Monitors

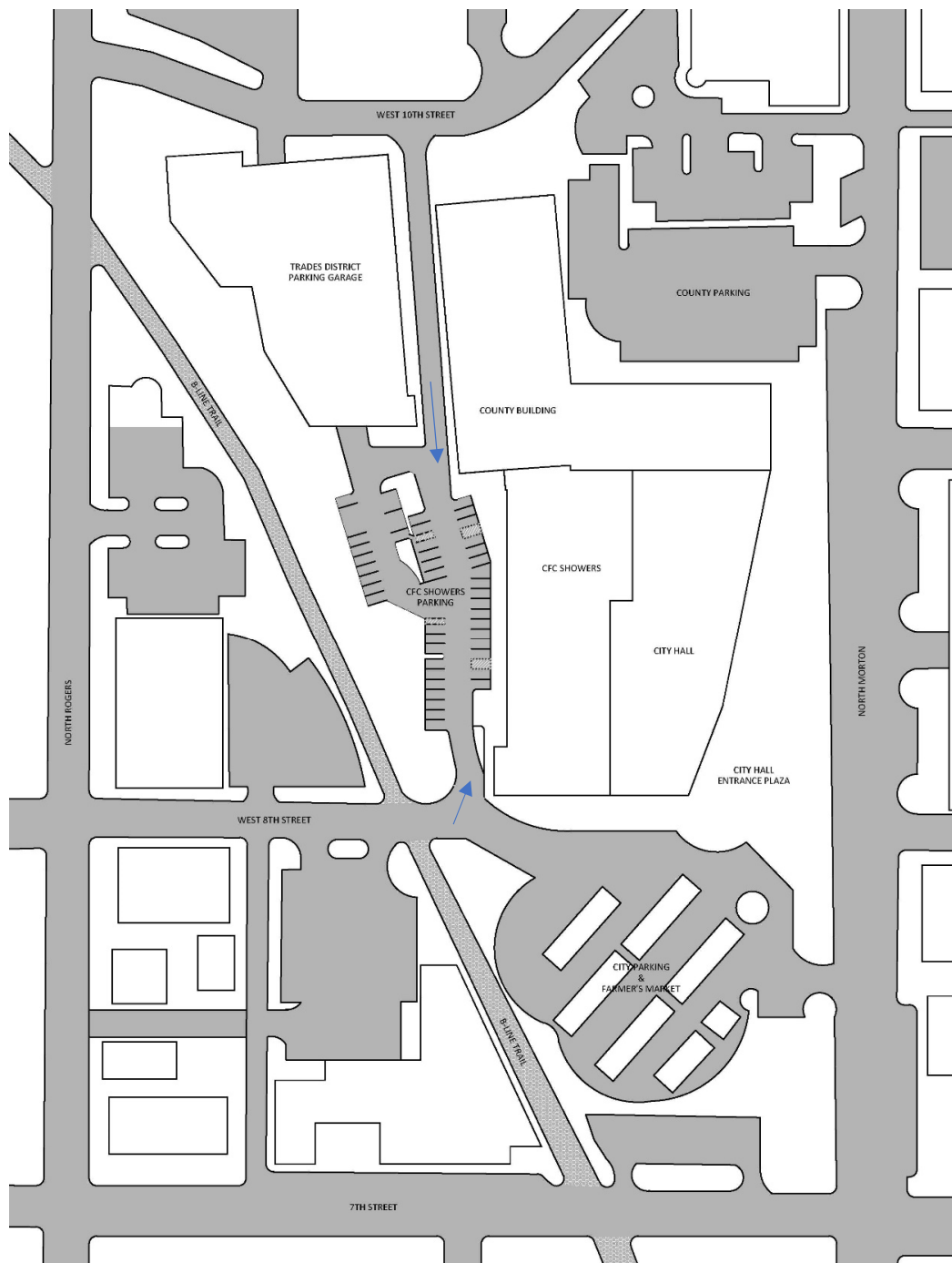


BLOOMINGTON P.D. HEADQUARTERS IN CFC SHOWERS

REVIEW OF EXISTING CFC SHOWERS BUILDING

ACCESS to SITE

The CFC Showers property is accessed from West 8th Street or West 10th Street on the east side of Rogers Street. The B-Line Trail runs diagonally between the access points, crossing West 8th Street and Rogers Street south of West 10th Street.



BLOOMINGTON P.D. HEADQUARTERS IN CFC SHOWERS

REVIEW OF EXISTING CFC SHOWERS BUILDING

View of CFC Parking Lot



PARKING

The existing parking lot to the west of the building on the CFC site contains 49 parking spaces. The new City of Bloomington Trades District parking garage is to the north of the CFC Showers parking lot with access directly from the CFC lot and off of West 10th Street.

The existing parking lot to the south of the building serves City Hall employees and guests.

Bloomington Community Farmer's Market



FARMER'S MARKET AND EVENTS

The Bloomington Community Farmer's Market is held in the City Hall parking lot directly south of the CFC Showers building. The farmer's market is every Saturday from 8am-1pm from April through October. A Holiday Market is also held on the Saturday of Thanksgiving weekend. In the past, Taste of Bloomington, which celebrates Bloomington's dining offerings has also been held in the City Hall parking lot.

Entrance to CFC Site from West 8th Street



BLOOMINGTON P.D. HEADQUARTERS
IN CFC SHOWERS

REVIEW OF EXISTING CFC SHOWERS BUILDING

INTERIOR ENVIRONMENT

The interior of the CFC Showers building features two (2) 2-story atriums and ample natural daylight at the upper floor areas through the monitor windows on the sawtooth roof. The building is divided into suites with main circulation halls stacked on both levels.

The punched openings on the south and west exterior walls provide daylight on both levels.



P R E L I M I N A R Y
R E V I E W O F
B U I L D I N G C O D E
F O R P O L I C E S T A T I O N

BLOOMINGTON P.D. HEADQUARTERS IN CFC SHOWERS

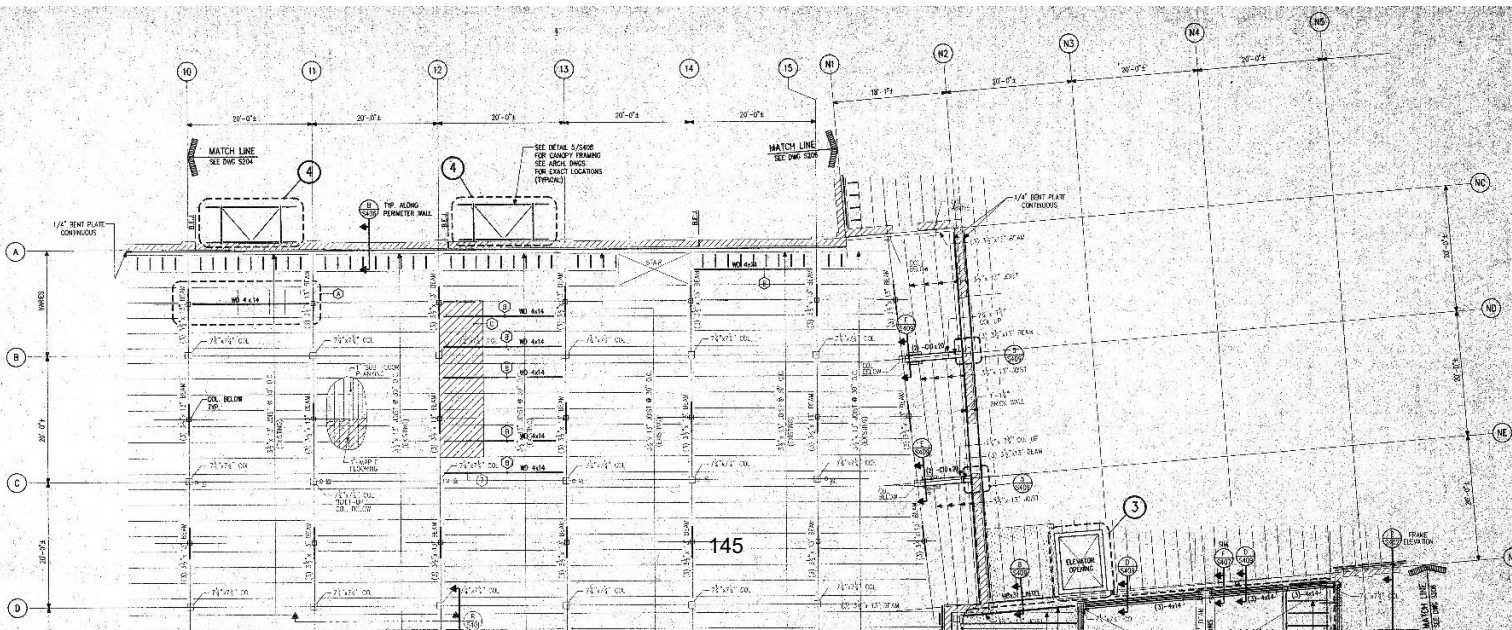
PRELIMINARY REVIEW OF BUILDING CODE

OCCUPANCY and BUILDING RISK CATEGORY

Under the adopted 2014 Indiana Building Code, a police station is considered the same occupancy type as the existing office use in the building. Both are considered a "B/Business occupancy so there is no "change of use" that would have required the building be brought up to current building code requirements for the new use.

The construction of a new police station, or a "change of use" renovation for a police station would necessitate that the building meet the requirements of Table 1604.5 "Risk Category of Buildings" in the adopted 2014 Indiana building code. Police Stations in that table are identified as "essential facilities" which need to meet higher structural standards to ensure their strength in the event of a seismic, wind or snow event. The state of Indiana does not require that a non-change of use for occupancy meet the Building Risk Category for the new use. Reference Exhibit A, email from Craig Burgess, Indiana State Building Commissioner, clarifying this issue.

When asked by the City Legal Department if the building could possibly be retrofitted for Building Risk Category 4, a preliminary review was conducted by Bill Horton of Fink, Roberts and Petrie (FRP). Mr. Horton had access to the mid-1990's structural design and borings reports as FRP was the structural engineer for the renovation project at that time. In reviewing the documents and reaching out to the geotechnical engineer firm that had worked on the mid-1990's renovation, he concluded that it was likely that the building would be able to meet Risk Category 4 as it pertains to snow and wind load without extensive alterations. However, the seismic requirements could not likely be met. This is due to two requirements for Risk Category 4: 1) the soil borings showing that the rock depth below the building foundation is greater than 10-feet along the south end of the CFC Showers building, and 2) the unreinforced masonry walls at the building exterior are not allowed. Reference Exhibit B, Bill Horton's letter to Jayne York dated 9/15/22, as well as Exhibit C, email from Tom Struewing of Atlas to Bill Horton.



FEASIBILITY STUDY
FOR BLOOMINGTON
PD IN CFC SHOWERS

BLOOMINGTON P.D. HEADQUARTERS
IN CFC SHOWERS

PUBLIC SAFETY FEASIBILITY STUDY FOR BLOOMINGTON POLICE DEPARTMENT HQ IN CFC SHOWERS

KAESTLE BOOS
associates, inc

PUBLIC SAFETY FEASIBILITY STUDY FOR CFC SHOWERS

Kaestle Boos Associates is an architectural firm with offices in Massachusetts and Connecticut. Their extensive public safety building portfolio includes public safety buildings, police stations, and fire departments. Kaestle Boos Associates provided the Feasibility Study for the Bloomington Police Department relocation to CFC Showers.

ARCHITECT'S REPORT

BLOOMINGTON POLICE DEPARTMENT CFC SHOWERS BUILDING RENOVATION

Bloomington, IN

KBA #

Prepared by: Todd M. Costa

Date: October 24, 2022

Page: 1 of 4

Note: These notes represent the thoughts of the author and do not represent an conclusions or recommendation that are the product of a thorough evaluation of the facility or analysis of the Department's operational and space needs.

Standards for Evaluation:

Kaestle Boos Associates' (KBA) evaluation of the CFC Showers Building (CSB) for use by the Bloomington Police Department (BPD) is based on a number of factors including: a working knowledge of police department operations, recommended guidelines for designing police stations as established by the International Association of Chiefs of Police (IACP), the National Fire Protection Association (NFPA) – 1221 recommendations for essential facilities and communications facilities, The Commission on Accreditation for Law Enforcement Agencies (CALEA) standards for department operations, as well as best practice for department operations.

Site Evaluation:

The existing CSB is located on a site of approximately 60,000 sf or 1.37 acres at 320 W. 8th Street. It is situated West of N. Morton Street, East of N. Rogers Street, South of W. 10th Street and North of W. 8th Street. The B-Line Trail bisects the city block. The Bloomington Community Farmers Market also takes place in the plaza to the South of the building; this plaza includes public parking for access to City Hall and the Police Department. The farmers market occurs on a weekly basis between 8am – 1pm every Saturday from April to October.

Adding the BPD as a tenant to the CSB will require modifications to the site in order to provide optimal operations and security. To begin with KBA recommends the addition of perimeter fencing around the site and around the 49 spaces that will be designated to meet parking requirements for daily operations of the BPD. As the surface parking located to the West of the CSB is less than the parking requirements for the department's daily operations it is also recommended that a portion of the parking garage on the main level be designated for BPD use only and secured. The addition of perimeter security fencing is recommended to increase safety for members of the BPD as well as to protect city assets against vandalism.

Two points of egress for emergency vehicles from any public safety site is a minimum requirement for safe and effective operations. The CSB site does provide the minimum two access points, however safety and security will require careful planning during the months the plaza is utilized by the Farmers Market.

The glass box entry lobby at the Southwest corner of the building provides a safe entry point for members of the community seeking to conduct business with the BPD. The elevated concrete walkway provides a level of passive security for the building that will guard against accidental or intentional vehicle penetration into the building. The same elevated sidewalk design provides blast protection for the building as recommended by NFPA – 1221, by providing both a horizontal and vertical separation between the glass entry and the proximity of vehicular access.

General Building Evaluation:

The CSB was originally constructed in 1910 as a factory. It was renovated in the mid-1990s and divided into 3 sections: Bloomington City Hall, Monroe County offices, and leasable office space for the developer. The portion of the CSB being evaluated for the BPD is located on the Southwest side of the building and consists of 64,000

ARCHITECT'S REPORT

**BLOOMINGTON POLICE DEPARTMENT
CFC SHOWERS BUILDING RENOVATION**

Bloomington, IN

KBA #

Prepared by: Todd M. Costa

Date: October 24, 2022

Page: 2 of 4

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square feet spread out over 2 stories. The exterior envelope construction is double-wythe masonry, with furring and insulation added during the mid-1990s renovation. Large glass "mill style" windows are located on South side of the building, with smaller double hung windows placed in a regular rhythm along the west side of the building. The entry lobby is a 2-story glass volume located at the Southwest corner of the building. The north facing saw-tooth roof design brings a consistent amount of natural light into the building on the second level, and with the use of floor penetrations some of that light is brought to the main entry level as well.

The double-wythe exterior construction of the building provides a good level of ballistic protection, as recommended by the NFPA – 1221 standard, however, the windows are a weak point in the exterior wall system. Consideration should be given to the level and necessity of the ballistic rating of the windows. Ballistic rating of the existing historic windows can be achieved by placing ballistic glazing within the opening on the inside of the building. The double hung windows located on the west elevation of the building also require consideration for being operable windows. Many building occupants appreciate the use of operable windows, but within a police station these provide a breach of security and safety to the building's occupants, especially on the main level.

The building's mechanical systems will require modification and adjustment in order to accommodate the unique operations of the police department. The entire BPD mechanical system should remain on an independent system that is capable of being programmed to handle some areas of the building as a 24/7 operation, while other sections are 9-5 for 5 days a week. Additionally, within the police department there are operations that require independent mechanical systems. This requirement reduces risk for the occupants of the BPD, as well as to those of the City Hall and Monroe County offices. Specifically, the locker room for the officers of the BPD requires ventilation of police specific lockers. Increased exhaust demands of a locker room are code requirements, but more importantly the locker room is used by officers to store their gear after a full day's work in any kind of weather. This is important, as rainy days as well as hot humid days produce an increased amount of moisture that is imperative to remove to maximize the life of the department's investments to the fullest extent possible. Equipment like body armor, firearms and radios are typically stored within the locker room and can be adversely affected by prolonged exposure to moisture. Next, CALEA has specific requirements for the handling and processing of evidence within the building. While most of the requirements are operational or procedural in nature, the building will need to support these procedures and conform to the strict requirements for maintaining evidence as established by state and federal mandates. Some evidence is required to be maintained indefinitely. The different types of evidence being stored also have slightly different requirements. Paper documents and firearms require conditioned air at specific moisture levels to preserve them. Drug evidence requires a high level of independent exhaust, both to avoid circulating smells and to eliminate the risk of more volatile substances being circulated throughout the building and shutting down BPD operations. Finally, the report writing area as well as the evidence processing area require independent mechanical system and exhaust. Much like the drug storage area, the report writing and evidence processing areas are locations where the handling of some drug evidence can potentially expose the room and building's occupants to higher levels or risk. To minimize that risk these rooms should be independently conditioned and at a higher level of exhaust than those rooms adjacent, by

A R C H I T E C T ' S R E P O R T

**BLOOMINGTON POLICE DEPARTMENT
CFC SHOWERS BUILDING RENOVATION**

Bloomington, IN

KBA #

Prepared by: Todd M. Costa

Date: October 24, 2022

Page: 3 of 4

Note: These notes represent the thoughts of the author and do not represent an conclusions or recommendation that are the product of a thorough evaluation of the facility or analysis of the Department's operational and space needs.

doing this the room operates under negative pressure, keeping the potential risk from spreading through the mechanical system to the rest of the building.

The building's electrical service should also be separated, and the main distribution equipment located within a secure area of BPD operations. This simplifies operations of the electrical system as well as the addition of an emergency generator that conforms to the national electrical code requirements of Critical Operations Power Systems (COPS). It is recommended that the COPS generator have an independent, locally stored, fuel source in sufficient quantities to permit the operations of the entire station for at least 72 hours. Meeting the COPS requirement allows the department to operate at full capacity during emergency events that have taken utility service offline for an extended period of time.

Ground Level:

The interior ground level of CSB appears to be constructed of metal studs covered with a layer of gypsum wall board on each side. These partitions compartmentalize the building area into office suites and restroom facilities for the current building occupants. It is unclear at this time if the wall construction used for these partitions holds any level of sound control to limit the transmission of noise and conversations between adjoining offices. This type of wall construction will not support the CALEA recommendations for the evidence areas, PD spaces adjacent to other tenants, interview rooms, and any office area that may adjoin spaces regularly accessed by members of the public. As mentioned in the general building section of this report, the special ventilation requirements of report writing, evidence processing and storage, and the locker room will require partition walls to extend and seal to the underside of the structure above in order to achieve the recommended ventilation requirements.

Interior partitions that adjoin adjacent tenants and the public lobby space will be required to be filled with soundproof insulation eliminating the transmission of sound, and the installation of ballistic wall protection panels from floor to underside of structure above to reduce any attack risks. Organizations such as IACP, NFPA, and the Department of Homeland Security recommend the use of blast protection for public safety departments. Through careful collaboration and consideration with BPD, the design team will determine what level of blast protection is required for this project.

Upper Level:

The interior upper level of CSB appears to be constructed of metal studs covered with a single layer of gypsum wall board on each side, consistent with the ground level. As with the ground level these partitions compartmentalize the area into office suites. These may be possible for the department to utilize in their current configuration. Further exploration of the arrangement of the offices will determine how much reconfiguration of the existing walls will be required to accommodate the operations of the BPD. The sawtooth roof design allows for the use of natural light well into the building, but the extension of the interior soundproof partitions to the underside of the roof is a requirement to make certain important and confidential conversations are controlled

A R C H I T E C T ' S R E P O R T

**BLOOMINGTON POLICE DEPARTMENT
CFC SHOWERS BUILDING RENOVATION**

Bloomington, IN

KBA #

Prepared by: Todd M. Costa

Date: October 24, 2022

Page: 4 of 4

Note: These notes represent the thoughts of the author and do not represent an conclusions or recommendation that are the product of a thorough evaluation of the facility or analysis of the Department's operational and space needs.

between offices, public areas and adjacent building tenants. Finally, like the ground level, ballistic treatment to partitions that separate BPD from adjacent tenants and the public lobby should extend to above the ceiling. Thorough and careful consideration with BPS will be necessary for the implementation of blast protection requirements on the upper level.

Jayne York

From: Burgess, Craig <CBurgess@dhs.IN.gov>
Sent: Wednesday, August 17, 2022 11:33 AM
To: Jayne York
Cc: Burgess, Craig
Subject: RE: Risk Category Requirements in Renovations

As I told Mr. Larue yesterday, I don't know of any regulation that requires upgrading an existing building to a higher risk category if the project does not include a change of occupancy group or subgroup.

It's true that the current Indiana Building Code says that police stations must be Risk Category IV, but the GAR's 12-4-11(a) and (b) prevent the IBC from ever coming into play on the question of updating or upgrading the existing structure, unless the proposed occupancy group or subgroup represents a change from the existing classification. Occupancy Group B has no subgroups, so the general office that was a B remains a B when it becomes a police station (note that even in existing buildings, new construction must always comply with the current codes).

If people are concerned about this, keep in mind that the codes represent only the minimum standard to which we have to build. Everyone is free to exceed them if they wish.

Craig E. Burgess AIA CPE CBI LEED AP
 Indiana State Building Commissioner
 Indiana Department of Homeland Security
 302 W Washington St., Room E241
 Indianapolis, IN 46204-2739
 317.232.2222



From: Jayne York <jayne@springpointarchitects.com>
Sent: Tuesday, August 16, 2022 4:55 PM
To: Burgess, Craig <CBurgess@dhs.IN.gov>
Subject: Risk Category Requirements in Renovations

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Mr. Burgess,

I believe our County Building Commissioner, Robert Larue, has also inquired about this issue as we discussed it yesterday. We are looking for information on whether a renovation project is required to meet the structural requirements (IBC Chapter 16) for a higher Risk Category when there isn't a "change of use/occupancy".

In this particular case we will be putting together a feasibility study to examine an existing building currently containing office lease space being converted into a police department (remains B occupancy). A new police building would be considered Risk Category 4.



Structural Engineers

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Established in 1944

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September 15, 2022

Ms. Jayne York
Springpoint Architects, PC
PO Box 1117
Bloomington, IN 47402

Re: CFC Showers

Dear Jayne:

We have reviewed the existing Showers Building for the possibility of changing the building risk category to Risk Category IV. The Showers Building is an existing wood and masonry building that was first construction in 1910 and underwent a renovation in the 1990's.

Original existing documents are not available for the building. The 1992 renovation project used field investigation of the existing structure as the basis for the structural work. Drawings and calculations for the 1992 project were found in our archives.

Building Risk Category IV requires additional structural capacity and detailing above that required for a typical office building, which would be Building Risk Category II. The basic additional provisions are a slightly higher wind speed requirement, a higher importance factor on snow and seismic loading and a more stringent requirement for seismic design category. An exhaustive design analysis was not completed for the building at this time, but preliminary review of the existing information available suggests that it is likely the structure would meet the additional requirements for wind and snow. The seismic design requirements, however, do not appear that they can be met without extensive structural rehabilitation.

A review of the information indicates that a Risk Category IV classification would require the structure to conform to Seismic Design Category C. The unreinforced masonry walls that make up the majority of the buildings lateral load resisting system are not allowed in Seismic Design Category C. It is also unlikely that the wood diaphragm would meet all the requirements of Design Category C.

If the soil profile at the site could be classified as a Soil Class B for rock rather than Soil Class C, then the seismic design category would change to Seismic Design Category A for a Risk Category IV structure. The existing building would likely meet these requirements. A review with two geotechnical firms indicated that additional soil testing (a shear wave velocity test) may find soils indicative of soil class of B which is a rock profile. However, the code has an additional stipulation that a Soil Class B cannot be used if there is more than ten feet of soil between the bottom of the footings and the rock surface.



Ms. Jayne York
Springpoint Architects, PC
September 15, 2022
Re: CFC Showers
Page 2

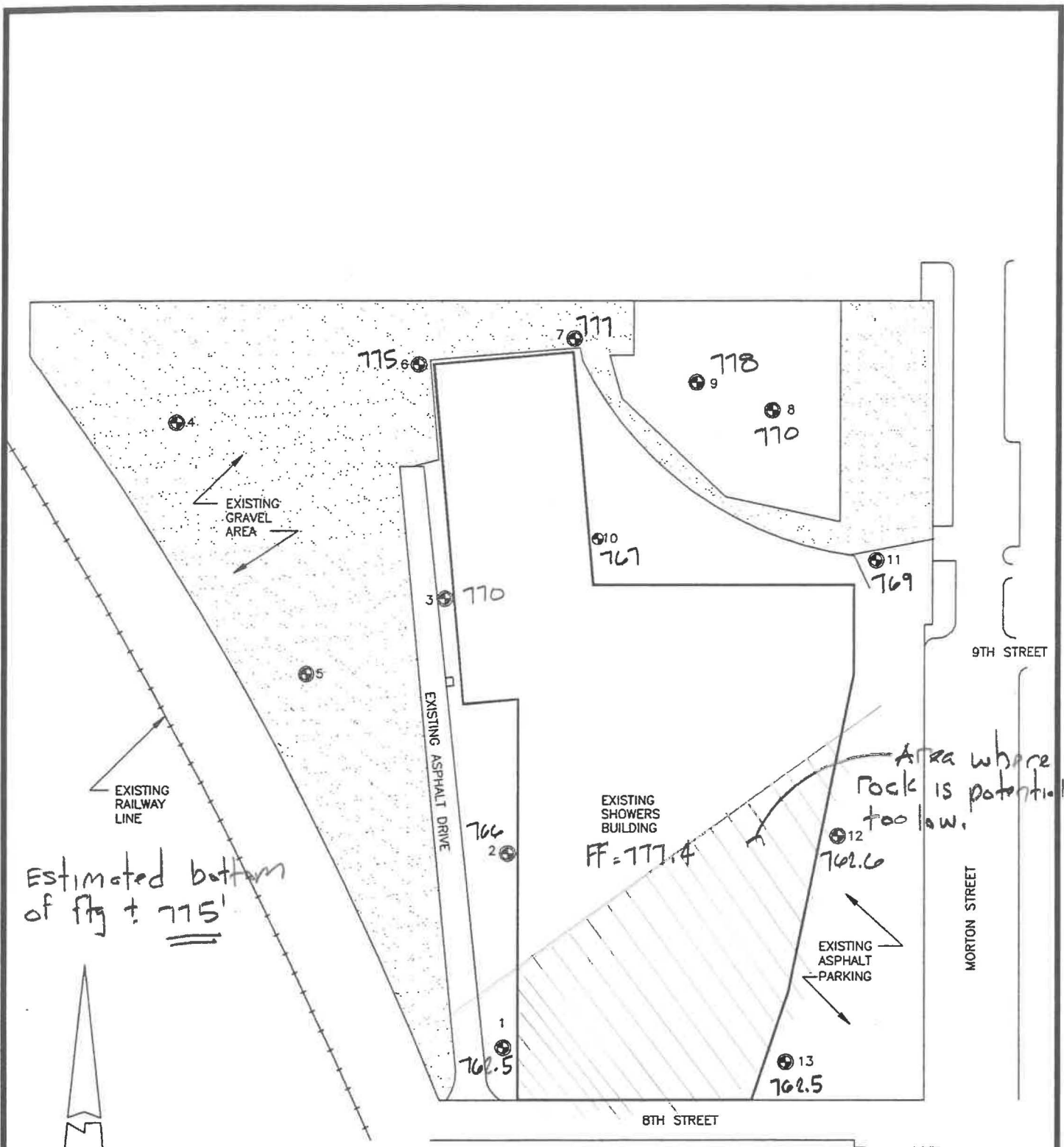
A review of the soil borings that were completed in 1992 indicates that the footings in the south portion of the building would have more than ten feet of soil between bottom of footing and rock elevation (a plan of borings is included). Based on this information it does not seem feasible that the building could be assigned to a Risk Category IV for the structure without extensive additional analysis and retrofit.

Should you have any additional questions concerning this matter, please contact our office.

Sincerely,

A handwritten signature in black ink, which appears to read "William G. Horton". The signature is fluid and cursive.

William G. Horton, S.E., R.A., LEEP AP
President



Estimated bottom of fly ± 775'

Area where rock is potentially too low.

Lowest allowable rock elevation for seismic soil class B = ± 762.5'

BORING PLAN
 PROPOSED SHOWERS BUILDING
 RESEARCH AND OFFICE PARK CENTER
 BLOOMINGTON, INDIANA

PROJECT NO.
 21-03-92-00066
 SCALE
 1" = 100'
 FIGURE NO.
 2



Jayne York

From: Bill Horton <whorton@frpinc.com>
Sent: Tuesday, September 6, 2022 9:38 AM
To: Jayne York
Subject: Showers building Geotech

Jayne,

Enclosed is an email from Tom Struewing at Atlas (they are a continuation of what was ATEC who did the original report in 1992).

He took some time to review the original report and it isn't that promising although he does suggest a path that might lead to a site class B with additional testing, but of course it may not.

Bill,

Using the data presented in the report that Mark Carlson and Dave Warder generated back in 1992 (two very reliable engineers I might add), it appears that the following characteristics exist:

1. Finish Floor is at El 778.0. This appears to be reasonably well confirmed based upon Google Earth estimates with the asphalt pavement being estimated at about EL 777 to 778 outside the west building entrance where the pavement is only curb height below finish floor. This would need to be confirmed based upon actual survey but appears to be reasonable accurate.
2. The footings that were investigated bear approximately 1.5 ft to 4.0 ft below finish floor elevation. It would be reasonable to assume that typical interior footing bearing depths (bottom of footings) are likely 2 ft to 2.5 ft below finish floor elevation. Thus the interior footings likely bear at about El 776 to El 775.5 +/-.
3. The bedrock surface generally varies from about El 762.2 at the SE corner to about El 778.6 at the North end. However, most of the SE part of the building appears to have bedrock surface below El 763, and in most of the building area the bedrock is below about El 772.
4. Most of the existing footings likely bear on some thickness of soil, except perhaps at the far north end of the building. In the SE part of the building, the thickness of soil between bottom of footing and top of bedrock appears to be approximately 12 to 13 ft. +/-.
5. ASCE 7-10, Chapter 20, Section 20.1, states that Site Class B shall not be used if there is more than 10 ft of soil between the bottom of footing and bedrock.

Based upon this information, the site would be assigned Site Class C. Even if the measured shear wave velocity for the upper 100 ft was calculated to be greater than 2,500 ft./sec. taking into account the upper soil layer, it would not be possible to override the simple and direct criteria described in Item No. 5 above. It is also possible that even if it could be reasonably concluded that less than 10 ft of soil exists at all footing locations, the measured shear wave velocity in the upper 100 ft may not exceed 2,500 ft./sec. due to factoring in the upper soils that might have a shear wave velocity of about 800 ft./sec. which could drag down the much higher shear wave velocities of the deeper rock (the formula is not a straight average, but rather a weighted average that applies much more weight to a lower value since the thickness is divided by the shear wave velocity and summed in the denominator).

The only option that I can see that could result in concluding that this is Site Class B is:

1. Making excavations at the existing footing locations (inside the building) to determine whether the footings in the SE part of the building can reasonably concluded that less than 10 ft of soil exists below the bottom of footing and the bedrock surface.

2. Perform shear wave velocity testing to estimate the weighted shear wave velocity in the upper 100 ft to determine whether it exceeds 2,500 ft/sec., including the thickness of soil that exists between footing and rock. As I mentioned earlier, it seems clear to me that Site Class B and A are intended to be for footings bearing on competent, massive bedrock, with virtually no amplification of ground motions due to less stiff soil. Site Class B is the basis or baseline site class and has amplification factors of 1.0 and based on characteristics of ground motions of only rock, no soil. The code may be somewhat generous in allowing the 10 ft of soil. If the footings were all bearing on bedrock, the site would be classified as Site Class B. However, even if all footings could be reasonably assumed to have 10 ft or less of soil, the shear wave velocity testing would need to be performed to determine the actual site class.

If the desire is to push ahead, the owner can retain a contractor to determine bearing depth below finish floor for footings in the SE part of the building. If it can be reasonably concluded that less than 10 ft of soil exists between bottoms of footings and top of bedrock, then shear wave velocity testing could be performed. A variation of this would be that if the shear wave velocity testing shows site class B with up to 10 ft of soil, then the footings in the SE part could be underpinned in some fashion to result in less than 10 ft of soil.

Obviously, this is not going to be completed by the end of September. Also, it is not possible to just ignore a clear and simple requirement of the code that appears to actually be a generous concession to the overarching concepts of the amplification or attenuation of the ground motions.

We can perform the shear wave velocity testing if it goes that far, but the assessment of the thickness of soil between bottom of footing and top of rock is a massive adventure that we would expect the owner to contract and arrange for.

Tom Struewing
Principal Engineer



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ENR #44 Top Program Management Firm

Apparently its not just about getting a site class B but also at what elevation the rock is relative to the actual ftgs. So there may be additional testing required within the building. I would think if that was to be done we could rationalize checking a representative number of footings and not every column location.

I have reached out to another testing company to see about a timeline for the shear wave velocity testing. Then the question is should some preliminary borings inside the building be done first to verify we meet the less than 10 ft of soil requirement before you even spend the money on soil testing.

As far as wind and snow changes go I was able to dig up some of our calculations from the 1992 project which would help in that analysis. The additional requirements are not that great and I don't think it would be an issue meeting the requirements for wind and snow. I would take a little time to determine the code load and compare it to what was used in 1992 but likely you could rationalize that. The Seismic issue is the main one.

I'll let you know if I get a timeline for potential soil testing.

Bill.

FINK ROBERTS & PETRIE, INC.



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President

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City of Bloomington, IN

October 7, 2022

Public Safety Facility Space Needs Assessment

KAESTLE BOOS
 associates, inc

Area/Room Title	Rm. Type	Occup's	No. of Rms	Rm. Area	Subtotal	Total
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Public

Lobby Area

Vestibule	13.2	0	1	80 sf	80 sf	
Lobby/Waiting	13.1	8	1	400 sf	400 sf	
Public Toilets	7.3	0	2	160 sf	320 sf	
Safe Room / Interview	6.6	2-3	1	100 sf	100 sf	
Background Check / interview (prints)	6.6	2	1	100 sf	100 sf	
Public Lobby Area Total:					1000 sf	

Command / Administration / Support

Command

Admin. Assistant	1.3	1	1	130 sf	130 sf	
Visitor Waiting	6.1	2	1	30 sf	30 sf	
Office Mgr.	1.3	1	1	130 sf	130 sf	
Secure File Area	6.3	0	1	40 sf	40 sf	
Chief's Office	1.8	1	1	250 sf	250 sf	
Deputy Chief's Office	1.6	1	1	200 sf	200 sf	
Captain of Administration	1.5	1	2	175 sf	350 sf	
Captin of Operations	1.5	1	2	175 sf	350 sf	
Conference Room	3.2	12	1	300 sf	300 sf	
Coffee Area	6.1	0	1	15 sf	15 sf	
Command Total:					1795 sf	

Administration

Admin. Sergeant	1.3	1	1	130 sf	130 sf	
Director of Civilian Operations	1.4	1	1	150 sf	150 sf	
Public Engagement (Calea)	1.3	1	1	130 sf	130 sf	
Clerical	2.2	3	1	225 sf	225 sf	
CAD/RMS Coordinator	1.2	1	1	120 sf	120 sf	
General Files	6.5	0	1	80 sf	80 sf	
Department Supplies	6.1	0	1	15 sf	15 sf	
Administration Total:					850 sf	

Information Technology

IT Staff Workroom	1.2	1	1	120 sf	120 sf	
Testing/Burn-in/Parts area	6.4	0	1	60 sf	60 sf	
Computer Network Equipment Room	14.1	0	1	250 sf	250 sf	
Radio Equipment Room	6.6	0	1	100 sf	100 sf	
IDF Closets	6.2	0	2	25 sf	50 sf	
IT Support Total:					580 sf	



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October 7, 2022

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associates, inc

Area/Room Title	Rm. Type	Occup's	No.of Rms	Rm. Area	Subtotal	Total
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Records/Data Processing

Public Information Counter	6.3	1	1	40 sf	40 sf	
Records Manager + Asst. Mgr	2.3	2	1	180 sf	180 sf	
Clerical Area (Data Input)	2.2	6 - 8	1	500 sf	500 sf	
Work Room	6.6	0	1	100 sf	100 sf	
Files (HD Sys)	6.9	0	1	200 sf	200 sf	
Department Supplies	6.2	0	1	25 sf	25 sf	

Records/Data Processing Total: 1045 sf

Dispatch Center

Dispatch Manager	1.3	1	1	130 sf	130 sf	
Training Coordinator	1.2	1	1	120 sf	120 sf	
Communications Positions	4.2	4	1	700 sf	700 sf	
Main Desk	6.5	1	1	80 sf	80 sf	
Supervisor's Office						
Lockers	8.1	10	1	25 sf	25 sf	
Unisex Toilet	7.1	1	1	65 sf	65 sf	
Break Room/area	13.3	2	1	80 sf	80 sf	
Equipment Room	6.9	0	1	200 sf	200 sf	
E-911 Equipment Room	6.3	0	1	40 sf	40 sf	

Communications Center Total: sf

Operations

Uniform Division Administration

Patrol Lieutenant's Offices	1.4	1	3	150 sf	450 sf	
Patrol Sergeants' Shared Office	2.3	3	4	270 sf	1080 sf	
Library	6.5	0	1	80 sf	80 sf	
Div.Supplies Storage Room	6.2	0	1	25 sf	25 sf	

Uniform Administration Total: 1635 sf

Patrol Operations

Roll Call (Squad) Room	3.1	30	1	600 sf	600 sf	
Mail+ Radio/Taser Storage/Checkout	6.2	0	1	25 sf	25 sf	
Report Preparation	3.4	10	1	350 sf	350 sf	

Patrol Operations Total: 975 sf



City of Bloomington, IN

October 7, 2022

Public Safety Facility Space Needs Assessment

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associates, inc

Area/Room Title	Rm. Type	Occup's	No.of Rms	Rm. Area	Subtotal	Total
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Operations Support

Sr. Social Worker	1.3	1	1	130 sf	130 sf	
Social Workers (1 works w/Disatch)	2.3	4	1	360 sf	360 sf	
Data Analysis (Transit?)	2.3	2	1	180 sf	180 sf	
Public Engagement / CALEA	1.3	1	1	130 sf	130 sf	
Armory	6.6	0	1	100 sf	100 sf	
Armorsers	2.1	2	1	120 sf	120 sf	
Weapons Cleaning (2 Stations)	6.5	0	1	80 sf	80 sf	

Operations Support Total: 1100 sf

Detective Division

Det. Lieutenant's Office	1.4	1	1	150 sf	150 sf	
Det. Sergeant's Offices	1.3	1	3	130 sf	390 sf	
Detectives Work Space	2.3	8	1	720 sf	720 sf	
Clerical	1.1	1	1	100 sf	100 sf	
Interview Rooms	5.5	2	3	80 sf	240 sf	
SIU Sergeant's Office	1.3	1	1	130 sf	130 sf	
SIU Office	2.3	5	1	450 sf	450 sf	
Video Observation Room	6.4	0	1	60 sf	60 sf	
Equipment/Supplies Storage	6.3	0	1	40 sf	40 sf	

Investigative Division Total: 2280 sf

Evidence & Detainee Processing

Detainee Processing

Temporary Holding	5.1	3	1	75 sf	75 sf	
Detainee Toilet/Shower (Decon)	7.2	0	1	70 sf	70 sf	
Interrogation Room	5.1	3	1	75 sf	75 sf	
Non-status Offender Holding Room	10.1	1	1	60 sf	60 sf	

Prisoner Processing Total: 280 sf



City of Bloomington, IN

October 7, 2022

Public Safety Facility Space Needs Assessment

KAESTLE BOOS
associates, inc

Area/Room Title	Rm. Type	Occup's	No.of Rms	Rm. Area	Subtotal	Total
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Evidence and Property

Crime Scene Equip. Storage	6.4	0	1	60 sf	60 sf	
Evidence Technicians	2.3	2	1	180 sf	180 sf	
Clerical	1.1	1	1	100 sf	100 sf	
Evidence Receiving (Pass-Through Lkrs)	6.4	0	1	60 sf	60 sf	
Evidence Drying Cabinet	6.1	0	1	15 sf	15 sf	
Evidence Processing Laboratory	6.7	0	1	120 sf	120 sf	
Evidence Storage	14.3	0	1	400 sf	400 sf	
Drug Room	6.5	0	1	80 sf	80 sf	
Weapons Room	6.6	0	1	100 sf	100 sf	
Valuables (Safe)	6.3	0	1	40 sf	40 sf	
Biological Evidence	6.5	0	1	80 sf	80 sf	
Found Property Holding	6.8	0	1	150 sf	150 sf	

Evidence and Property Total: 1385 sf

Staff Support

Training Facilities

Lg. Meeting/ Training Classroom	3.2	40	1	1000 sf	1000 sf	
Training Prop Storage	6.5	0	1	80 sf	80 sf	
Writing Table and Chair Storage	6.6	0	1	100 sf	100 sf	
Kitchenette	6.6	0	1	100 sf	100 sf	
Simulator	3.2	35	1	900 sf	900 sf	
Furniture Storage	6.4	0	1	60 sf	60 sf	
Wellness Center	14.7	0	1	800 sf	800 sf	
Equipment Storage	6.5	0	1	80 sf	80 sf	

Training Facilities Total: 3120 sf

Staff Facilities

Male Staff Locker Room	8.4	100	1	1650 sf	1650 sf	
Male Toilets	7.5	0	1	240 sf	240 sf	
Male Showers	9.1	4	1	120 sf	120 sf	
Female Locker Room	8.4	25	1	400 sf	400 sf	
Female Toilets	7.3	0	1	160 sf	160 sf	
Female Showers	9.1	2	1	60 sf	60 sf	
Civilian Staff Locker Room	8.4	12	1	180 sf	180 sf	
Break Room	3.2	12	1	300 sf	300 sf	
Vending Area	6.2	0	1	25 sf	25 sf	
Miscellaneous Toilets	7.2	0	4	70 sf	280 sf	

Staff Support Total: 3415 sf



City of Bloomington, IN

October 7, 2022

Public Safety Facility Space Needs Assessment

KAESTLE BOOS
associates, inc

Area/Room Title	Rm. Type	Occup's	No. of Rms	Rm. Area	Subtotal	Total
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Building Support Facilities

Storage

General Storage Room	14.1	0	1	250 sf	250 sf	
Supplies Storage	13.4	0	1	100 sf	100 sf	
					Storage Total:	350 sf

Facility Maintenance

Receiving	13.4	0	1	100 sf	100 sf	
Custodial Workroom	13.6	0	1	150 sf	150 sf	
Equipment Storage	13.3	0	1	80 sf	80 sf	
Custodial Closets	6.2	0	4	25 sf	100 sf	
					Facility Maintenance Total:	430 sf

Vertical Circulation

Stairs		0	4	225 sf	900 sf	
Elevator		0	1	100 sf	100 sf	
Elevator Machine Room		0	1	50 sf	50 sf	
					Vertical Circulation Total:	1050 sf

Building Services

Mechanical Room		0	1	300 sf	300 sf	
Sprinkler Equipment	6.8	0	1	150 sf	150 sf	
Electrical Room	6.9	0	1	200 sf	200 sf	
Emergency Electrical Room	6.5	0	1	80 sf	80 sf	
Emergency Generator		0	0	400 sf	0 sf	
Air Handling Equipment		0	1	500 sf	500 sf	
					Building Services Total:	1230 sf

Net to Gross Adjustment

Total Net Area					22,520 sf	
Net to Gross Adjustment (Net Area x 0.4)					9,100 sf	
Gross Area Total:					31,620 sf	

EXHIBIT E
BPD IN CFC SHOWERS:
MAIN FLOOR
PRELIMINARY LAYOUT

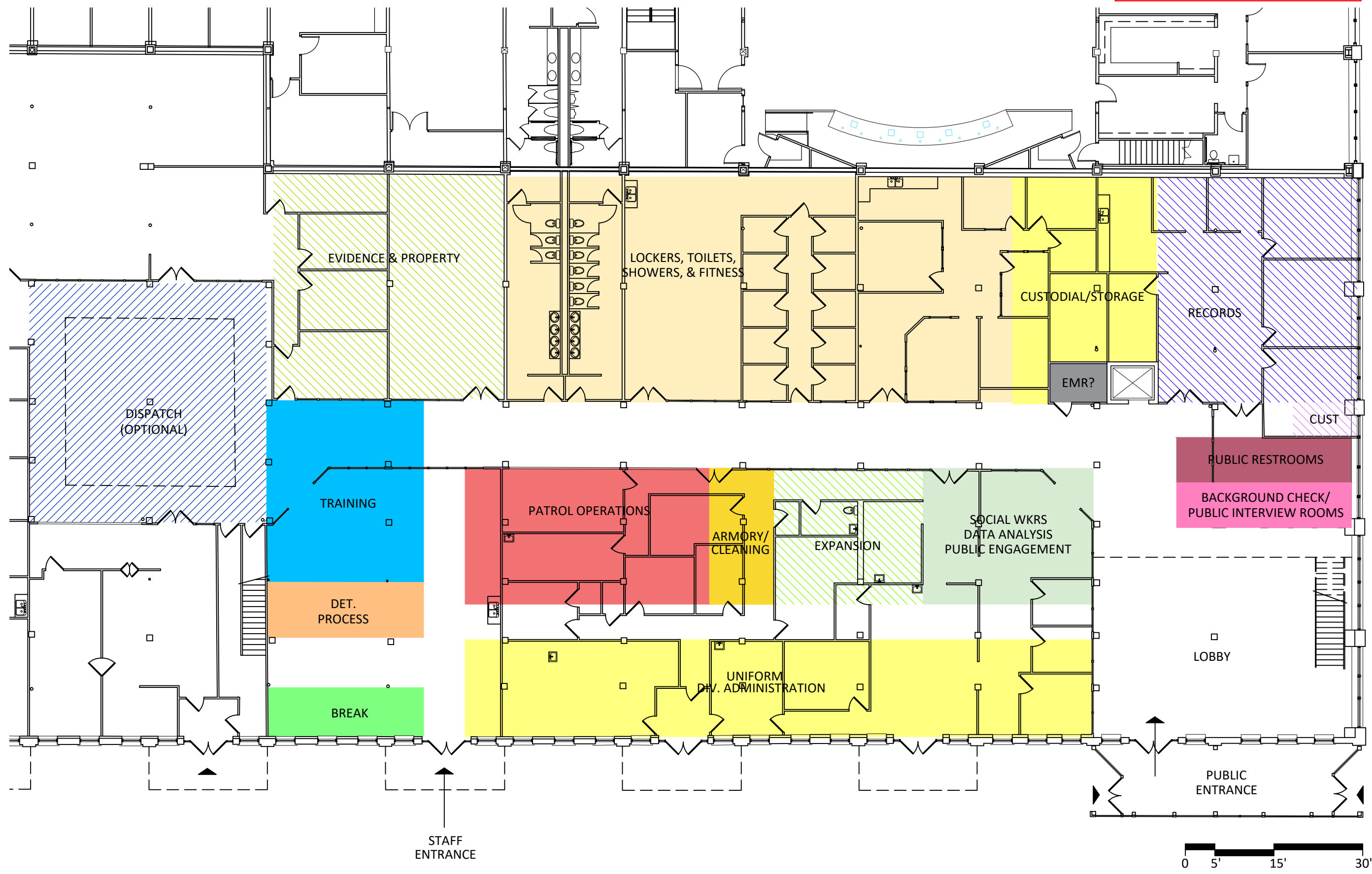
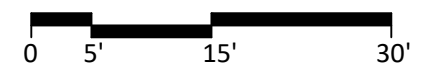
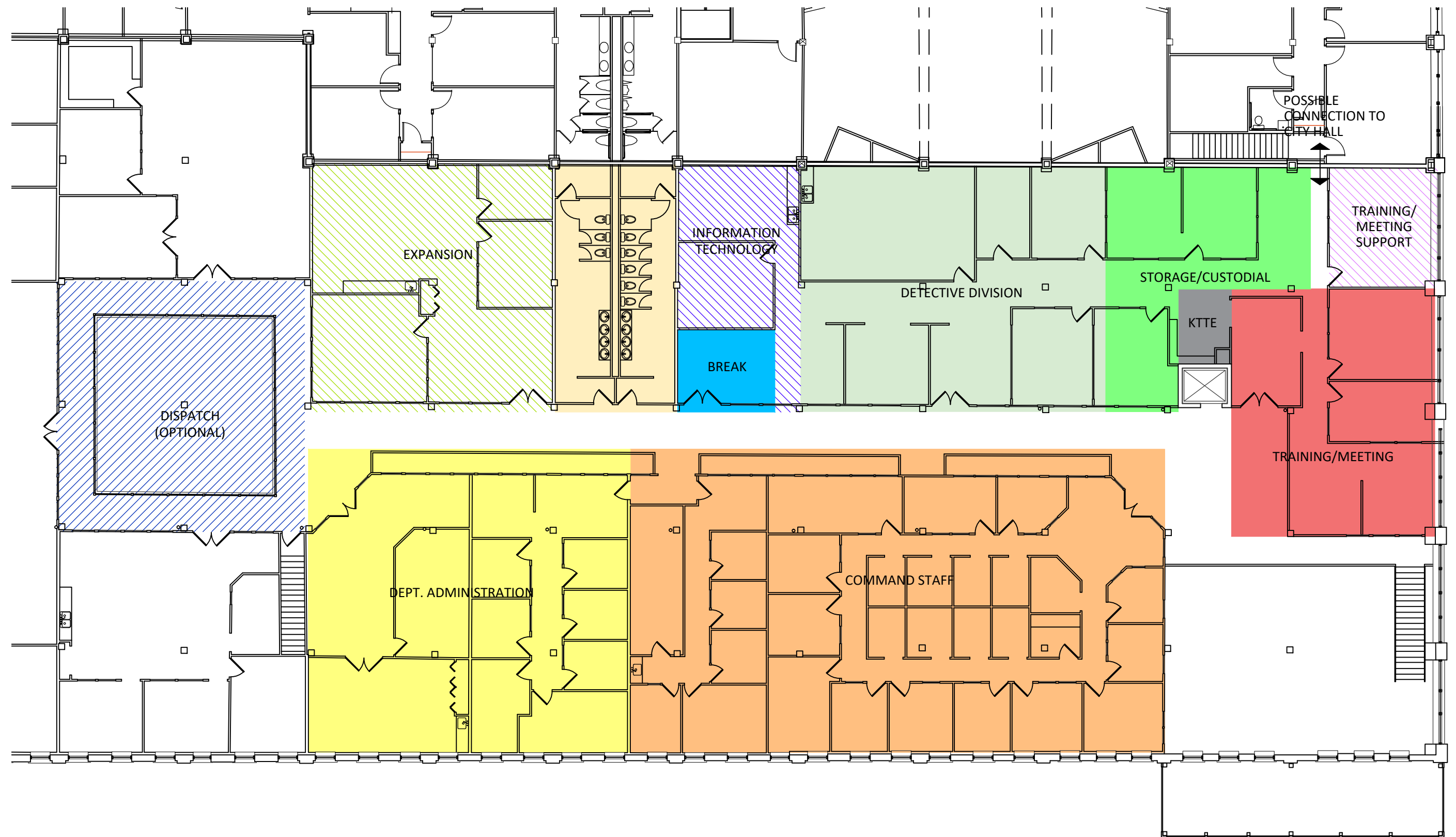


EXHIBIT E
BPD IN CFC SHOWERS:
UPPER FLOOR
PRELIMINARY LAYOUT





Bloomington Police Station

Conceptual OPC

20-Oct-22

KAESTLE BOOS
associates, inc

Description		Subtotal	Totals	Notes
<u>Sitework Costs:</u>				
Demo		\$25,000		
Abatement		\$0		
Site Development Main	Allow.	\$775,000		
			\$800,000	
<u>Renovation Costs:</u>				
* CF Showers Building	36,400 SF	\$12,012,000		
			\$12,812,000	
Design & Pricing Contingency	15%	\$1,922,000		
			\$14,734,000	
Escalation (to Q4 2023)	6.38%	\$940,000		
Probable Construction Cost (Summer, 202x):			\$15,674,000	
<u>Equipping Costs:</u>				
IT Equip.		\$364,000		
Network Equipment		\$125,000		
Computer Equipment		\$145,600		
Telephone Equipment		\$109,200		
Access Control / CCTV		\$691,600		
Audio Visual Equipment		\$473,200		
Comm. WorkStations		\$600,000		
Antenna Tower		\$120,000		Verify
Radio Communications Equip		\$400,400		Verify
Loose Equipment		\$182,000		
Simulator		\$130,000		
Furnishings, Furniture		\$436,800		
Escalation to Summer 2024	3.5%	\$132,000		
Probable Equipment Costs:			\$3,909,800	
<u>Owner's Indirect Costs:</u>				
Land Survey		\$25,000		
Moving Cost		\$50,000		
Traffic Study (if required)		\$20,000		
Arch. & Eng. Fees		\$1,958,000		
Reimbursables/Add Service Allowance		\$275,000		
Structural Peer Review		\$0		
Utility Backcharges	Allow.	\$70,000		
Reproduction / Miscellaneous		\$15,000		
Internet Based CA Management		\$0		
Legal / Advertising		\$10,000		
Material Testing		\$10,000		
Owner's Contingency (10% of All Costs)		\$2,200,000		
Probable Owner's Indirect Costs:			\$4,633,000	
Total Projected Project Cost:			\$24,216,800	

Opinion of probable cost includes assumptions for equipment and services to be refined during project

* Dispatch is included

** No value has been included to change the existing structure to risk category 4

BLOOMINGTON POLICE AND FIRE DEPARTMENT ADMINISTRATION

12/2/22

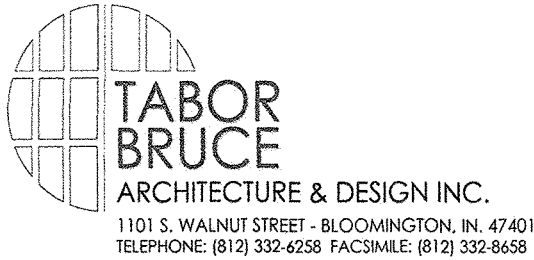
SUMMARY OF OPTIONS

	POLICE	FIRE	
CFC Showers Building purchase + renovation for Public Safety	\$ 21,771,823	\$ 1,716,913	\$ 23,488,735
Public Safety Building: Addition & renovation to BPD	\$ 21,661,300	\$ 3,611,450	\$ 25,272,750
Public Safety Building: New construction (includes \$3mm est. for land purchase)	see total	see total	\$ 31,519,300

	POLICE @ SHOWERS BUILDING			FIRE @ SHOWERS BUILDING			TOTAL	
	29,000 SF	Cost/SF		4,725 SF	Cost/SF			
Site Work Allowance		\$	200,000		\$	-		
New Construction	- SF	\$	-	- SF	\$	-		
Police - 2nd Flr Renovation - Light	7,241 SF	\$100	\$ 724,100	- SF	\$100	\$ -		
Police - 2nd Flr Renovation Heavy	5,445 SF	\$250	\$ 1,361,250	- SF	\$250	\$ -		
Police - 1st Flr Staff Facilities Renovation	4,000 SF	\$350	\$ 1,400,000	- SF	\$350	\$ -		
Police - 1st Flr Renovation - Light	5,124 SF	\$100	\$ 512,400	- SF	\$100	\$ -		
Police - 1st Flr Renovation - Heavy	7,076 SF	\$250	\$ 1,769,000	- SF	\$250	\$ -		
Fire - 1st Flr Renovation - Light	- SF	\$100	\$ -	3,150 SF	\$100	\$ 315,000		
Fire - 1st Flr Renovation - Heavy	- SF	\$250	\$ -	1,575 SF	\$250	\$ 393,750		
Connect to City Hall - 1st & 2nd Floor	700 SF	\$250	\$ 175,000	- SF	\$250	\$ -		
Generator		\$	1,000,000		\$	-		
Elevator	288 SF	\$	300,000	SF	\$	-		
Design Cont/Escalation		\$	550,000		\$	50,000	7%	
CONSTRUCTION SUBTOTAL			\$ 7,991,750			\$ 758,750	59%	
IT		\$	250,000		\$	10,000	wiring is above	
Security		\$	660,000		\$	15,000		
AV		\$	500,000		\$	5,000		
Antenna/Radio Comm		\$	200,000		\$	-		
Escalation		\$	130,000		\$	10,000	25%	
EQUIPMENT SUBTOTAL			\$ 1,740,000			\$ 40,000	3%	
Bond Costs/Fees		\$	250,000		\$	50,000		
Fees (AE, Owner's Rep, etc)		\$	1,654,398		\$	135,788		
Furn, Fixtures, Equip		\$	800,000		\$	200,000		
Relocation		\$	50,000		\$	15,000		
Owner's Contingency		\$	973,175		\$	79,875	10%	
FEES, FURNITURE, RELOC, CONTINGENCY SUBTOTAL			\$ 3,727,573			\$ 480,663	38%	
TOTAL without Bldg/Site Purchase			\$ 13,459,323			\$ 1,279,413		
TOTAL with Bldg/Site Purchase		\$	8,312,500	\$	21,771,823	\$ 437,500	\$ 1,716,913	\$ 23,488,735

	POLICE @ BPD WITH NEW ADDITION				FIRE @ BPD NEW ADDITION				TOTAL POLICE & FIRE
	30,000	SF	Cost/SF		5,000	SF	Cost/SF		
Site Work Allowance			\$	800,000					
Parking Level	5,000	SF	\$400	\$ 2,000,000	-	SF	\$400	\$ -	
New Construction	10,000	SF	\$500	\$ 5,000,000	5,000	SF	\$500	\$ 2,500,000	
Police - Basement Renovation - Light	-	SF	\$100	\$ -	-	SF	\$100	\$ -	
Police - Basement Renovation Heavy	10,000	SF	\$250	\$ 2,500,000	-	SF	\$250	\$ -	
Police - Main Flr Renovation - Light	-	SF	\$100	\$ -	-	SF	\$100	\$ -	
Police - Main Flr Renovation - Heavy	10,000	SF	\$250	\$ 2,500,000	-	SF	\$250	\$ -	
Fire - Main Flr Renovation - Light	-	SF	\$100	\$ -	-	SF	\$100	\$ -	
Fire - Main Flr Renovation - Heavy	-	SF	\$250	\$ -	-	SF	\$250	\$ -	
Connect to City Hall - 1st & 2nd Floor	-	SF	\$250	\$ -	-	SF	\$250	\$ -	
Generator			\$	800,000			\$	-	
Elevator	288	SF		\$ 300,000		SF		\$ -	
Design Cont/Escalation			\$	750,000			\$	50,000	
CONSTRUCTION SUBTOTAL				\$ 14,650,000				\$ 2,550,000	
									68%
IT			\$	250,000			\$	25,000	wiring is above
Security			\$	660,000			\$	35,000	wiring is above
AV			\$	500,000			\$	15,000	
Antenna/Radio Comm			\$	-			\$	-	
Escalation			\$	130,000			\$	10,000	12%
EQUIPMENT SUBTOTAL				\$ 1,540,000				\$ 85,000	2%
									7%
Bond Costs/Fees			\$	250,000			\$	50,000	
Fees (AE, Owner's Rep, etc)			\$	2,752,300			\$	447,950	
Furn, Fixtures, Equip			\$	800,000			\$	200,000	
Relocation			\$	50,000			\$	15,000	
Owner's Contingency			\$	1,619,000			\$	263,500	10%
FEES, FURNITURE, RELOC, CONTINGENCY SUBTOTAL				\$ 5,471,300				\$ 976,450	27%
									25%
TOTAL without Bldg/Site Purchase				\$ 21,661,300				\$ 3,611,450	
TOTAL with Bldg/Site Purchase				\$ 21,661,300				\$ 3,611,450	
									@BPD
									\$ 25,272,750
									\$ 25,272,750

POLICE AND FIRE ADMIN FOR ALL NEW CONSTRUCTION					
	35,000	SF	Cost/SF		
Site Work Allowance			\$	1,000,000	
Parking Level	-	SF	\$400	\$	-
New Construction	35,000	SF	\$500	\$	17,500,000
Police - 2nd Flr Renovation - Light	-	SF	\$100	\$	-
Police - 2nd Flr Renovation Heavy	-	SF	\$250	\$	-
Police - Main Flr Renovation - Light	-	SF	\$100	\$	-
Police - Main Flr Renovation - Heavy	-	SF	\$250	\$	-
Fire - Main Flr Renovation - Light	-	SF	\$100	\$	-
Fire - Main Flr Renovation - Heavy	-	SF	\$250	\$	-
Connect to City Hall - 1st & 2nd Floor	-	SF	\$250	\$	-
Generator		sf		\$	800,000
Design Cont/Escalation				\$	750,000 4%
CONSTRUCTION SUBTOTAL				\$	20,050,000 70%
IT			\$	250,000	wiring is above
Security			\$	660,000	
AV			\$	500,000	
Antenna/Radio Comm			\$	-	
Escalation			\$	130,000	8%
EQUIPMENT SUBTOTAL				\$	1,540,000 5%
Bond Costs/Fees			\$	250,000	
Fees (AE, Owner's Rep, etc)			\$	3,670,300	
Furn, Fixtures, Equip			\$	800,000	
Relocation			\$	50,000	
Owner's Contingency			\$	2,159,000	10%
FEES, FURNITURE, RELOC, CONTINGENCY SUBTOTAL				\$	6,929,300 24%
TOTAL without Bldg/Site Purchase				\$	28,519,300
TOTAL with Bldg/Site Purchase			\$	3,000,000	\$ 31,519,300
					@ New Site
					\$ 28,519,300
					\$ 31,519,300



September 1, 2021

JD Boruff
Operations and Facilities Director
City of Bloomington Public Works
401 N Morton St.
Bloomington, Indiana 47404

Re: Facility Assessment-320 West 8th Street.

Dear JD:

I have attached our evaluation of 320 West 8th Street. The evaluation was based on life safety, mechanical and structural surveys we performed. These reviews were to consider the life span of the existing facility, no destructive testing was performed.

Based on these reviews, it is our opinion that the existing building is in sound shape and should meet the desirable goal of a 3 to 5-year lifespan. For the relocation of Police and Fire headquarters, there are various code issues they would need to be addressed but methods in the 2018 Indiana Building Code allow for a review to meet those requirements.

Please let me know if I can answer any other questions or review information in this evaluation that may not come across clearly, we have strived to simplify it in a manner that is best understood. We did not complete a "destructive" survey to look into walls and ceilings and only made observations where we could get easy access, sometimes items may be left unseen that could have an impact on our assumptions and materials and labor costs are becoming a moving target. This evaluation should act as a guide for you to look down the road for a more detailed scope of work and refined numbers if you decide on a future relocation or addition of city offices.

Sincerely,

A handwritten signature in black ink, appearing to read "H.D. Bruce", is written over the typed name.

Howard Douglas Bruce
President-Architect

Tabor/Bruce Architecture & Design, Inc.

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INTRODUCTION

This study is to focus on the existing condition of 320 West 8th St. for the City of Bloomington. The focus is on Life Safety, plumbing, electrical, mechanical systems, and structural evaluation to an existing two story, 64,000 structure.

Tabor/Bruce Architecture & Design has been commissioned to provide an evaluation of the structure, and produce a report to accomplish the following goals:

1. Review of existing HVAC and mechanical systems.
2. Review existing structural systems
3. Provide cost numbers for repairs if needed.

We consulted with both Jim Lewis of LJ Engineering, a structural engineering consultant, and The Engineering Collaborative to review the mechanical, electrical, plumbing systems. This evaluation occurred on August 15th and 16th of 2022.

INDIANA BUILDING CODES

The Structure falls under the jurisdiction of the current 2018 Indiana Building Code. This is a combination of the 2012 International Building Code adopted and modified with Indiana Amendments.

The two-story building is comprised of exterior brick masonry unit bearing walls with a post and beam framing system. The entire existing structure measures approximately 192,000 square feet and was constructed in 1910 and renovated into office use in 1990.

RULES FOR EXISTING BUILDINGS

Existing buildings that were constructed in accordance with the rules of that time of existence are permitted to have their existence continued without having to be altered to comply with current rules. There are two exceptions to this:

1. The use of the building is changed which causes the building to be classified into a different occupancy group or a different division within the same occupancy group.
2. New work or alterations to the existing building must comply with the provisions of the current code. Portions of the structure not altered and not affected by the alternations are not required to comply with the code requirements for a new structure.

The Structure has been renovated under the 1988 Indiana Building code and underwent a change in use from factory to office. Code regulations only require any building alterations or change in use, to meet current code requirements.

OCCUPANCY and CONSTRUCTION TYPE

The Structure is classified as a Type M and B Occupancy use. The second floor is currently only a B use.

The building is a Type III-B Construction. This indicates that all exterior walls are created of a noncombustible material while interior building materials may be of combustible materials. The building may rise to four stories in height total, 55 feet maximum. The 'III-B' classification signifies that the building is a non-rated building with no required, rated fire protected structural members, however the structure appears to have a NFPA sprinkler system throughout.

OCCUPANT LOAD

B, Business occupancy allows for a minimum floor area per occupant of 100 square feet. Total occupant loads are outside of this evaluation, however, the required number of exits and stairs for each floor were met for the current uses and required egress.

DRINKING FOUNTAIN

Current building codes stipulates that there should be one drinking fountain for this use and one is provided.

MEANS OF EGRESS (Exiting from spaces)

One exit is required from individual rooms or spaces containing less than 50 persons in an Assembly Occupancy. For spaces over 50 persons (750 square feet), two exits are required.

EXIT TRAVEL DISTANCE

Exit access travel distance for business (B) or retail (M) occupancy allows a maximum of 300 linear feet from occupied space to the exterior in a building without a sprinkler system (1016.2). A minimum of two independent exits from occupied spaces to exterior are required in a building with occupancy under 500 persons (1015). These seemed to all be met in the current floor plan layout.

MAJOR ALTERATIONS or REMODELLING

The Indiana General Administrative Rules allows for the use of Chapter 3410 Code Review in an existing building to review if the building can be renovated and not need to meet all of the conditions for the current building codes. It is a scoring system that provides positive points for life safety items to exceed points deducted for deficiencies.

The potential exists that we could use the Chapter 3410 matrix on any renovations to the existing structure which may not require a major renovation to that portion to meet the new building codes. This would be required to place a high risk occupancy such as police headquarters or fire department headquarters within the building. These high risk uses are discussed in Table 1604.5, Risk Category. Seismic requirements would require substantial upgrades, or the entire structure would need to be evaluated per Chapter 3410.

ACCESSIBILITY

Chapter 11 of the Indiana Building Code prescribes standards and accommodations that must be followed to provide access to public and commercial buildings by disabled persons. These standards require that reasonable accommodations be made to allow a person to obtain access to the main level of a building. Any specific feature or experience within the building must be provided on that floor.

The basic premise of Chapter 11 requirements is to provide an accessible route to the building and to public use spaces within the building. The code is compatible with American's with Disabilities (ADA). Guidelines. In regard the Structure, it does fulfill the requirements for accessibility. There are designated handicapped parking spaces. The west entry enters the first floor of the building at grade. There is an existing elevator for second level access. This permits acceptable clearances for a person in a wheelchair access these spaces.

Restrooms in the building seem to meet ADA / Chapter 11 requirements. There is however, no signage indicating an accessible route.

INTERIOR REVIEW

FIRST FLOOR

No issues evident-all mechanical units reviewed.

Common toilet rooms/corridor-No issues found-plumbing was in working order.

SECOND FLOOR

No issues evident-all mechanical units reviewed.

Common toilet rooms/corridor-No issues found-plumbing was in working order.

ELEVATOR

A detailed inspection was not performed-the elevator was used and found to be in operating order. The elevator equipment room was entered and no leaks were evident.

ROOF CONDITION

Firestone membrane roof-no evidence of issues present in flashings/gutters. Roof was not inspected as we had no access, however, the roof installer was contacted and the roof is only a few years old and has a transferrable warranty.

EXTERIOR

The exterior appearance of the building had no visible issues. Some tuckpointing has recently taken place. No evidence of window issues or skylight issues was readily apparent, and they all seemed in working order.

HEATING/COOLING/ELECTRICAL/PLUMBING and CONDITION ASSESSMENT/ANALYSIS
See the attached exhibit of those systems.

September 2, 2022

Mechanical, Electrical, and Plumbing Systems
ANALYSIS OF EXISTING CONDITIONS
for the
Showers Building (CFC)
122 W. Walnut St.
Bloomington, Indiana

prepared by

THE ENGINEERING COLLABORATIVE
2410 Executive Drive, Suite 100
Indianapolis, Indiana 46241
317.636.3941

Introduction

This report will include the following sections:

- I. Physical Description
- II. Condition Assessment
- III. Code Review
- IV. Recommendations: Immediate, Mid-term, and Long-term
- V. Summary

I Physical Description

All systems have been visually reviewed in the field. In general, there are existing and functional electrical (power, lighting, and telephone) systems throughout the building, functional plumbing including domestic hot water, and functional heating and cooling throughout (with mechanical ventilation). There are active natural gas, domestic water, fire protection water, telephone, and power utility services,

Site Utilities

POWER

The building has an underground 2,500 amps at 277/480 v., 3 ph. power service, fed from a Duke Energy pad-mount transformer.

WATER

The meter is in the northwest corner of the mechanical room and it appears to be a 2" service line. There is no visible Reduced Pressure Zone Backflow Preventer (RPZBP).

SANITARY SEWER

The sanitary sewer was not visible on site, but it is shown on the 1994 drawings to exit to the south.

COMMUNICATIONS

There is a conventional telephone service.

NATURAL GAS

There is no natural gas service.

I Physical Description *(continued)*

Building Systems

MECHANICAL – Heating, Ventilating, and Air-conditioning

The building has a closed-loop water-source heat pump system with two (2) electric boilers for supplemental heating and a cooling tower for excess heat rejection. The latter was replaced last year. Most of the individual heat pumps have been replaced but a few original units remain.

ELECTRICAL

The 2,500 a. 277/280 v., 3 ph. service should be more than adequate for the building and the equipment is in very good condition, in the Main Distribution Panel (MDP), the dry-type transformer to 120/208 v., 3 ph., the 120/208 v. MDP, and all branch circuit panels boards.

Interior wiring appears to have been completely updated in the 1994 renovation and it appears to be in very good condition.

Lighting appears to date to the 1994 renovation. Some re-lamping with LED lamps has been done but most of the lighting uses the original lamping.

PLUMBING

All of the piping and fixtures appear to date to the 1994 renovation and they appear to be in good condition. The water heater in the mechanical room appears to be relatively new and it is in good condition. Lavatory faucets have been replaced with automatic units. There is an issue with floor-drying and associated sewer gas in some of the restrooms.

FIRE PROTECTION

The building is fully sprinklered and there is an addressable fire alarm system.

II Condition Assessment

Most of the equipment is in good to excellent condition and there should be no major issues in the short- or mid-term future. More than 10 years out, more equipment is likely to require replacement.

Power: the equipment appears to be in good condition and should be useable for a few more decades.

Lighting: the lighting is antiquated and re-lamping with LED sources or full fixture replacement should be done as soon as it is affordable.. Energy rebates may be available to reduce the cost of this work.

Plumbing: the plumbing appears to be functional and in good condition.

III Code Review

Even though all existing mechanical, electrical, and plumbing systems may have been in compliance with design and construction standards at the time of construction and newer work may have been in nominal compliance with Indiana Codes in the past, all new work undertaken in the facility in the future must be in full compliance with all current applicable rules, except the 2010 Indiana Energy Code. Due to its age, the building is entirely exempt from all requirements of the 2010 Indiana Energy Code.

A relatively minor code issue is that additional fire alarm visual notification devices will probably be need if areas are renovated because current rules require such devices in most spaces (anywhere there could be two or more occupants plus others).

IV Recommendations: Immediate, Mid-term, and Long-term

IMMEDIATE (as soon as feasible)
No items

MID-TERM (1-5 years)
E1.1 Replace all lighting.

LONG-TERM (greater than 5 years)
H1.1 Replace some heat pumps.

V Summary

Overall, the systems in building are in very good condition and little work will be needed in the near future..

Submitted by

THE ENGINEERING COLLABORATIVE



Samuel L. Hurt, P.E., R.A., R.I.D.
LC, LEED® AP, HFDP
Principal

STRUCTURAL EVALUATION

See the attached exhibit for the structural evaluation.



L.N.J. ENGINEERING, LLC

P.O. Box 1365 • Columbus, IN 47202
812.372.3732 • www.engineeringLJ.com

August 19, 2022

Tabor Bruce Architecture
1101 S. Walnut St
Bloomington, IN 47401

RE: CFC Tenant Space (Showers Building); 401 N Morton, Bloomington, IN

I visited the above building space on August 16, 2022, to walk through and around the tenant space providing a visual assessment of the building structure for use as a police and fire department.

This use classifies the structure as a risk category IV per ASCE-7 (2014 Indiana Building Code). This classification requires the increase in design loads and forces to maintain the safety and continued use of the facility. The importance factors for a category IV structure increases the current design loadings for snow by 20%, ice thickness 25% and earthquake (seismic) by 50%. In addition, there are overstrength factors and deflection amplification factors that affect connections and material uses.

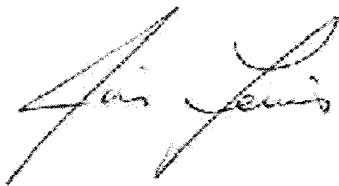
Based upon the above requirements, my opinions and observations are as follows:

- The building was built in 1910 and had some remodeling done in 1994.
- South exterior wall: a few limestone window sills should have their horizontal deteriorations cement filled to prevent further infiltration and deterioration.
- West exterior wall: there are a few, hit and miss, locations that should have some brick tuck pointing done for long term integrity.
- The exterior walls are two wythe brick. These walls are not reinforced, they have aged mortar and, in most locations, are load bearing. Therefore, it is my opinion that these walls would not meet the required design loadings for the proposed use.
- The interior framing is considered heavy timber post and beam with load bearing exterior walls. These timber connections were built with mainly vertical loading requirements and will not meet the required seismic provisions without significant upfit.
- The interior main support beams are supported by and bolted to the exterior walls. These connections will not satisfy the connection requirements of the applicable codes and will, therefore, require significant upgrade and retrofit.
- On the second floor, above the hallway, there were noticed three horizontal beams that have a horizontal split (or check) almost extending the full length of the beam. These should be addressed by either adding reinforcement or injecting an adhesive bonding agent to maintain the integrity of the wood member. It is estimated that these costs could range from \$5000 to \$8000.
- The saw-tooth roof system with its wood truss supports will not meet the required seismic provision due to their compression web members being only compression-fit

connections. These trusses would have to be upfit with mechanical connections to hold all members to the top and bottom chords.

Overall, the building appears to be in good structural condition, especially considering the '94 remodel. However, it is my opinion, that without significant structural upfit, this building will not meet the proposed requirements. Also, these structural modifications will require a large amount of interior finishes to be removed and redone to allow for the structural work to be done.

Sincerely,

A handwritten signature in cursive script that reads "Jim Lewis". The signature is written in black ink and is positioned below the word "Sincerely,".

Jim Lewis, S.E., P.E.



Bloomington Fire Department Station 1: Redesign Due Dilligence



CHIEF JASON MOORE
300 EAST 4TH STREET
BLOOMINGTON, IN 47408
MOORJA@BLOOMINGTON.IN.GOV
31 OCTOBER 2022





REPORT AUTHOR'S

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MARTINRILEY architects-engineers

INITIAL INFORMATION

MartinRiley was contacted after a series of investigations beginning in 2019 for due diligence regarding Bloomington Fire Department Stations 1-5. The focus of the following due diligence study is to focus on the reuse of Fire Station 1, which originally served as the headquarters for Bloomington Fire Department.

The study of Station 1 originally began in 2021 and laid out revisions to the existing structure with a focus on laying out individual bunkrooms/bathing facilities, and updating the kitchen/living areas. Since this original due diligence was completed, flooding and damage to the building resulted in the relocation of the building's program to a temporary facility. Additionally, the culverted portion of a local waterway (Jordan River), was updated. This culvert runs diagonally through the building's site and results in the "stepped" plan of the building. With the recent improvements to the adjacent culvert and flood damage necessitating extensive repairs to the original structure, MartinRiley was asked to revisit the original study focusing on a new set of parameters.

Major program and scope changes in this portion of the work include:

- Removal of the Administrative Headquarters program of the building (to be located off site in another facility)
- Focus in removing all program from the basement level (specifically mechanical/electrical)
- Full mold remediation of the two story portion of the building
- Investigate the elimination of the sanitary sewer lift station in favor of a gravity system.
- Relocation of generator to avoid exhaust entering building
- Parking lot repaved with concrete in lieu of asphalt
- The exploration of additional square footage added to the building

EXECUTIVE SUMMARY:

The study began with an investigation into the work performed by the city utilities on the updates to the Jordan River Culvert. In an exhibit attached to this document titled “City of Bloomington Jordan River Storm Culvert Reconstruction [...]” the extents of the culvert construction updates are seen in relation to the existing site. These drawings were provided by the City of Bloomington Utilities department. Additionally provided, is the document survey of Parcel 11 noting the easement of this new utility. Both documents were used in conjunction with the previous study’s 3D scan of the building to create a schematic plan of the building site extents.

The study continued with a further examination of the city zoning requirements for greenspace, setbacks, parking etc..

Site Zoning: MD-UV

Landscaped Area: 15% at grade and not covered by a building or hardscape must be retained as planted or vegetated area. A reduction of 5% is allowed with the installation of Public Art. There is a public art installation already present on site.

- -Site Acreage $0.4 = 17,424\text{SF} * 10\% = 1,742.4\text{SF}$ greenspace required

Parking: MD districts do not have a limit for Police, Fire or Rescue Stations per table 4-10 (pg148 of Zoning ordinance)

Setbacks: Existing structure conforms.

Build-to Range: 0-15 ft

Building Façade at build-to Percentage: 70%

Side/Rear yard: None

Primary structure height (max): 3 stories not to exceed 40ft

Following the initial due diligence research, MartinRiley developed and evaluated various design concepts for this study. These are documented as an attachment at the conclusion of this study. The three schemes presented at this preliminary meeting were focused on 1) the original footprint with the exclusion of the administrative program. 2) a small addition (in compliance with the city required ordinance) growing the building to the East. 3) A selective demolition of the 2-story portion of the building and replacement with a new

3-story portion in a similar footprint as the original structure.

The third option (focused on demolition and new construction of a 3-story addition) yielded a significant additional usable square footage. The original structure had a usable square footage of 2,350 SF (not including the lower level as this was off limits for renovation). The newly proposed structure would be an addition of approximately 4,710 SF. This would result in an additional 2,360 SF.

The final resulting study focused on the creation of preliminary schematic plans for this addition, as well as, the rearranging of spaces within the existing building remodel. The results of this study are provided as an attachment to this document. Ultimately, this addition solves key issues related to the station.

1. It allows for additional usable square footage on a compact site
2. It removes the “problem” portion of the building (i.e. mold remediation, consistently flooding basement, etc...)
3. It allows for the station to operate closer to modern safety standards for fire departments. Including an “airlock” separation space between the apparatus bay and the living/working quarters of the building
4. It separates program areas that are difficult to isolate acoustically (living space and sleeping/study space)
5. Gear lockers are centralized and no longer split between north/south of building.
6. Current semi-residential style Mechanical systems can be eliminated and updated with a proposed commercial style system. Roof Top Units and partially zoned systems for the new sleeping and living quarters.
7. Full remodel allows for the complete addition of a commercial fire sprinkler system

Improvements to the culverted Jordan River are noted to have greatly improved the flooding hazard on site; however, at the time of this study, the station is reported to have approximately one foot of residual water from previous flooding in the basement. It is with this information, along with the list above, that the early schematic drawings were sent to The Hagerman Group, a general contractor engaged as a consultant by MartinRiley, to assist in providing an Opinion of Probable Cost. This document is included at the end of this



report as an attachment.

The schemes as presented in the attachment show a conservative spatial configuration that does encroach the 10 feet easement for the culvert. Discussions with the City Utilities department have suggested a path to a reduction in easement to 5 feet. The current layout has a generous greenspace allotment and is not expected to exceed the zoning requirements even with the addition of space allotted by the reduction of the easement if pursued.

A final portion of the early schematic design and due diligence resulted in a series of conceptual sketch renderings of what the addition to Station 1 might look like. These are listed in the attachments at the conclusion of this document.

Additionally, throughout the studies, MartinRiley evaluated the conditions of the plumbing civil connection and determined that it is likely that an updated renovation and elimination of the lower level can allow a fully gravity fed system on site.

PROJECT OPINION OF PROBABLE COST BUDGET:

Total Hard Cost	\$5,396,502
Sub-Total (Construction)	\$4,327,466
Escalation	\$259,648 -- 6% (6 months)
Design and Estimating Contingency	\$550,454 -- 12%
Contractor Fee	\$205,503 -- 4%
Contractor Performance and Payment Bond	\$53,431 -- 1%
Project Construction Contingency	\$269,825 -- 5% of hard costs
Soft Costs (Total)	\$723,469
A/E	\$509,969 -- Architect/Engineering fees
FFE	\$200,000 --Furniture, Fixtures, Equipment
Permit	\$1,500 -- State/Local fees
Misc Test/Other	\$12,000 -- Soils, Survey, etc...
<hr/>	
TOTAL PROJECT BUDGET	\$6,389,796

*Note: Values from Hard Costs are further broken out in the attached OPC in attachment #5.

**Note: See attachment #5 for additional Add alternate of \$83,387 for concrete proposal on 4th St.

CONSIDERATIONS AND ADDITIONAL NOTES:

Further investigation regarding the addition of a mezzanine atop the gear storage. Located in the south-west corner of the first floor, the appropriate use of this area in relation to the gear storage space below will be further explored during a schematic design phase of a renovation to Station 1. Further investigation might yield a use of this space as mechanical or additional storage due to height limitations in the space.

Reinstatement of the Fire Pole.

Additional consideration will be required during the schematic design phase of the project in order to determine the best use for the existing fire pole. Notes regarding the pole are listed below.

- NFPA 1500 10.1.8* states, "Stations utilizing poles to provide rapid access to lower floors shall ensure that the area around the pole is secured by a means of a cover, enclosure, or other means to prevent someone from accidentally falling through the pole hole."
- Recommendations for retaining the pole, if desired, entail an ability to provide a "clear space" around the point of exit from the pole as well as an air tight access door from the living quarters to the pole itself. Additionally it is recommended to follow the guidelines set by U.S. Fire Administration, "Safety and Health Consideration for the Design of Fire and Emergency Medical Services Stations," published in May 2018.

ATTACHMENTS:

1. City of Bloomington Jordan River Storm Culvert Reconstruction [...]
2. Site Survey of Easement
3. October 6, 2022 Meeting Presentation (3 scheme investigation)
4. Early Schematic drawings of Addition
5. Opinion of Probable Cost prepared by The Hagerman Group (based upon Early Schematic Plans and previous 2021 study)
6. Concept Sketches of Station 1 Addition



ATTACHMENT 1:

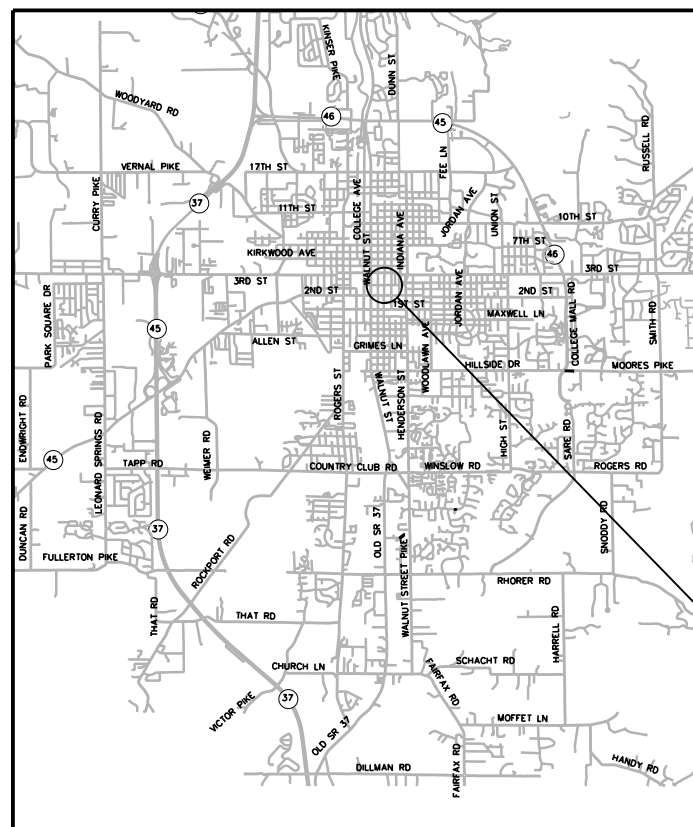
City of Bloomington Jordan River Storm Culvert Reconstruction [...]

CITY OF BLOOMINGTON

JORDAN RIVER STORM CULVERT RECONSTRUCTION

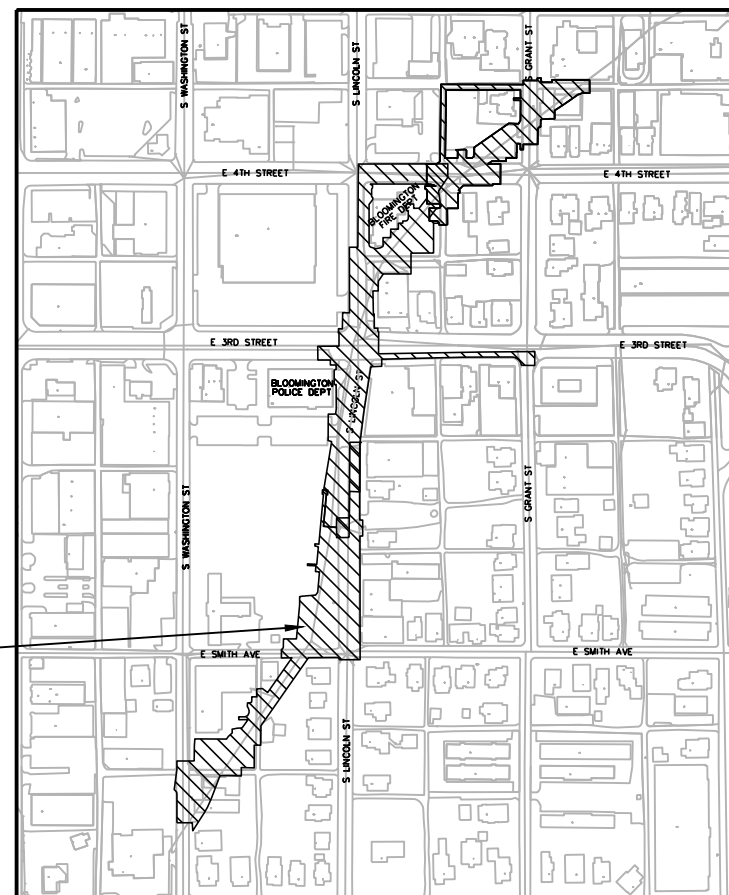
113 SOUTH GRANT TO 423 SOUTH WASHINGTON

CITY OF BLOOMINGTON, INDIANA
OCTOBER 2020



PROJECT LOCATION MAP

SCALE N.T.S.



PROJECT SITE MAP

SCALE: N.T.S.

DRAWING NO.	SHEET NO.	TITLE
-	1	TITLE SHEET
G1-1 TO G2-1	2-3	CIVIL LEGEND / GENERAL NOTES
E1-1 TO E1-2	4-5	EASEMENT AND PROPERTY USE PLAN
L1-1 TO L1-2	6-7	CULVERT LAYOUT AND GEOMETRICS
AL1-1 TO AL1-2	8-9	SITE LAYOUT AND GEOMETRICS
EC-1 TO EC-6	10-15	EROSION CONTROL
CK-1 TO CK-2	16-17	SHEET LAYOUT OVERVIEW
CRU-1 TO CRU-7	18-24	BURIED UTILITY REMOVAL PLANS
CRS-1 TO CRS-7	25-31	SURFACE REMOVAL PLANS
CU-1 TO CU-10	32-41	PLAN AND PROFILE: PROPOSED SANITARY SEWER AND FORCEMAIN
CP-1 TO CP-8	41-49	PLAN AND PROFILE: PROPOSED CULVERT, STORM SEWER, & WATER
SR-1 TO SR-7	50-56	SURFACE RESTORATION PLANS
PM-1 TO PM-7	57-63	PAVEMENT MARKING AND SIGNAGE PLANS
CD-1 TO CD-4	64-67	CURB RAMP DETAILS
TS-1	68	TRAFFIC SIGNAL PLAN
M-1 TO M-5	69-73	MISCELLANEOUS DETAILS
MTRAF-1 TO MTRAF-12	74-85	MAINTENANCE OF TRAFFIC PLANS
S-1 TO S-13	86-99	CULVERT STRUCTURE AND OTHER STRUCTURAL DETAILS
CS-1 TO CS-35	100-134	CROSS SECTIONS

CERTIFIED: PAUL N. ELLING, P.E.

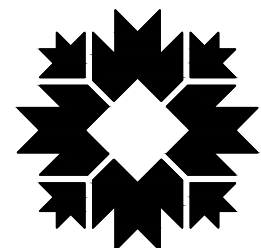
DATE: 10-1-2020



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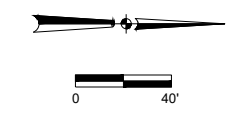
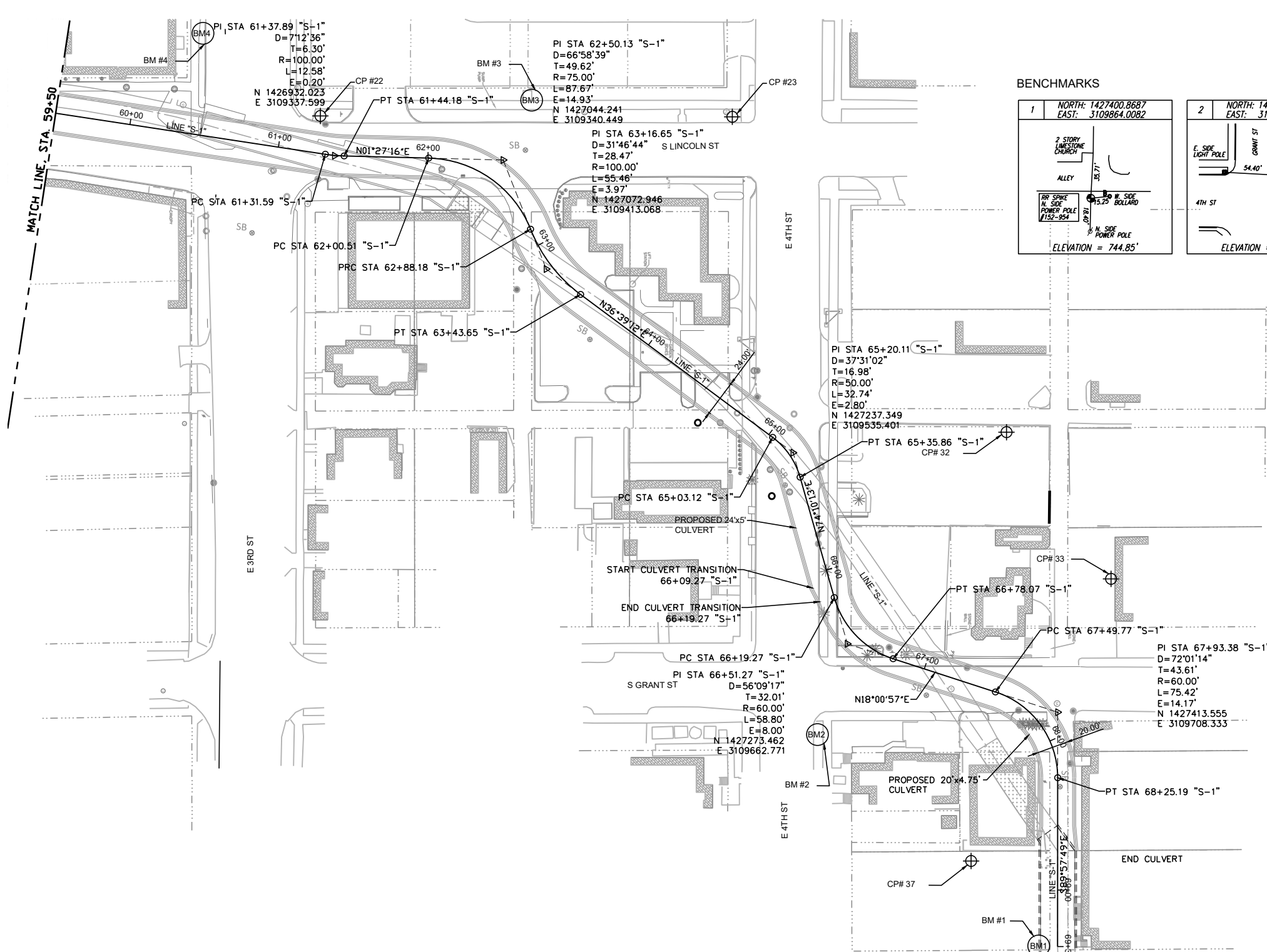


101 WEST OHIO STREET, SUITE 820
INDIANAPOLIS, INDIANA 46204
TELEPHONE.....(317) 267-8200
FAX.....(317) 267-8201
PROJECT NO.....12594

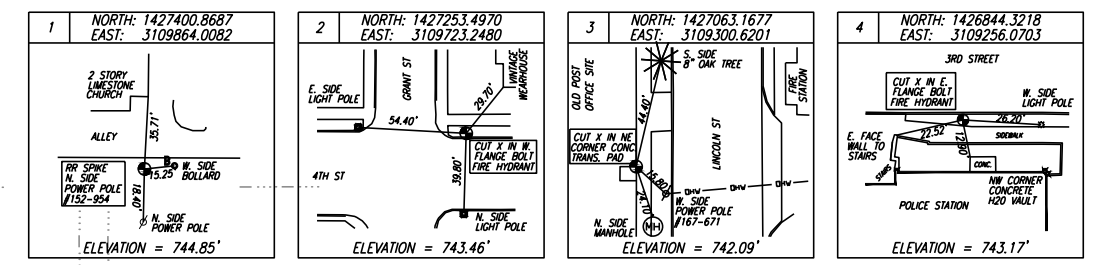


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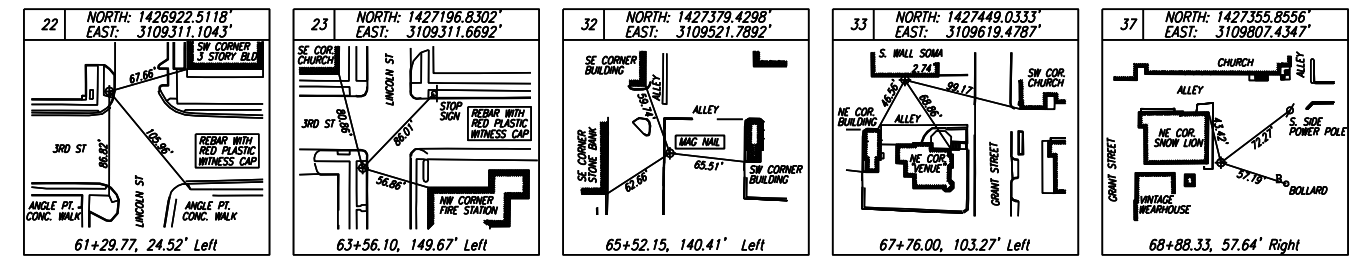
CITY OF BLOOMINGTON
UTILITIES - STORM / SANITARY / WATER IMPROVEMENTS



BENCHMARKS



CONTROL POINTS



Revision Number	Revision Description	Date
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Designed By	MAS
Drawn By	MAS
Checked By	PNE
Approved By	PNE
Filename	002-L-1-DWG
Project No.	12594
Project Date	10/01/20

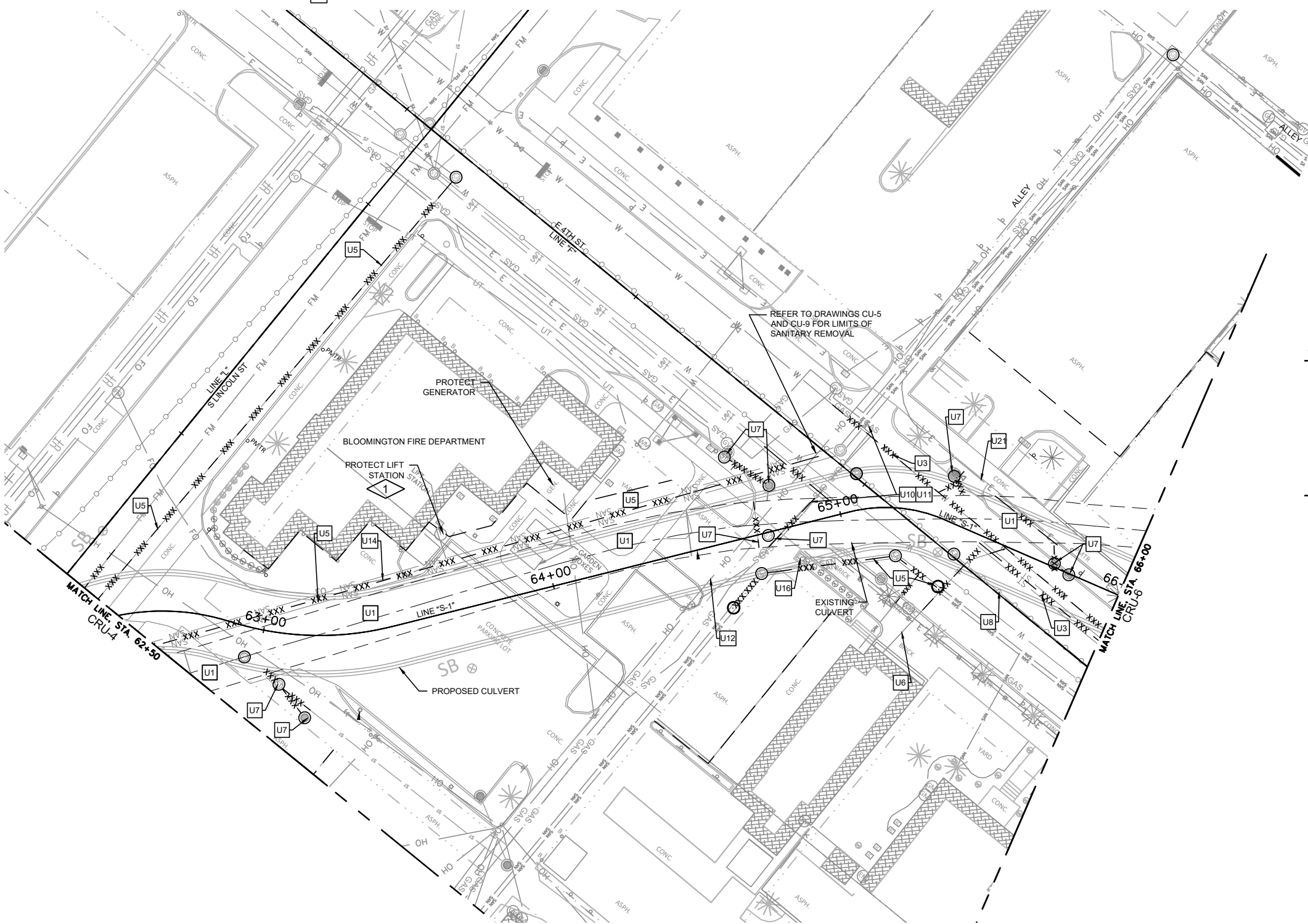
CITY OF BLOOMINGTON
JORDAN RIVER STORM CULVERT RECONSTRUCTION
113 SOUTH GRANT TO 423 SOUTH WASHINGTON
BLOOMINGTON, INDIANA
CULVERT LAYOUT AND GEOMETRICS



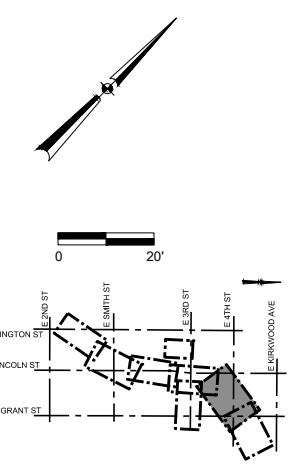
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 Drawing No.

UTILITY REMOVALS:

- U1 EXISTING CULVERT REMOVAL
- U3 EXISTING WATER MAIN REMOVAL
- U5 EXISTING SANITARY SEWER REMOVAL, INCLUDES STRUCTURES
- U6 EXISTING SANITARY LATERAL RECONSTRUCT
- U7 EXISTING STORM SEWER REMOVAL, INCLUDING STRUCTURES
- U8 PREVIOUSLY ABANDONED UTILITY, REMOVE AS NEEDED
- U10 EXISTING GAS LINE TO BE REMOVED AFTER ABANDONMENT
- U11 EXISTING GAS LINE TO BE RELOCATED BY OTHERS
- U12 EXISTING OVERHEAD LINES TO BE PROTECTED
- U14 EXISTING CITY OF BLOOMINGTON FIBER OPTIC CONDUITS AND LINE TO BE REMOVED AND REPLACED
- U16 EXISTING ELECTRICAL VAULT, REMOVE AND REPLACE
- U21 EXISTING UNDERGROUND ELECTRIC TO BE RELOCATED BY OTHERS



REFER TO DRAWINGS CU-5 AND CU-9 FOR LIMITS OF SANITARY REMOVAL



GENERAL NOTES:

1. WATER AND SEWER SERVICE LINES WHICH ARE REPLACED WITH NEW SERVICE LINES ARE TO BE ABANDONED/REMOVED AS REQUIRED. PLUG ENDS OF SERVICE LINES ABANDONED IN PLACE. REMOVE ABANDONED METER PITS AND METERS.
2. REMOVE ALL UTILITY CASTINGS FOR UTILITY LINES WHICH ARE TO BE ABANDONED. FILL ALL STRUCTURES TO BE ABANDONED WITH SAND.

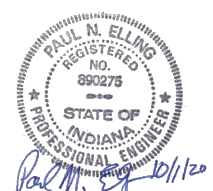
PLAN NOTES:

1. CONSTRUCT NEW FORCEMAIN PER DRAWING CU-5. PROVIDE TEMPORARY BYPASS PIPING PRIOR TO REMOVAL OF EXISTING SANITARY SEWER.

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Revision Number	

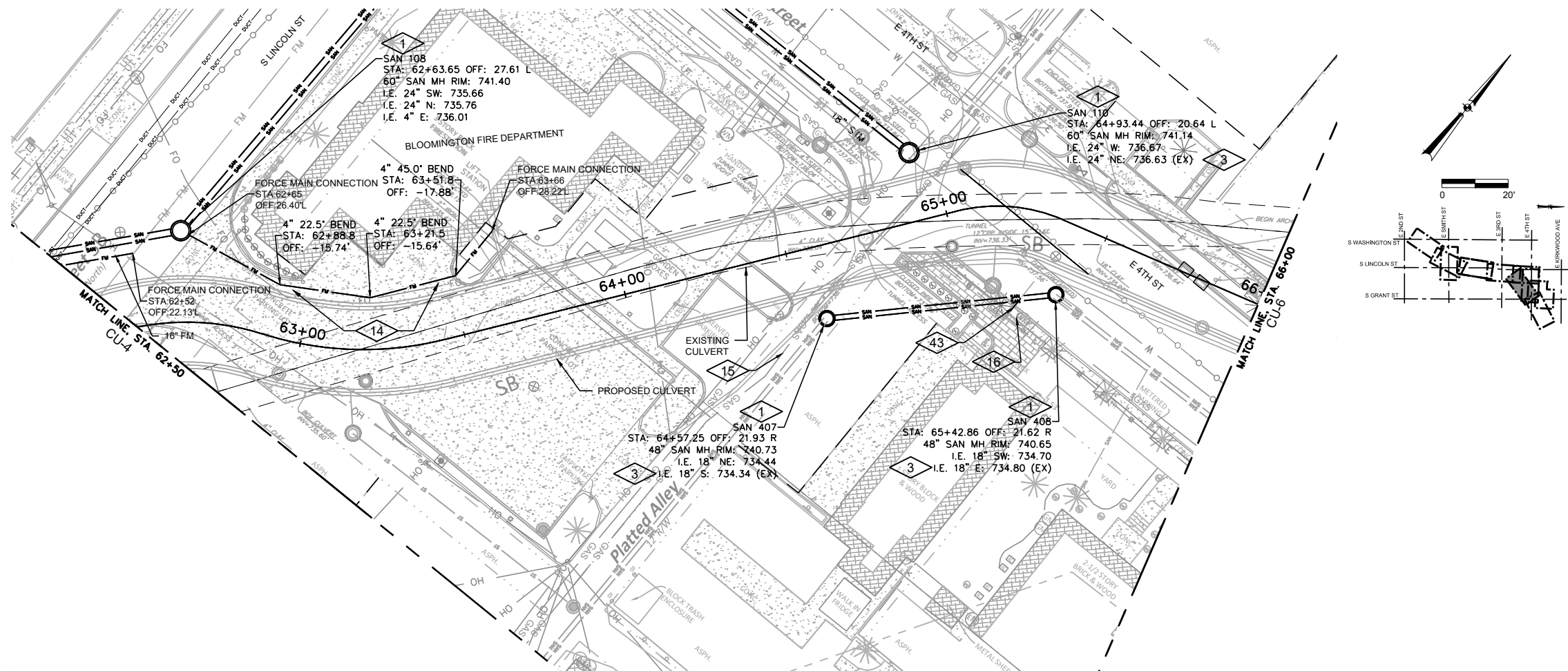
Designed By	MAS
Drawn By	MAS
Checked By	PNE
Approved By	PNE
Filename	002-CRU-1.DWG
Project No.	12594
Project Date	10/01/20

CITY OF BLOOMINGTON
JORDAN RIVER STORM CULVERT RECONSTRUCTION
113 SOUTH GRANT TO 423 SOUTH WASHINGTON
BLOOMINGTON, INDIANA
PLAN VIEW
BURIED UTILITY REMOVALS



DONOHUE

Sheet No. 022
Drawing No. CRU-5

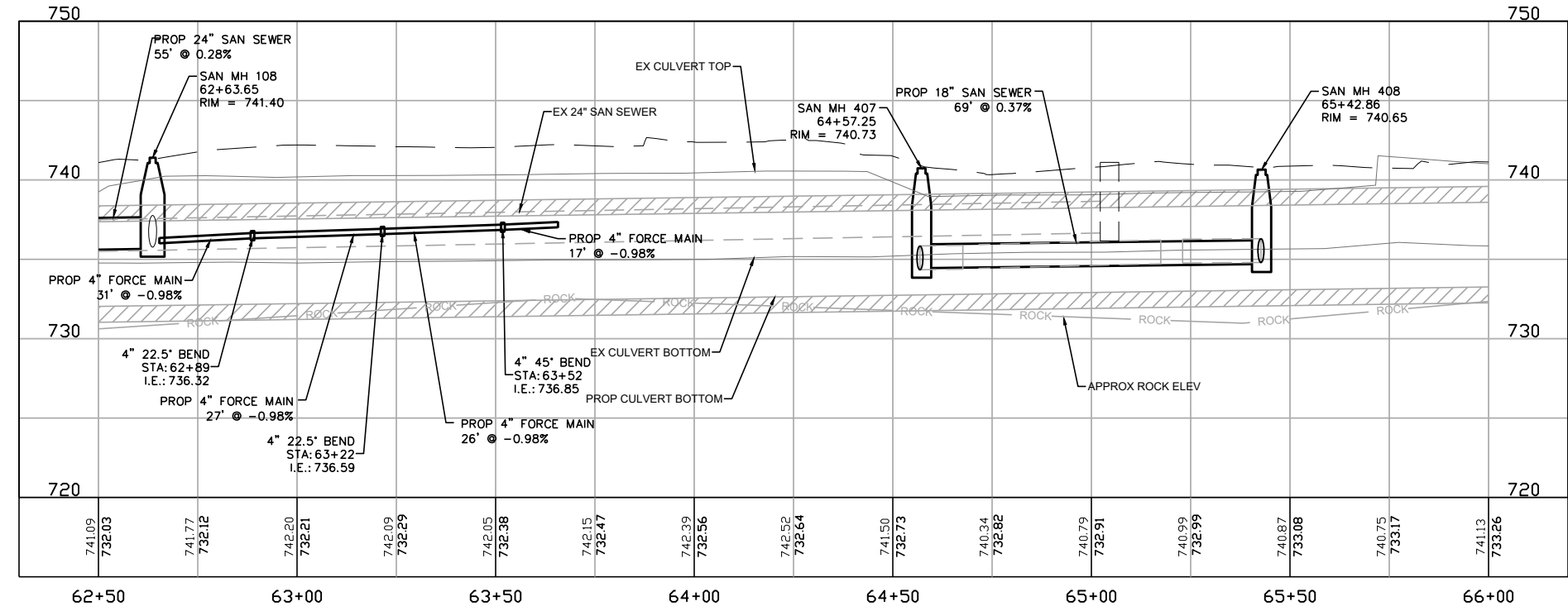


GENERAL NOTES:

1. ALL EXISTING PIPING AND UTILITIES SHALL BE FIELD VERIFIED FOR LOCATION AND ELEVATION. CONTACT ENGINEER IF UNKNOWN CONFLICTS EXIST.
2. INSTALL PIPING WITH APPROPRIATE TRENCHING, BEDDING, AND BACKFILL REQUIREMENTS. SEE (C500) (C506) (C507)
3. RESTORE ALL DAMAGED TURF AREAS WITH SEED AND MULCH. SEE (C050)
4. GRAVITY PIPING WHICH CROSSES THE PROPOSED ALIGNMENT SHALL BE REPAIRED IN ACCORDANCE WITH DETAIL. SEE (C301)
5. PROVIDE RESTRAINED JOINTS AT ALL FORCE MAIN BENDS AND DEFLECTIONS.
6. GAS, ELECTRIC, TELEPHONE, FIBER, STORM, WATER, AND PREVIOUSLY ABANDONED UTILITIES NOT SHOWN IN PROFILE VIEW.

PLAN NOTES:

1. SANITARY MANHOLE PER DETAIL (C201)
3. CONNECT EXISTING PIPE TO PROPOSED SANITARY STRUCTURE
14. PROTECT EXISTING TELEPHONE/FIBER FACILITIES
15. PROTECT EXISTING GAS LINE UNTIL ABANDONED.
16. PROTECT EXISTING WATER LINE UNTIL NEW WATER SERVICE LINE IS IN SERVICE.
8. PROVIDE NEW 6-IN SDR-26 SANITARY LATERAL CONNECTION TO SEWER.

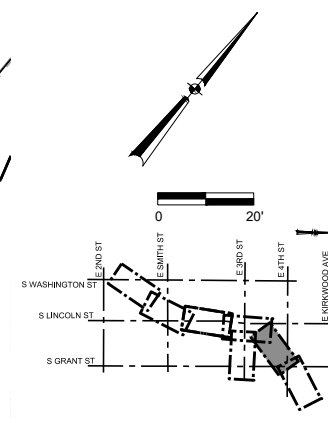
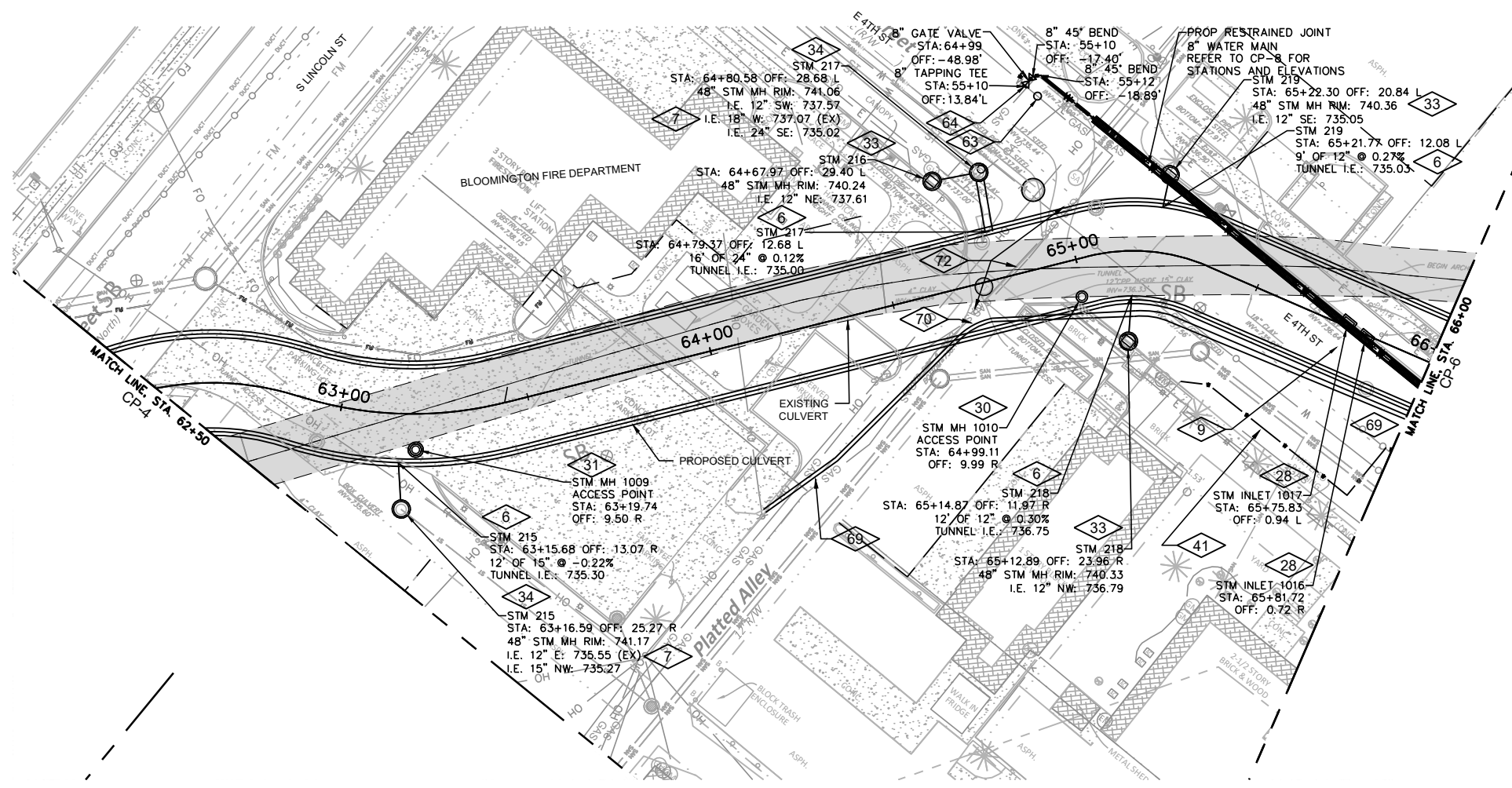


Date	Checked By	Drawn By	Revision Description	Revision Number	Designed By	Drawn By	Checked By	Approved By	Filename	Project No.	Project Date
					MAS	MAS	PNE	PNE	002-CU-1.DWG	12594	10/01/20

CITY OF BLOOMINGTON
JORDAN RIVER STORM CULVERT RECONSTRUCTION
113 SOUTH GRANT TO 423 SOUTH WASHINGTON
BLOOMINGTON, INDIANA
PLAN & PROFILE
PROPOSED SANITARY SEWER & FORCE MAINS



Sheet No. 036
 Drawing No.

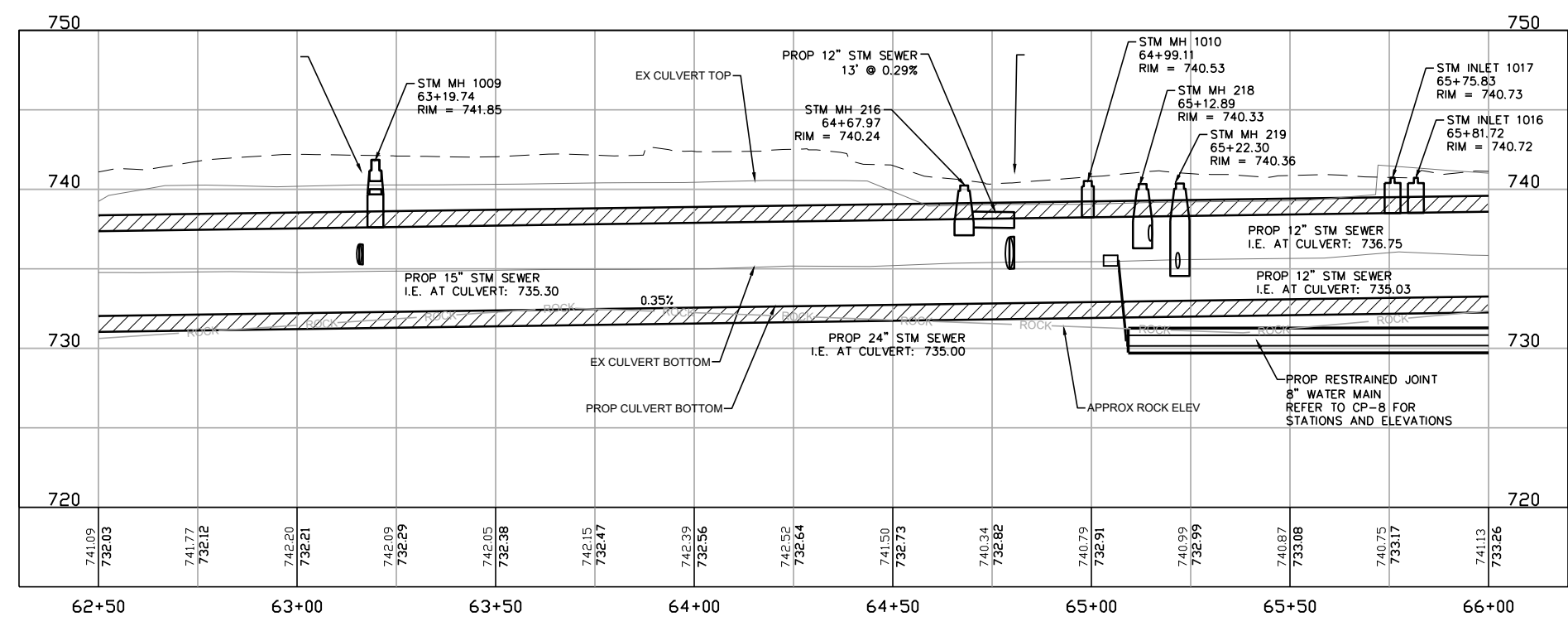


GENERAL NOTES:

1. ALL EXISTING PIPING AND UTILITIES SHALL BE FIELD VERIFIED FOR LOCATION AND ELEVATION. CONTACT ENGINEER IF UNKNOWN CONFLICTS EXIST.
2. INSTALL PIPING WITH APPROPRIATE TRENCHING, BEDDING, AND BACKFILL REQUIREMENTS. SEE (C500) (C506) (C507)
3. RESTORE ALL DAMAGED TURF AREAS WITH SEED AND MULCH. SEE (C050)
4. GRAVITY PIPING WHICH CROSSES THE PROPOSED ALIGNMENT SHALL BE REPAIRED IN ACCORDANCE WITH DETAIL. SEE (C301)
5. PROVIDE RESTRAINED JOINTS AT ALL BENDS AND DEFLECTIONS.

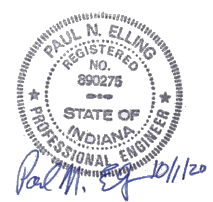
PLAN NOTES:


6. CONNECT STORM SEWER TO PROPOSED CULVERT
7. CONNECT EXISTING PIPE TO PROPOSED STORM STRUCTURE
9. STEEL CASING PIPE AND CARRIER PIPE PER DETAIL (C540)
28. NEW TYPE "10" CASTING, ON MODIFIED INLET TYPE "J", ON 2-FT X 3-FT CULVERT OPENING
30. NEW TYPE "4" CASTING, ON 2-FT DIAMETER MANHOLE, ON 2-FT DIAMETER CULVERT OPENING
31. NEW TYPE "4" CASTING, ON 2-FT X 3-FT X 18-IN CONCENTRIC CONE, ON 3-FT DIAMETER MANHOLE, ON 3-FT DIAMETER CULVERT OPENING
33. NEW TYPE "10" CASTING, ON MANHOLE TYPE "C" WITH FLAT TOP LID
34. NEW TYPE "4" CASTING, ON MANHOLE TYPE "C"
41. NEW 2-IN WATER SERVICE LINE, WATER METER AND BOX, AND UNIONS.
63. INSTALL 8-INCH LINE STOP AND CAP LIVE WATERMAIN AFTER NEW WATERMAIN IS IN OPERATION.
64. PROVIDE HOT TAP CONNECTION TO EXISTING WATERMAIN UTILIZING A TAPPING SLEEVE AND VALVE AS SHOWN.
69. 2-6" DUCTS SUPPLIED BY AND INSTALLED BY DUKE AND 2-4" DUCTS SUPPLIED BY AND INSTALLED BY COMCAST DURING CULVERT CONSTRUCTION. DUCTS MAY BE IMMEDIATELY ADJACENT OF CULVERT UNLESS CROSSING UNDER. CONTRACTOR TO COORDINATE AS REQUIRED FOR SCHEDULE. USE LONG SWEEP ELBOWS AT ALL BENDS. UTILITY RESPONSIBLE FOR ADDITIONAL EXCAVATION THAT MAY BE NEEDED TO INSTALL DUCTS.
70. INSTALL 2-6" AND 2-4" DUCTS UNDER CULVERT TO STAY WITHIN EXISTING RIGHT OF WAY. DUCTS MAY BE PLACED 6" BELOW BASE SLAB.
72. CONTRACTOR TO COORDINATE WITH GAS COMPANY FOR RELOCATION OF GAS LINES DURING CONSTRUCTION.

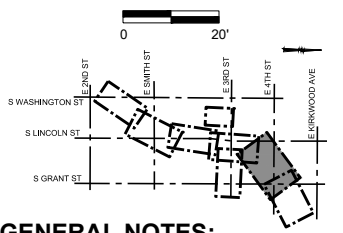
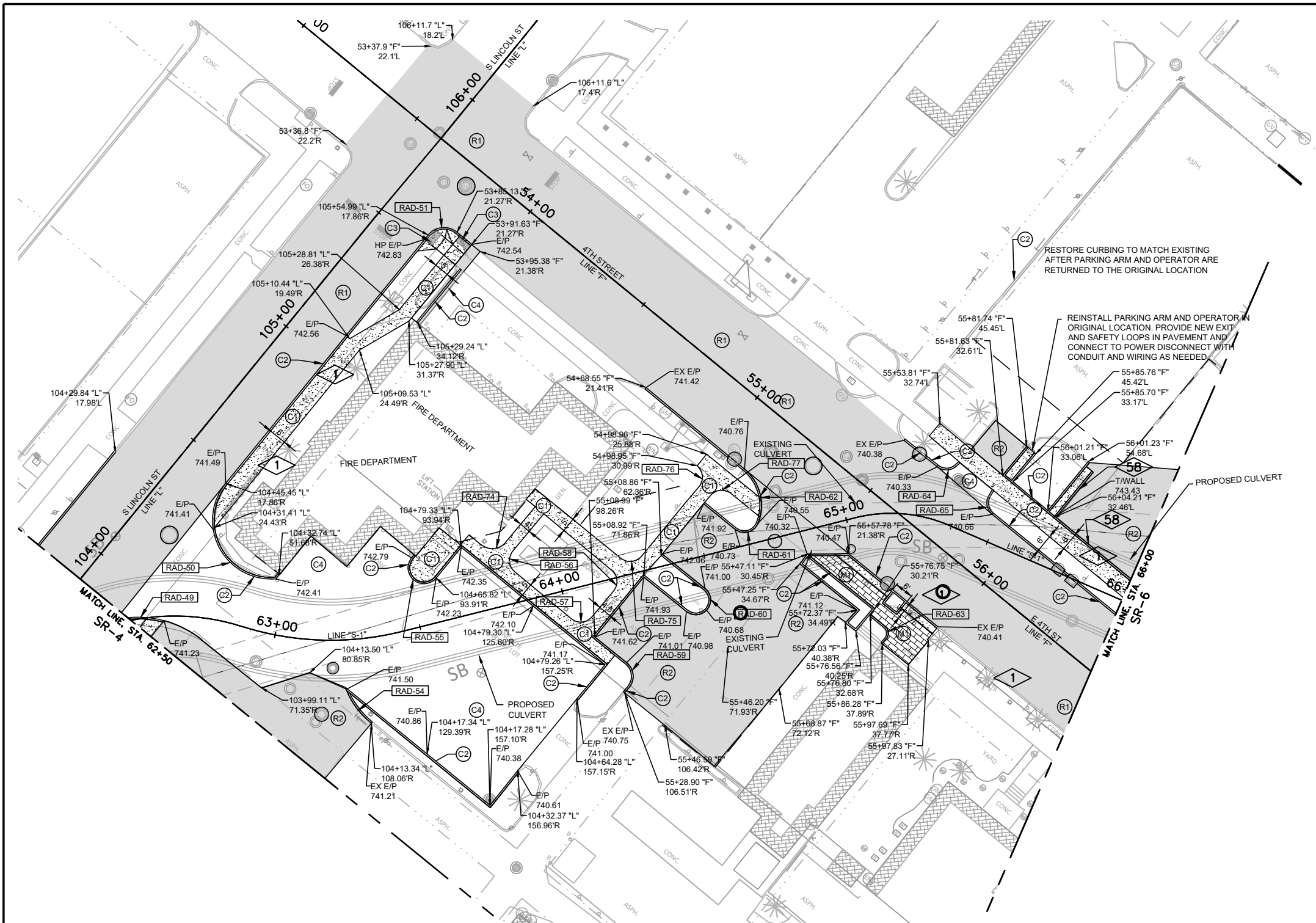


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Revision Description	
Revision Number	
Designed By	MAS
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Checked By	PNE
Approved By	PNE
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Project No.	12594
Project Date	10/01/20

CITY OF BLOOMINGTON
 JORDAN RIVER STORM CULVERT RECONSTRUCTION
 113 SOUTH GRANT TO 423 SOUTH WASHINGTON
 BLOOMINGTON, INDIANA
PROPOSED CULVERT, STORM SEWER, & WATER




 Sheet No. 046
 Drawing No. CP-5



GENERAL NOTES:

- ALL DIMENSIONS REFERENCING CURBLINE ARE TO THE FACE OF CURB.
- ALL DIMENSIONS ARE BASED ON THE ROW WIDTH. SOME BUILDINGS MAY NOT BE AT THE ROW LINE. ADJUST FEATURE DIMENSIONS TO MATCH BUILDING FACES.
- ADJUST SIDEWALK GRADES AT ALL DRIVEWAY LOCATIONS TO MATCH DRIVEWAY ELEVATIONS AT TIE IN POINTS. SIDEWALK RAMPS MAY BE REQUIRED BUT ARE NOT SHOWN ON THE PLANS. SIDEWALK RAMP SLOPE SHALL NOT EXCEED 12:1.
- ADJUST ALL EXISTING UTILITY CASTINGS WHICH ARE TO REMAIN IN SERVICE TO FINAL GRADE.
- ALL DIMENSIONS REFERENCING SIDEWALK WIDTH ADJACENT TO CURB ARE FROM BACK OF CURB TO BACK OF WALK.
- SIDEWALK REPLACEMENT SECTIONS SHALL MATCH THE EXISTING WIDTH OF ADJACENT SECTIONS UNLESS OTHERWISE SHOWN ON THE PLANS.
- ALL DISTURBED AREAS OUTSIDE OF DEFINED PAVEMENT LIMITS SHALL BE RESTORED WITH 3-IN OF TOPSOIL AND MULCHED SEEDING, U.
- A SIDEWALK CROSSING SHALL BE INSTALLED IN ACCORDANCE WITH THE DETAILS SHOWN ON DRAWING CD1 ANYWHERE A SIDEWALK CROSSES A RESIDENTIAL OR COMMERCIAL DRIVEWAY WITHOUT YIELD OR STOP CONTROL.

PROPOSED MISCELLANEOUS CONCRETE

- (C1) CONCRETE SIDEWALK, 4" PER MISCELLANEOUS DETAILS (ADJUST GRADE AT DRIVEWAYS TO MATCH DRIVEWAY GRADES)
- (C2) CONCRETE BARRIER CURB
- (C3) CONCRETE CURB RAMP
- (C4) PCCP FOR APPROACHES

PROPOSED PAVING

- (R1) 165 LBS/SY HMA SURFACE TYPE B, 9.5 MM ON 275 LBS/SY HMA INTERMEDIATE TYPE B, 19.0 MM ON 440 LBS/SY HMA BASE TYPE B, 25.0 MM ON 6" COMPACTED AGREGATE, NO. 53 BASE
- (R2) 165 LBS/SY HMA SURFACE TYPE B, 9.5 MM ON 275 LBS/SY HMA INTERMEDIATE TYPE B, 19.0 MM ON 6" COMPACTED AGREGATE, NO. 53 BASE
- (R3) 12" #53 COMPACTED AGGREGATE

PLAN NOTES:

- COORDINATE WITH BLOOMINGTON PARKING ENFORCEMENT FOR REINSTALLATION OF PARKING METERS. CONTRACTOR SHALL INSTALL SUPPORT POSTS AND BASE PER CITY REQUIREMENTS AND PARKING ENFORCEMENT WILL INSTALL THE PARKING METERS.
- NEW ALLAN BLOCK MODULAR BLOCK WALL WITH SPLIT FACE PATTERN AND SOLID CAP. COORDINATE WITH BLOOMINGTON FOR FINAL APPROVAL. WALL SHALL MATCH EXISTING WALL LOCATION, AND HEIGHT DIMENSIONS. FOUNDATION PER MANUFACTURERS RECOMMENDATION. REINSTALL SALVAGED PARKING BUMPERS 3 FEET FROM TOP OF WALL.

CURB NO.	RADIUS	STARTING STA.OFF	ENDING STA.OFF	RAD. PT. STA.OFF
RAD-49	35.0'	103+67.87 "L", 10.72 RT	103+98.94 "L", 45.25 RT	103+63.94 "L", 45.50 RT
RAD-50	20.0'	104+45.45 "L", 17.86 RT	104+30.96 "L", 51.66 RT	104+45.44 "L", 37.86 RT
RAD-51	7.0'	105+54.99 "L", 17.86 RT	105+62.09 "L", 24.77 RT	105+55.09 "L", 24.86 RT
RAD-53	2.5'	105+51.24 "L", 28.30 RT	105+51.28 "L", 33.30 RT	105+51.26 "L", 30.80 RT
RAD-54	26.0'	104+17.33 "L", 93.48 RT	104+13.34 "L", 108.06 RT	104+39.44 "L", 107.15 RT
RAD-55	5.5'	104+65.84 "L", 83.08 RT	104+65.82 "L", 93.91 RT	104+65.83 "L", 88.50 RT
RAD-56	5.0'	54+68.74 "F", 93.31 RT	54+73.71 "F", 93.35 RT	54+73.74 "F", 93.35 RT
RAD-57	5.0'	54+98.82 "F", 98.51 RT	55+03.86 "F", 93.51 RT	54+98.86 "F", 93.51 RT
RAD-58	5.0'	55+03.98 "F", 82.06 RT	54+99.02 "F", 77.01 RT	54+98.98 "F", 82.01 RT

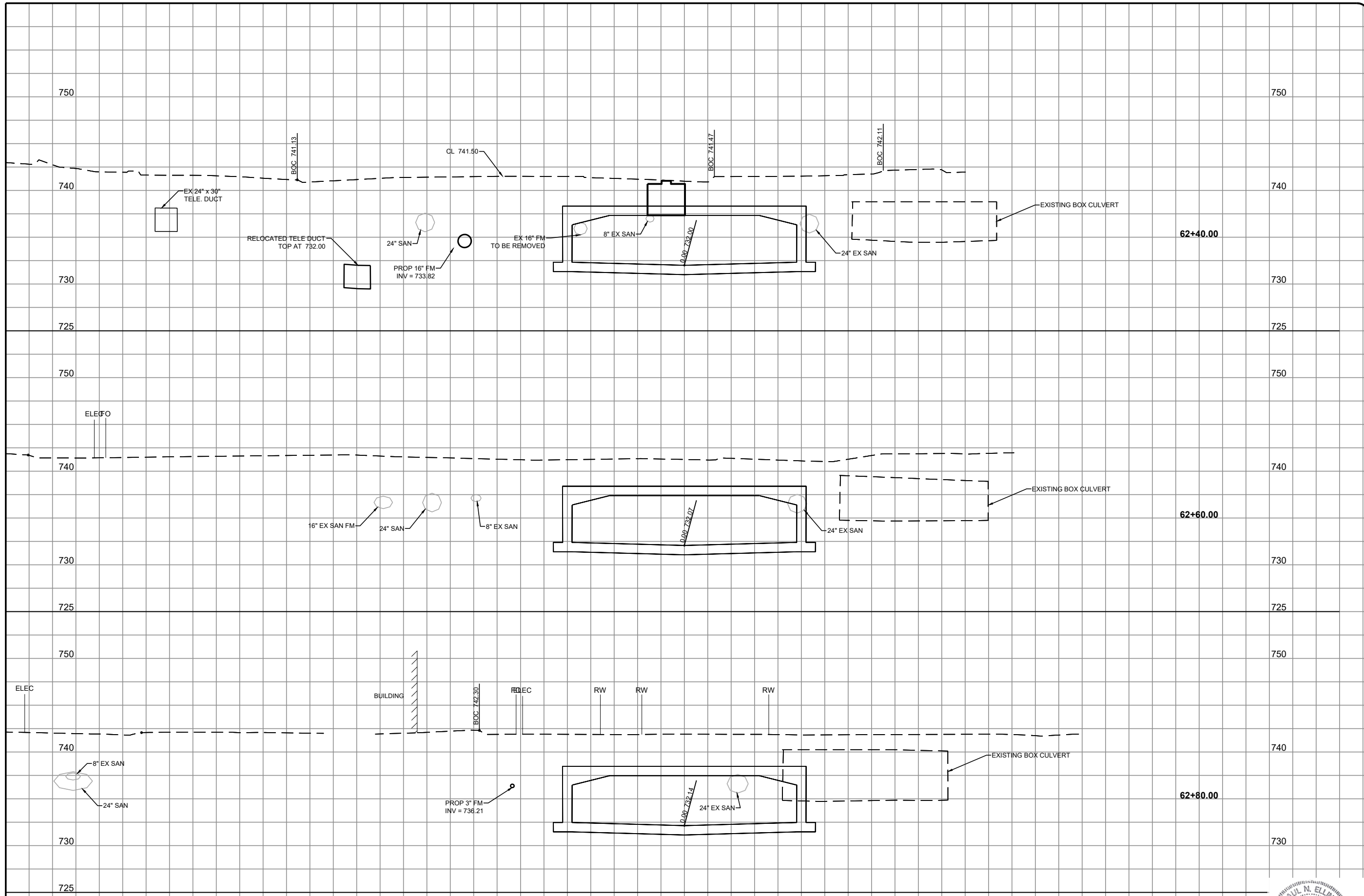
CURB NO.	RADIUS	STARTING STA.OFF	ENDING STA.OFF	RAD. PT. STA.OFF
RAD-59	6.0'	55+22.87 "F", 98.14 RT	55+28.92 "F", 104.22 RT	55+22.92 "F", 104.14 RT
RAD-60	5.0'	55+27.65 "F", 71.71 RT	55+27.57 "F", 61.63 RT	55+27.61 "F", 66.87 RT
RAD-61	5.0'	55+22.68 "F", 39.51 RT	55+27.45 "F", 33.11 RT	55+22.65 "F", 34.51 RT
RAD-62	16.0'	55+27.45 "F", 33.11 RT	55+12.16 "F", 21.60 RT	55+12.10 "F", 37.60 RT
RAD-63	3.0'	55+83.25 "F", 32.68 RT	55+86.26 "F", 35.65 RT	55+83.26 "F", 35.68 RT
RAD-64	5.0'	55+62.54 "F", 20.73 LT	55+67.50 "F", 25.45 LT	55+62.51 "F", 25.73 LT
RAD-65	5.0'	55+87.33 "F", 20.02 LT	55+82.38 "F", 24.25 LT	55+87.32 "F", 25.02 LT
RAD-74	6.0'	54+58.88 "F", 98.52 RT	54+64.96 "F", 92.52 RT	54+58.96 "F", 92.52 RT
RAD-75	5.0'	54+98.87 "F", 71.86 RT	55+03.85 "F", 66.86 RT	54+98.85 "F", 66.86 RT
RAD-76	5.0'	55+03.96 "F", 36.06 RT	54+98.95 "F", 35.99 RT	54+98.96 "F", 35.99 RT
RAD-77	5.0'	55+08.94 "F", 35.98 RT	55+13.93 "F", 30.97 RT	55+13.94 "F", 35.97 RT

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Drawn By	
Revision Description	
Revision Number	
Designed By	MAS
Drawn By	MAS
Checked By	PNE
Approved By	PNE
Filename	002-SR-1.DWG
Project No.	12594
Project Date	10/01/20

**CITY OF BLOOMINGTON
JORDAN RIVER STORM CULVERT RECONSTRUCTION
113 SOUTH GRANT TO 423 SOUTH WASHINGTON
BLOOMINGTON, INDIANA
SURFACE RESTORATION PLAN**

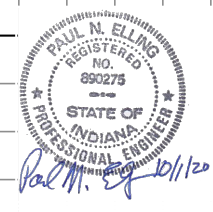


Sheet No. **054**
Drawing No. **SR-5**



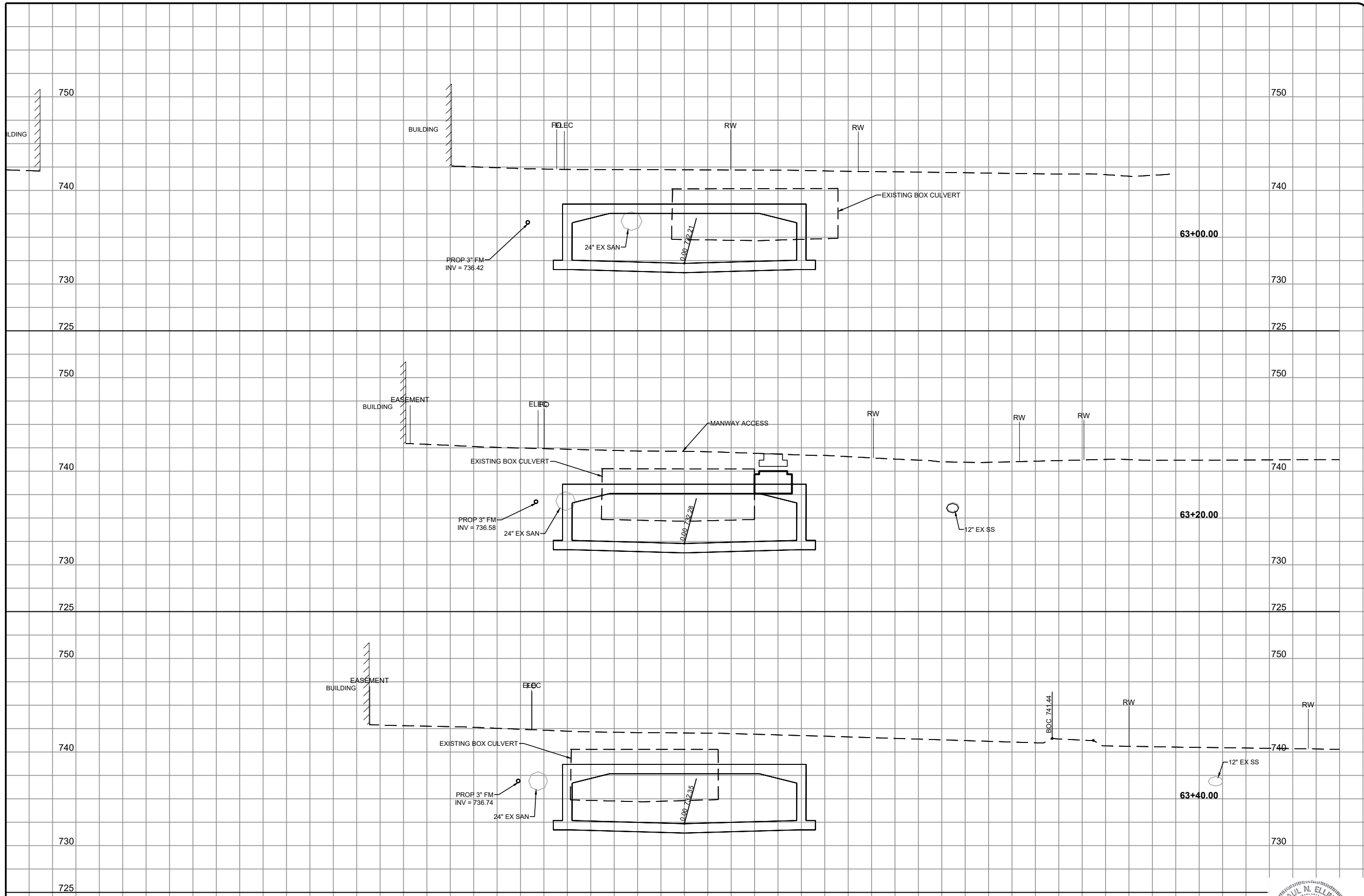
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Designed By	MAS
Drawn By	MAS
Checked By	PNE
Approved By	PNE
Filename	002CB_XS BASE-2
Project No.	12594
Project Date	10/01/20

CITY OF BLOOMINGTON
JORDAN RIVER STORM CULVERT RECONSTRUCTION
113 SOUTH GRANT TO 423 SOUTH WASHINGTON
BLOOMINGTON, INDIANA
CROSS SECTIONS



DONOHUE

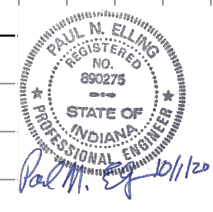
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Revision Number	Revision Description	Drawn By	Checked By	Date

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Drawn By	MAS
Checked By	PNE
Approved By	PNE
Filename	002CB_XS BASE-2
Project No.	12594
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CITY OF BLOOMINGTON
JORDAN RIVER STORM CULVERT RECONSTRUCTION
113 SOUTH GRANT TO 423 SOUTH WASHINGTON
BLOOMINGTON, INDIANA
CROSS SECTIONS



Sheet No. 123
 Drawing No. CS-24

750 750

740 740

730 730

725 725

EASEMENT BUILDING

BOC 742.70

PROP 3" FM
INV = 736.95

24" EX SAN

EXISTING BOX CULVERT

63+60.00

750 750

740 740

730 730

725 725

BUILDING

EASEMENT

BOC 742.79

24" EX SAN

EXISTING BOX CULVERT

63+80.00

GAS GAS

750 750

740 740

730 730

725 725

BUILDING

EASEMENT BUILDING

BOC 742.24

BOC 741.46

24" EX SAN

EXISTING BOX CULVERT

64+00.00

18" EX SAN

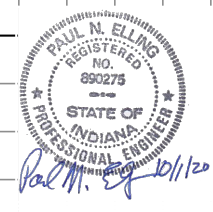
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Revision Number	Revision Description	Checked By	Date

Designed By	MAS
Drawn By	MAS
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Filename	002CB_XS BASE-2
Project No.	12594
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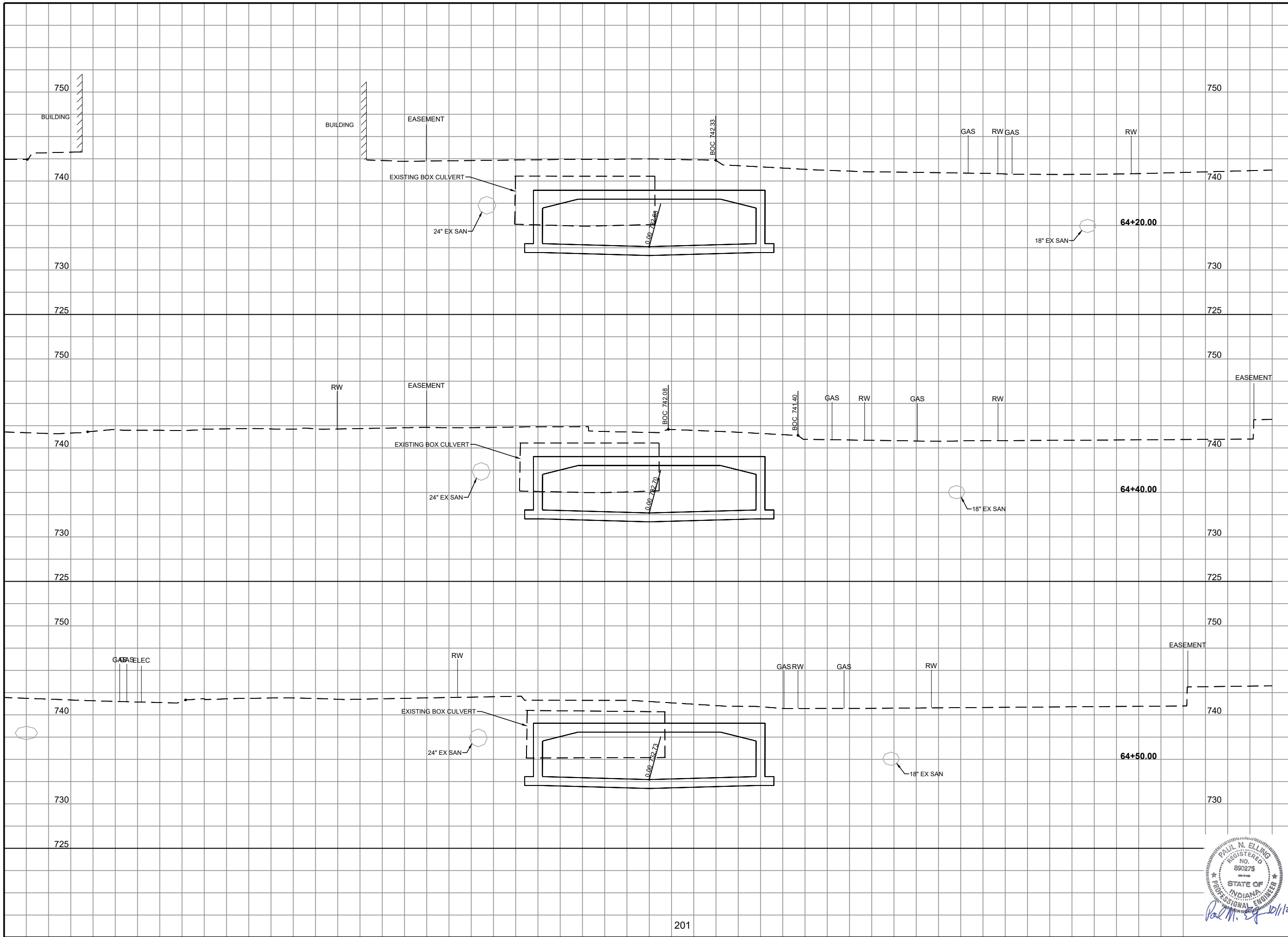
CITY OF BLOOMINGTON
 JORDAN RIVER STORM CULVERT RECONSTRUCTION
 113 SOUTH GRANT TO 423 SOUTH WASHINGTON
 BLOOMINGTON, INDIANA

CROSS SECTIONS



DONOHUE

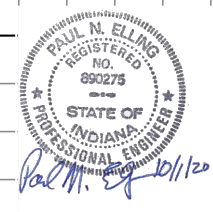
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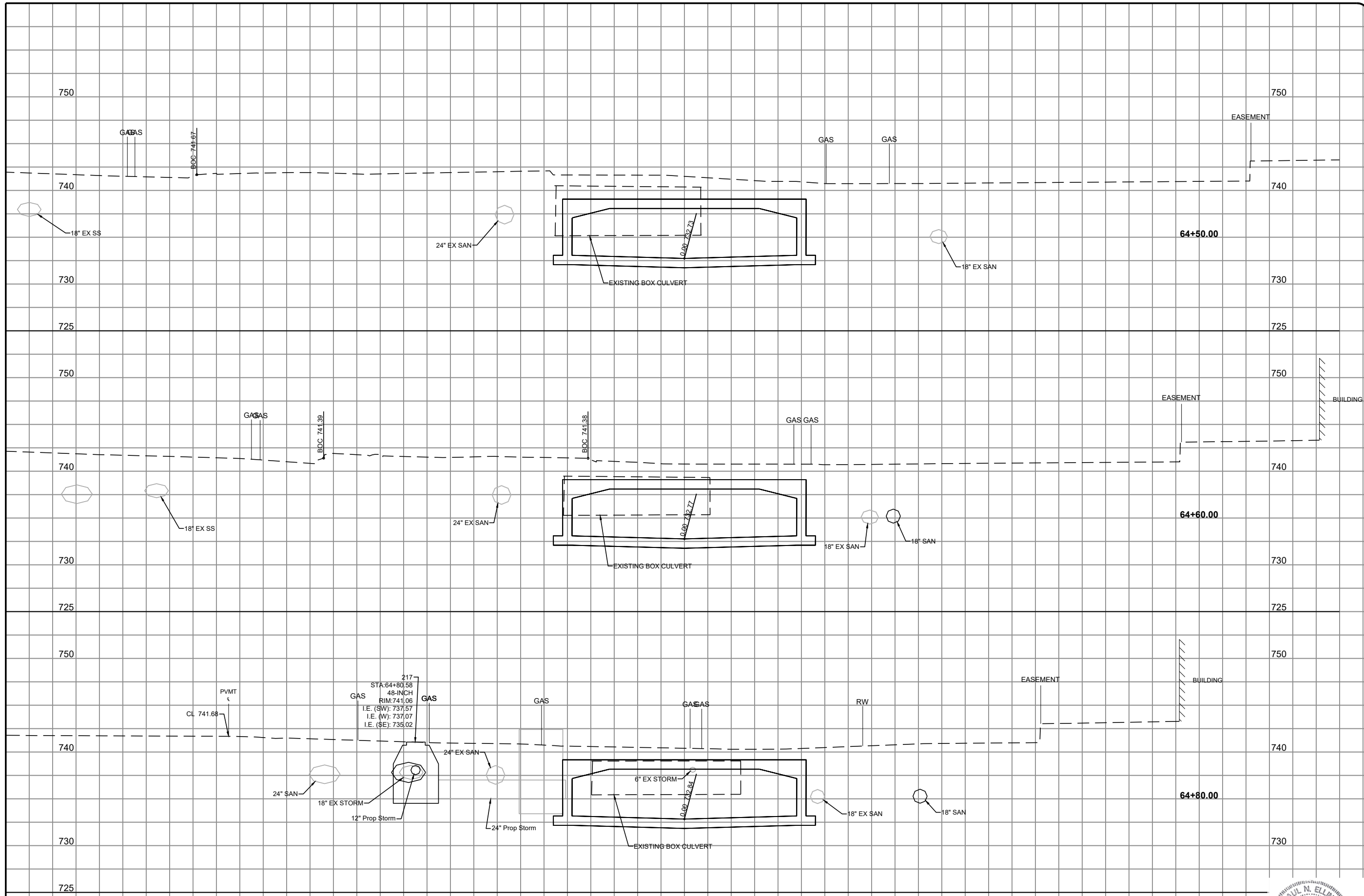
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Checked By	PNE
Approved By	PNE
Filename	002CB_XS BASE-2
Project No.	12594
Project Date	10/01/20

CITY OF BLOOMINGTON
JORDAN RIVER STORM CULVERT RECONSTRUCTION
113 SOUTH GRANT TO 423 SOUTH WASHINGTON
BLOOMINGTON, INDIANA
CROSS SECTIONS



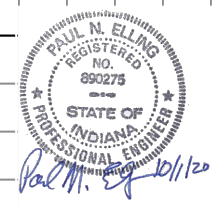
Sheet No.	125
Drawing No.	CS-26




Revision Number	Revision Description	Drawn By	Checked By	Date

Designed By	MAS
Drawn By	MAS
Checked By	PNE
Approved By	PNE
Filename	002CB_XS BASE-3
Project No.	12594
Project Date	10/01/20

CITY OF BLOOMINGTON
JORDAN RIVER STORM CULVERT RECONSTRUCTION
113 SOUTH GRANT TO 423 SOUTH WASHINGTON
BLOOMINGTON, INDIANA
CROSS SECTIONS




 Sheet No. 126
 Drawing No. CS-27



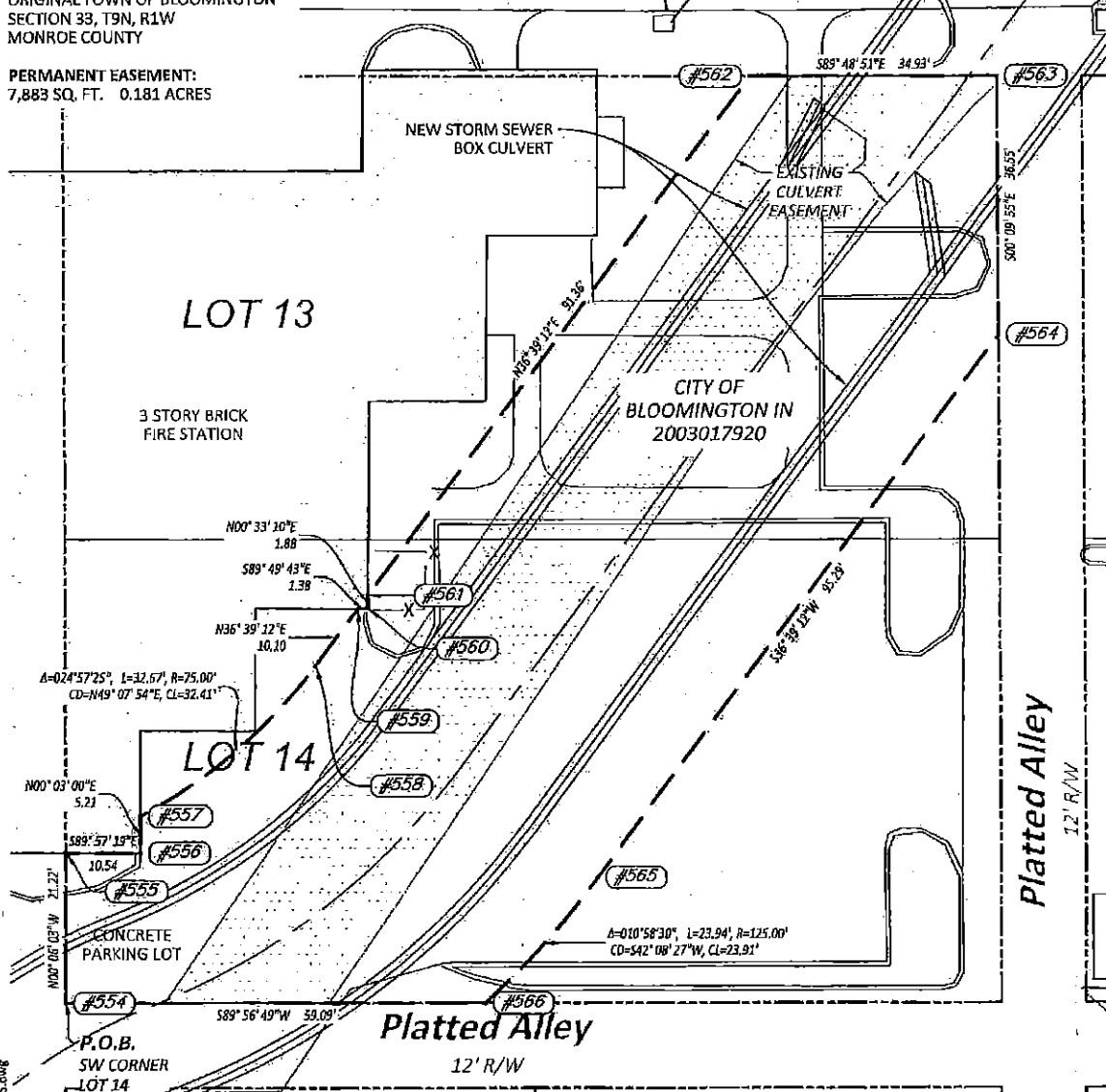
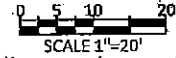
ATTACHMENT 2:

Site Survey of Easement

JOB# 8087

PARCEL 11: LOT 13 AND 14
 ORIGINAL TOWN OF BLOOMINGTON
 SECTION 33, T9N, R1W
 MONROE COUNTY

PERMANENT EASEMENT:
 7,883 SQ. FT. 0.181 ACRES



S:\0451\B003-8100\8087_JORDAN RIVER SURVEY\Draw\2019 EASEMENTS\EASEMENT EXHIBITS-RI EDITS.dwg

SURVEYOR'S STATEMENT
 To the best of my knowledge and belief, this plat, with the "Location Control Route Survey" recorded as Instrument No. 2015004283, in the office of the recorder of Monroe County, Indiana, (Incorporated and made a part hereof by reference) comprise a Location Route Survey, executed in accordance with Indiana Administrative Code 865 IAC 1-12, (Rule 12).

EASEMENT CORNERS		
Point #	Northing	Easting
554	1427063.0766	3109374.9834
555	1427084.2942	3109374.9461
556	1427084.2860	3109385.4900
557	1427089.4997	3109385.4945
558	142710.7068	3109410.0042
559	1427118.8069	3109416.0316
560	1427118.8028	3109417.4089
561	1427120.6824	3109417.4271
562	1427193.9757	3109471.9653
563	1427193.8623	3109506.8000
564	1427157.3095	3109507.0054
565	1427080.8583	3109450.1173
566	1427063.1313	3109434.0769

SHEET 1 OF 2



ATTACHMENT 3:

October 6, 2022 Meeting Presentation

(3 scheme investigation)

FIRE STATION 1 UPDATES: DUE DILIGENCE STUDY

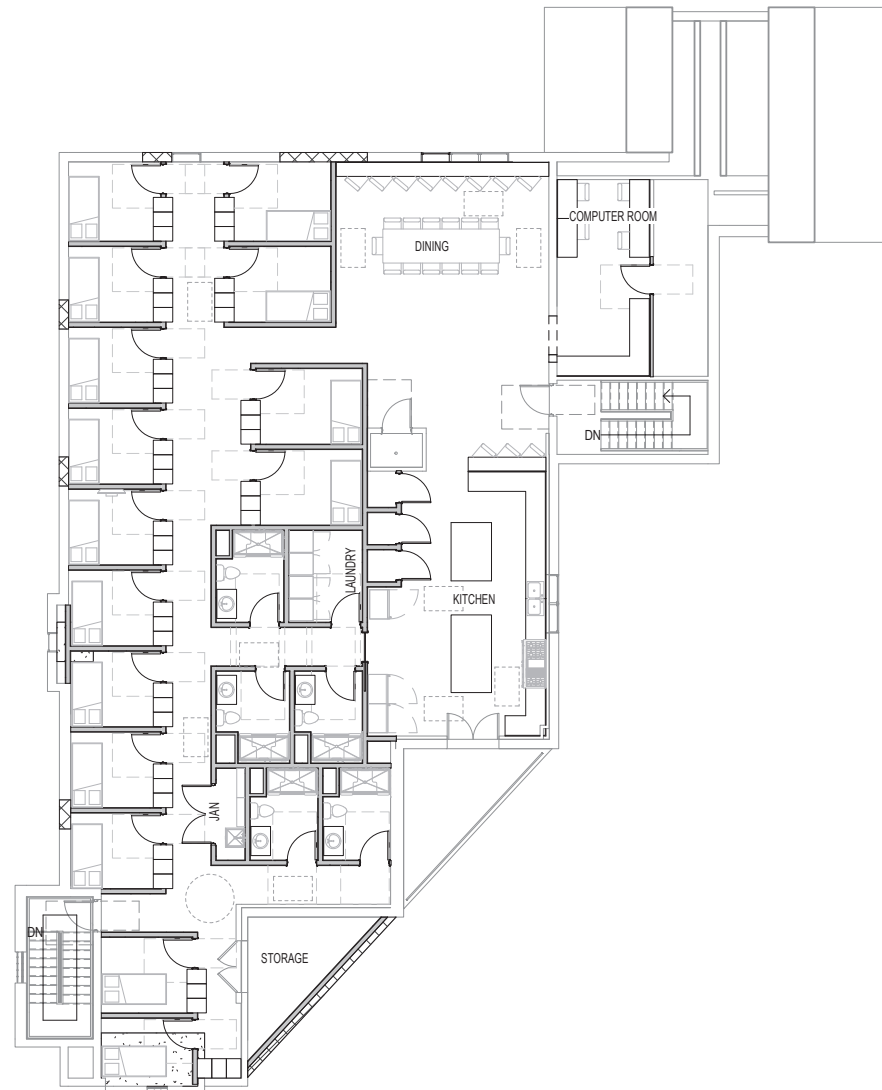
OCTOBER 6, 2022



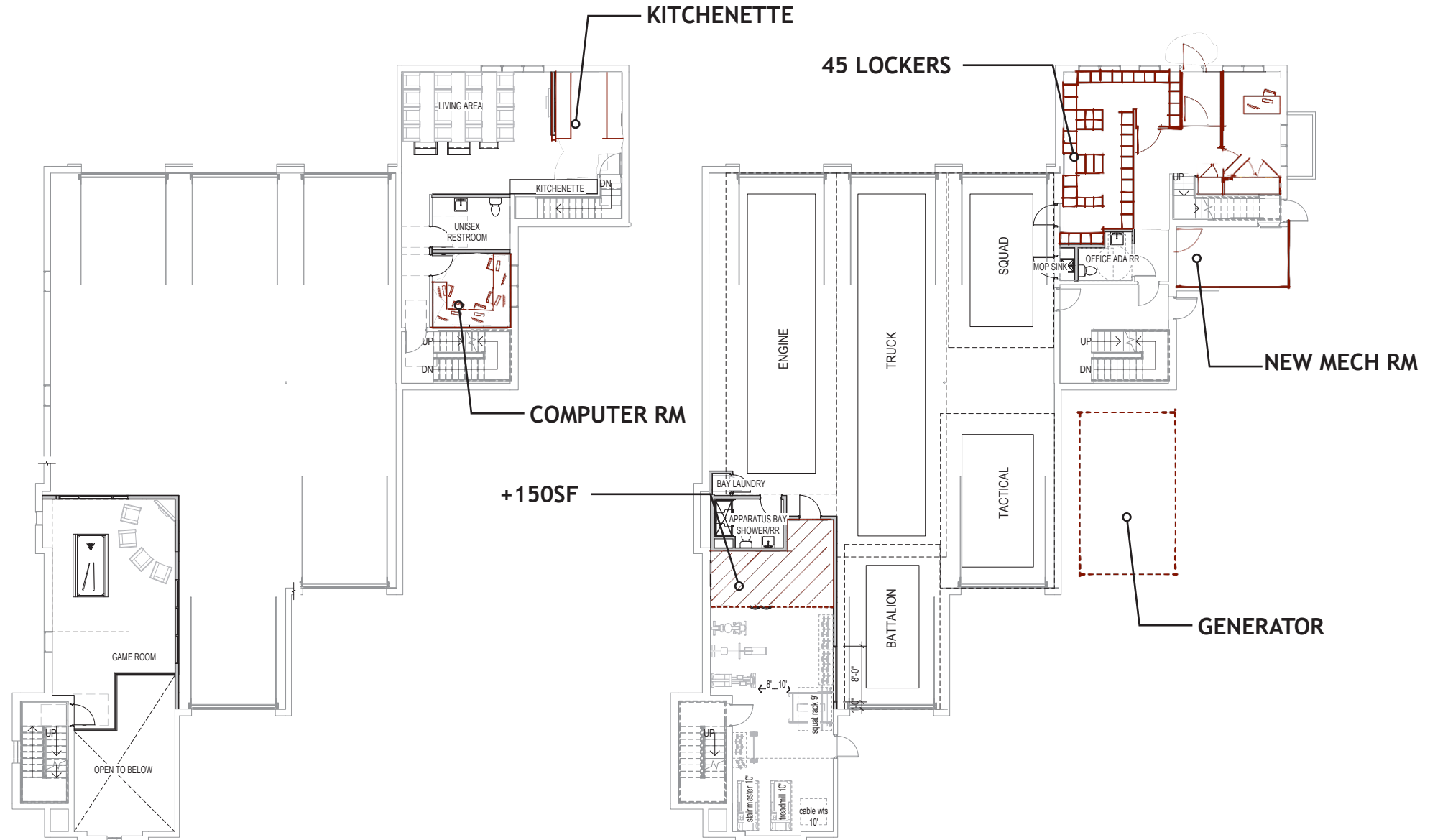
New Construction and Renovation Work for :

Station 1 Renovation Schematic Design

300 E 4th St
Bloomington, IN 47408



3 Third Floor
3/32" = 1'-0"



4 Second Floor/Mezzanine
3/32" = 1'-0"

1 First Floor
3/32" = 1'-0"

NOTES:

- All lockers move to former admin area allowing for larger gym
- Battalion Chief moved to First Floor
- BC office on Second Floor converted to computer
- New Mech room added in location of generator
- Generator moved to location indicated on plan

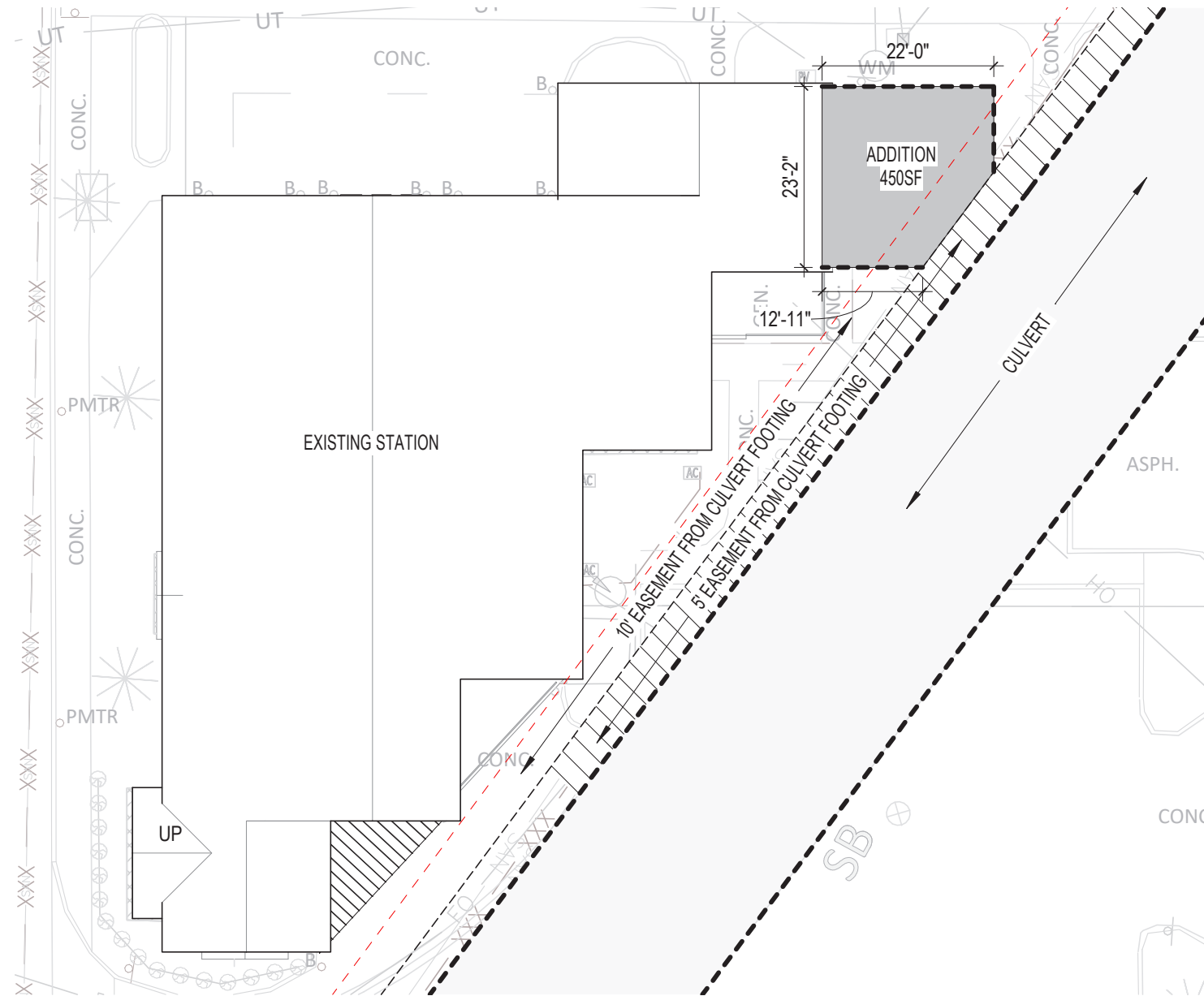


New Construction and Renovation Work for :

Station 1 Renovation Schematic Design

300 E 4th St
Bloomington, IN 47408

BASE PLAN CHANGES



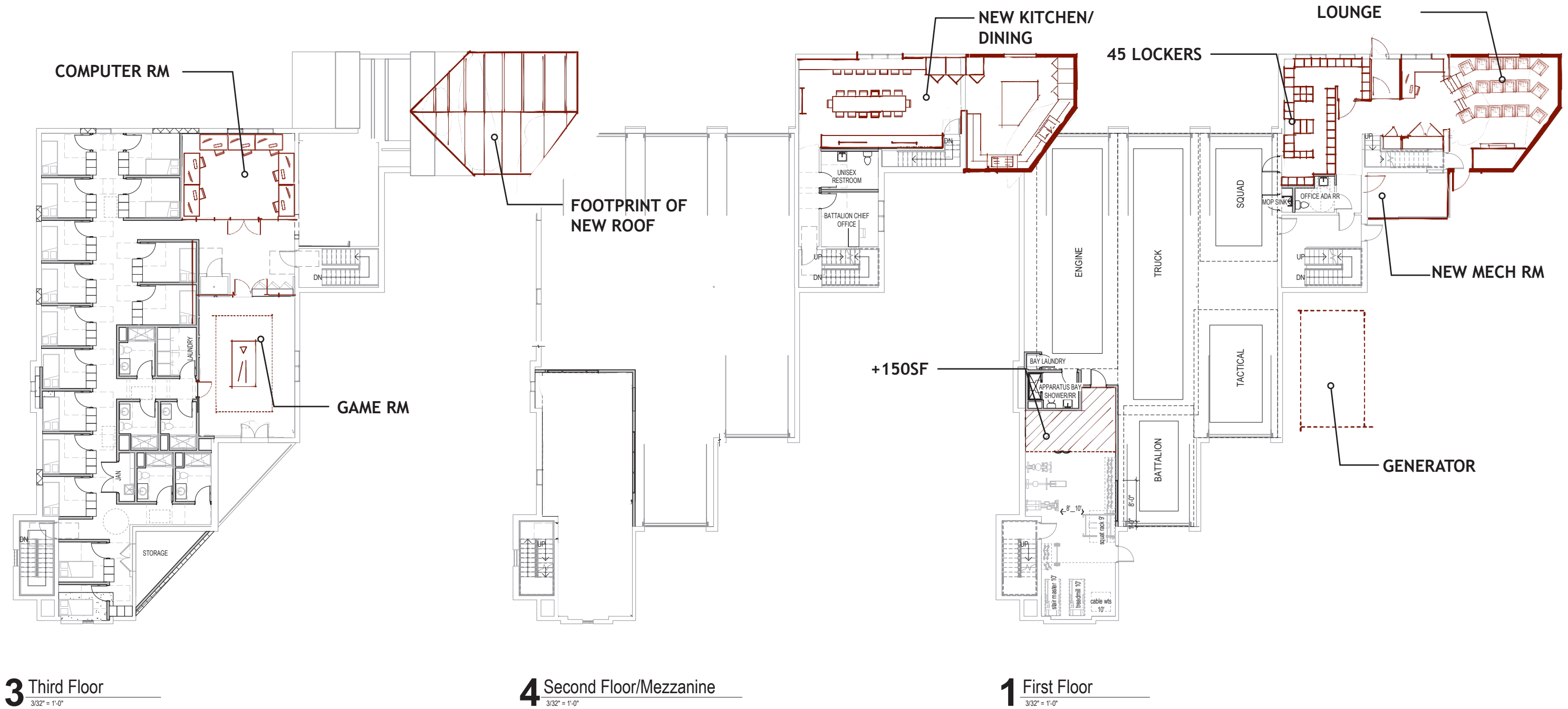
New Construction and Renovation Work for :

Station 1 Renovation Schematic Design



300 E 4th St
Bloomington, IN 47408

CULVERT LOCATE/ADDITION



- NOTES:**
- Addition of ~1,000SF
 - All lockers move to former admin area allowing for larger g
 - First Floor Lounge
 - New Mech room added in location of generator
 - Generator moved to location indicated on plan
 - Second Floor Kitchen and Dining Area
 - Third Floor Computer/Study area and Game Room

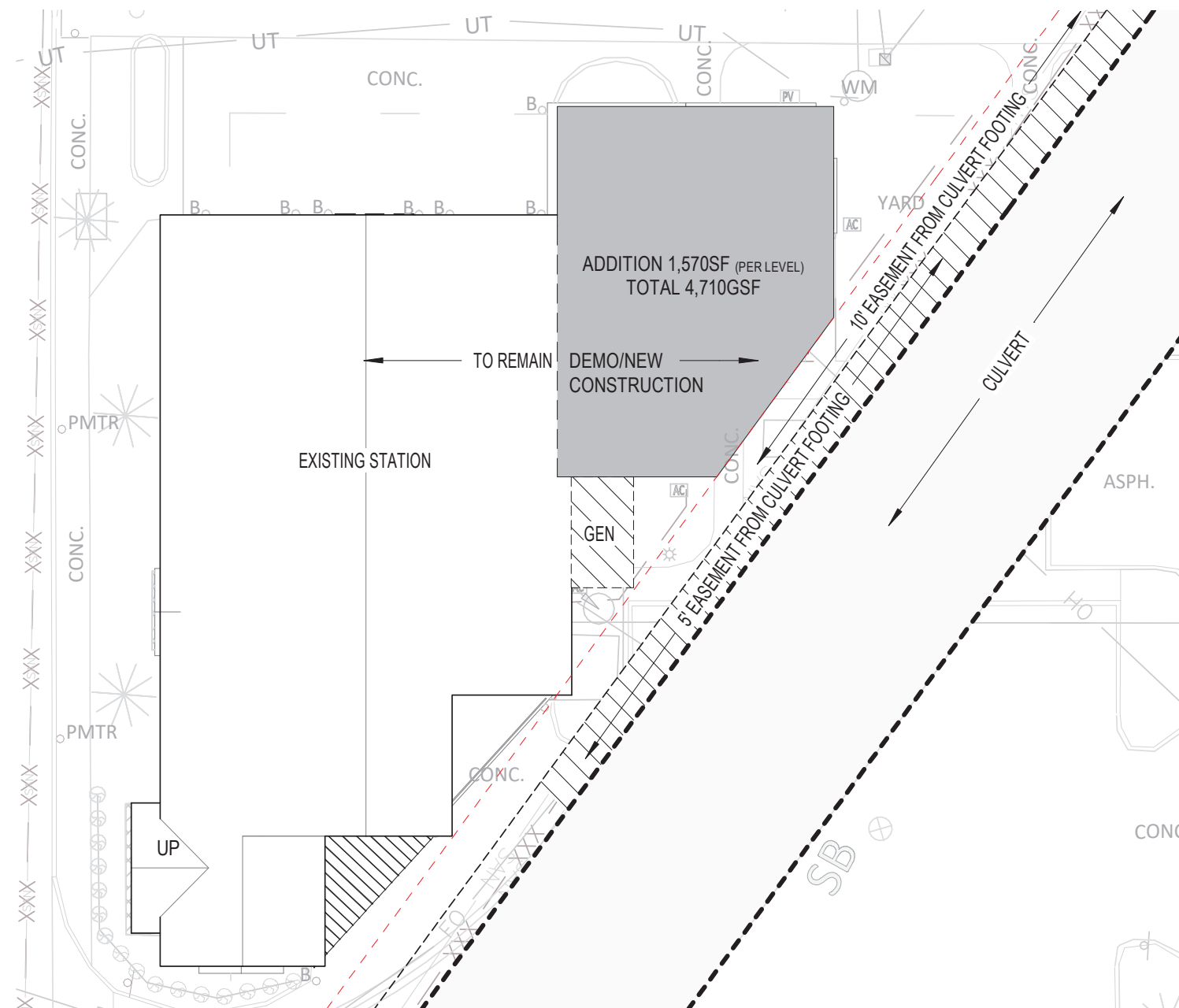
ADDITION CONCEPT 1



New Construction and Renovation Work for :

Station 1 Renovation Schematic Design

300 E 4th St
Bloomington, IN 47408



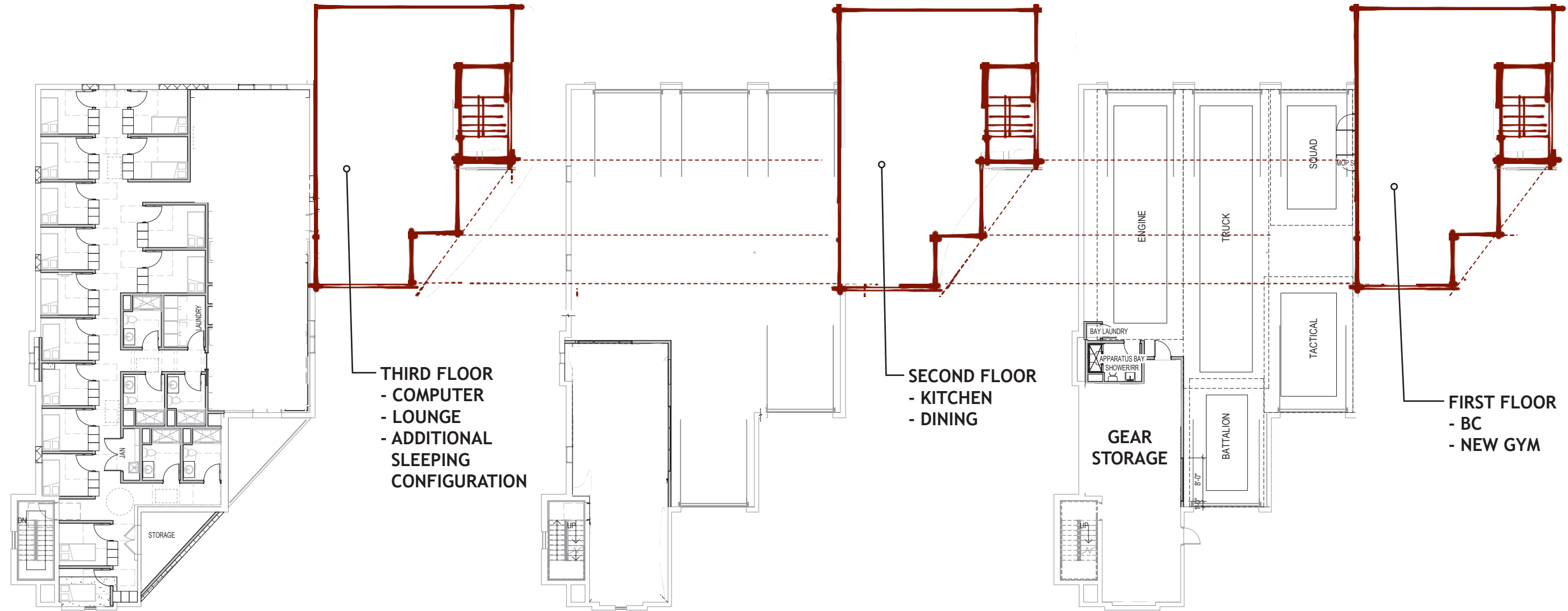
New Construction and Renovation Work for :

Station 1 Renovation Schematic Design



300 E 4th St
Bloomington, IN 47408

CULVERT LOCATE/ADDITION



THIRD FLOOR
 - COMPUTER
 - LOUNGE
 - ADDITIONAL SLEEPING CONFIGURATION

SECOND FLOOR
 - KITCHEN
 - DINING

FIRST FLOOR
 - BC
 - NEW GYM

3 Third Floor
3/32" = 1'-0"

4 Second Floor/Mezzanine
3/32" = 1'-0"

1 First Floor
3/32" = 1'-0"

- NOTES:**
- Original: 2,350SF
 - New ~4,710SF
 - Addition +2,360SF

**Various options available

New Construction and Renovation Work for :

Station 1 Renovation Schematic Design



300 E 4th St
 Bloomington, IN 47408

ADDITION CONCEPT 2



ATTACHMENT 4:

Early Schematic drawings of Addition

F21009 - Station 1 Renovation
 10/24/2022 4:13:25 PM
 C:\Users\jordan\Desktop\Bloomington Station 1 Temp File\2022-10-24 - F21009 - Bloomington Fire Station 1 - ARCH - detached.rvt
 S000000



New Construction and Renovation Work for :

Station 1 Renovation Schematic Design

300 E 4th St
 Bloomington, IN 47408

221 West Baker Street
 Fort Wayne, Indiana 46802
 TEL. 260.422.7994
 FAX. 260.426.2067

ALL DESIGN ARRANGEMENTS AND PLANS AND LOCATIONS ARE PREPARED BY THE DRAWING AND REPRESENTED BY THE DRAWING AND THE PROPERTY OF MARTIN RILEY ARCHITECTS-ENGINEERS AND SHALL BE USED ONLY FOR THE PROJECT AND FOR THE PROJECT ONLY. NO PART OF THIS DRAWING OR ANY PART THEREOF SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MARTIN RILEY ARCHITECTS-ENGINEERS. THE ARCHITECT SHALL BE RESPONSIBLE FOR ALL DESIGN AND CONSTRUCTION OF THE PROJECT AND THIS OFFICE SHALL BE NOTIFIED OF ANY VIOLATION FROM THE ARCHITECT AND CONSTRUCTION BY THE DRAWING. ANY DESIGN SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECT FOR THE LIMITED PURPOSE OF OBTAINING FOR CONFORMANCE WITH APPROVED DESIGN AND THE DESIGN CONCEPT EXPRESSED IN THE CONTRACT DOCUMENTS BEFORE PROCEEDING WITH CONSTRUCTION.



REVISION: _____ DATE: _____

DRAWN BY: NPD
 COMMISSION NUMBER: F21009
 REVIEWED BY: JED
 DATE: 2022-10-24

Concept

CONCEPT PLANS



ATTACHMENT 5:

**Opinion of Probable Cost prepared
by The Hagerman Group (based
upon Early Schematic Plans and
previous 2021 study)**

Project name Building Assesment Budget

Group	Phase	Description	Takeoff Quantity	Grand Total Amount
01----		GENERAL REQUIREMENTS		
	010010	GENERAL CONDITIONS		
		Project General Conditions	12.00 MO	216,000
		Project Staff	12.00 MO	420,000
02----		SELECTIVE DEMOLITION		
	024119	SELECTIVE STRUCTURE DEMOLITION		
		Interior Demolition	7,694.00 SF	55,782
		Exterior Demolition/Windows	44.00 LF	4,400
		Demo Building and Backfill	1.00 LS	65,000
031---		CIP CONCRETE (BLDG)		
	031500	BLDG CONCRETE - HCC		
		Floor Decking (infill)	614.00 SF	3,893
		Floor Patch (existing)	115.00 SF	610
		Footings	172.00 LF	38,700
		Slab On Grade	1,570.00 SF	10,755
		Slab On Metal Deck	2,855.00 SF	14,989
		Stair Pan Infill	1.00 SET	5,000
04----		MASONRY		
	040121	MASONRY RESTORATION		
		Masonry Restoration	1.00 AL	38,500
	042000	UNIT MASONRY		
		Exterior Masonry Infills	100.00 SF	2,800
		Exterior CMU Wall Construction	4,320.00 SF	120,960
		Brick Veneer	2,808.00 SF	98,280
		Interior CMU Wall Construction	5,072.00 SF	126,800
05----		METALS		
	051000	STRUCTURAL METAL FRAMING		
		Miscellaneous Metals	1.00 LS	3,500
		Structural Joist and Decking	4,616.00 SF	103,860
		Solar Panel Support Structure	1.00 LS	12,500
	055100	METAL STAIRS		
		Stair Modification Allowance	1.00 AL	10,000
		New Stairs and Railing	1.00 SET	32,500
	055200	HANDRAILS & RAILINGS		
		Balcony Rails	64.00 LF	13,760
06----		WOOD & PLASTICS		
	061000	ROUGH CARPENTRY		
		Miscellaneous Blocking	1.00 LS	35,000
		Living Area Tiered Platform	0.00 NIC	0
	062000	FINISH CARPENTRY		
		Reception and Computer Counters	52.00 LF	11,180
		Base Cabinets with Counter	82.00 LF	32,800
		Rail Seating Top	9.00 LF	1,620
		Wall Cabinets	46.00 LF	10,120
		Bunk Lockers	48.00 EA	43,200
		Storage/Pantry Shelving	4.00 EA	1,000
07----		THERMAL & MOISTURE PROTECTION		
	072700	AIR BARRIERS		
		Air Barrier and Rigid Insulation	4,320.00 SF	54,000
	074200	WALL PANELS		
		Decorative Metal Panel/Fascia	1,512.00 SF	83,160
	075000	MEMBRANE ROOFING		
		Membrane Roofing	1,804.00 SF	40,590
		Soffit	192.00 SF	6,720
	076000	FLASHING & SHEET METALS		
		Flashing & Sheet Metal	1.00 LS	12,500
		Vent Flashing	1.00 LS	5,000
	077100	ROOF SPECIALTIES		
		Roof Venting Allowance	1.00 AL	10,000
		New Metal Roof	1.00 LS	1,854

Group	Phase	Description	Takeoff Quantity	Grand Total Amount
	078400	FIRESTOPPING		
		Firestopping	1.00 LS	17,000
	079200	JOINT SEALERS		
		Joint Sealants	1.00 LS	40,000
		Exterior Facade Repair Allowance	1.00 AL	20,000
	079500	EXPANSION CONTROL		
		Expansion Control	1.00 LS	8,000
08----		DOORS & WINDOWS		
	081100	METAL DOORS & FRAMES		
		Single Door, Frames, and Hardware	49.00 EA	170,421
		Double Door, Frames, and Hardware	1.00 EA	3,692
		Hardware Upgrade Allowance	4.00 AL	3,705
	083613	OVERHEAD SECTIONAL DOORS		
		Apparatus Bay Door Replacement Allowance	5.00 AL	100,000
		LED Backing System	1.00 LS	15,000
	085100	WINDOWS		
		Replace Exterior Windows	400.00 SF	28,000
		Interior Sliding Window Unit	1.00 EA	1,000
		Sliding Glass Door	1.00 UN	3,850
		Exterior Storefront and Windows	900.00 SF	85,500
09----		FINISHES		
	092100	GYPSUM BOARD ASSEMBLIES		
		New Framing, Drywall, and Insulation	7,468.00 SF	104,552
		Patch Existing Walls and Ceilings	1.00 LS	15,000
		Drywall Ceilings	1,126.00 SF	11,260
		Exterior Framing Allowance for Soffit/Fascia	1.00 AL	40,000
	093013	CERAMIC TILE		
		Wall Tile	1,630.00 SF	32,600
		Floor Tile	298.00 SF	5,364
	095100	ACOUSTICAL CEILINGS		
		Acoustical Celings	6,368.00 SF	39,800
	096100	FLOOR TREATMENT		
		Floor Prep and Leveling	7,236.00 SF	18,090
		Sealed Concrete	1,124.00 SF	3,372
		Polished Concrete	3,768.00 SF	22,608
		Striping	1.00 LS	5,000
	096500	RESILIENT FLOORING		
		LVT Flooring	3,078.00 SF	33,858
		Fitness Flooring	565.00 SF	8,475
	096800	CARPETING		
		Carpeting	2,358.00 SF	11,790
		Walk Off Mat	48.00 SF	480
	098400	ACOUSTICAL PANELS		
		Acoustical Wall Panels	5.00 EA	4,250
	099100	PAINTING		
		Interior and Exterior Painting	11,930.00 SF	62,656
10----		SPECIALTIES		
	100100	MISCELLANEOUS SPECIALTIES		
		Miscellaneous Specialties	12,090.00 SF	15,113
	101100	VISUAL DISPLAY BOARDS		
		Visual Display Boards	4.00 EA	7,400
	101400	SIGNAGE		
		Interior Room Signs	1.00 LS	3,500
		Exterior Signage	1.00 LS	12,500
	102116	SHOWER & DRESSING COMPART		
		Shower Curtains	6.00 EA	1,650
	102600	WALL AND DOOR PROTECTION		
		Wall & Door Protection	1.00 LS	7,500
	102800	TOILET & BATH ACCESSORIES		
		Toilet & Bath Accessories for Restrooms 217	7.00 EA	3,500
	104400	FIRE PROTECTION SPECIALTIES		

Group	Phase	Description	Takeoff Quantity	Grand Total Amount
	104400	FIRE PROTECTION SPECIALTIES		
		Fire Ext. Cabinets/Accsry Supply	9.00 EA	2,964
	105100	LOCKERS		
		Gear Storage Lockers	45.00 EA	22,500
	107316	CANOPIES		
		Prefabricated Canopy	1.00 EA	10,000
	107500	FLAGPOLES		
		Flagpole	3.00 EA	15,000
11----		EQUIPMENT		
	111100	VEHICLE SERVICE EQUIPMENT		
		Vehicle Exhaust System	1.00 LS	125,000
	112326	COMMERCIAL LAUNDRY EQUIPMENT		
		Laundry Equipment	6.00 EA	3,000
	113100	RESIDENTIAL APPLIANCES		
		Ice Machine	1.00 EA	750
		Refrigerators	3.00 EA	7,500
		Range	1.00 EA	2,850
12----		FURNISHINGS		
	122100	WINDOW BLINDS		
		Window Shades	21.00 EA	7,350
	125000	FURNITURE		
		Furniture, Fixtures, Equipment	0.00 NIC	0
	129300	SITE FURNISHINGS		
		Site Furnishing (existing)	0.00 NIC	0
21----		FIRE SUPPRESSION		
	210000	FIRE SUPPRESSION		
		Asphalt Patch for Water Service	1.00 LS	2,500
		New Fire Sprinkler System	11,930.00 SF	59,650
22----		PLUMBING		
	220000	PLUMBING		
		Clean Trench Drains	1.00 LS	5,000
		New Plumbing Distribution and Fixtures	4,236.00 LS	50,832
		Plumbing Distribution and Fixtures in Existing	7,694.00 LS	61,552
23----		HVAC		
	230000	MECHANICAL		
		Fume Hood	1.00 LS	15,000
		New HVAC Distribution and Equipment	4,236.00 SF	180,030
		HVAC Distribution and Equipment in Existing Area	7,694.00 SF	230,820
		Temperature Controls	1.00 LS	65,000
		Test and Balance	1.00 LS	22,500
26----		ELECTRICAL		
	260000	ELECTRICAL		
		Relocate Existing Equipment/Generator	1.00 LS	25,000
		New Electrical Distribution and Power	4,236.00 SF	112,254
		Existing Electrical Upgrades	7,694.00 SF	140,416
		Fire Alarm	11,930.00 SF	26,843
		Communication	11,930.00 SF	23,860
		New Generator	0.00 NIC	0
		Vehicle Exhaust Power Requirements	1.00 LS	7,500
		Solar Panels on New Addition	1.00 LS	50,000
31----		EARTHWORK		
	310000	EARTHWORK		
		Site Clearing and Building Pad Prep	1.00 LS	35,000
		Underpinning Allowance	1.00 LS	25,000
		Asphalt and Concrete Demolition	4,880.00 SF	34,160
32----		EXTERIOR IMPROVEMENTS		
	321216	ASPHALT PAVING		
		Patch Asphalt at Utility Work	612.00 SF	6,120
	321313	CONCRETE PAVING		
		Concrete Paving	4,880.00 SF	55,769

Group	Phase	Description	Takeoff Quantity	Grand Total Amount
	321313	CONCRETE PAVING		
		Concrete Sidewalks, Curbs and Stoops Allowance	1.00 AL	20,000
	329300	PLANTS		
		Trees, Plants & Groundcover Allowance	1.00 AL	15,000
33----		UTILITIES		
	331100	SERVICE UTILITIES		
		Re-Work Existing Exterior Utilities (water, storm, gas)	1.00 LS	100,000
		Flre Sprinkler Water Service	1.00 LS	25,000
		Sewer Extension (gravity sewer)	102.00 LF	21,930

Estimate Totals

Description	Amount	Totals	Hours	Rate
Sub Total (Construction Cost)		4,327,466		
Escalation Allowance (6 months)	259,648			6.000 %
Design and Estimating Contingency	550,454			12.000 %
Contractor Fee	205,503			4.000 %
Contractor Performance and Payment Bond	53,431			1.000 %
TOTAL (Hard Construction Cost)		5,396,502		

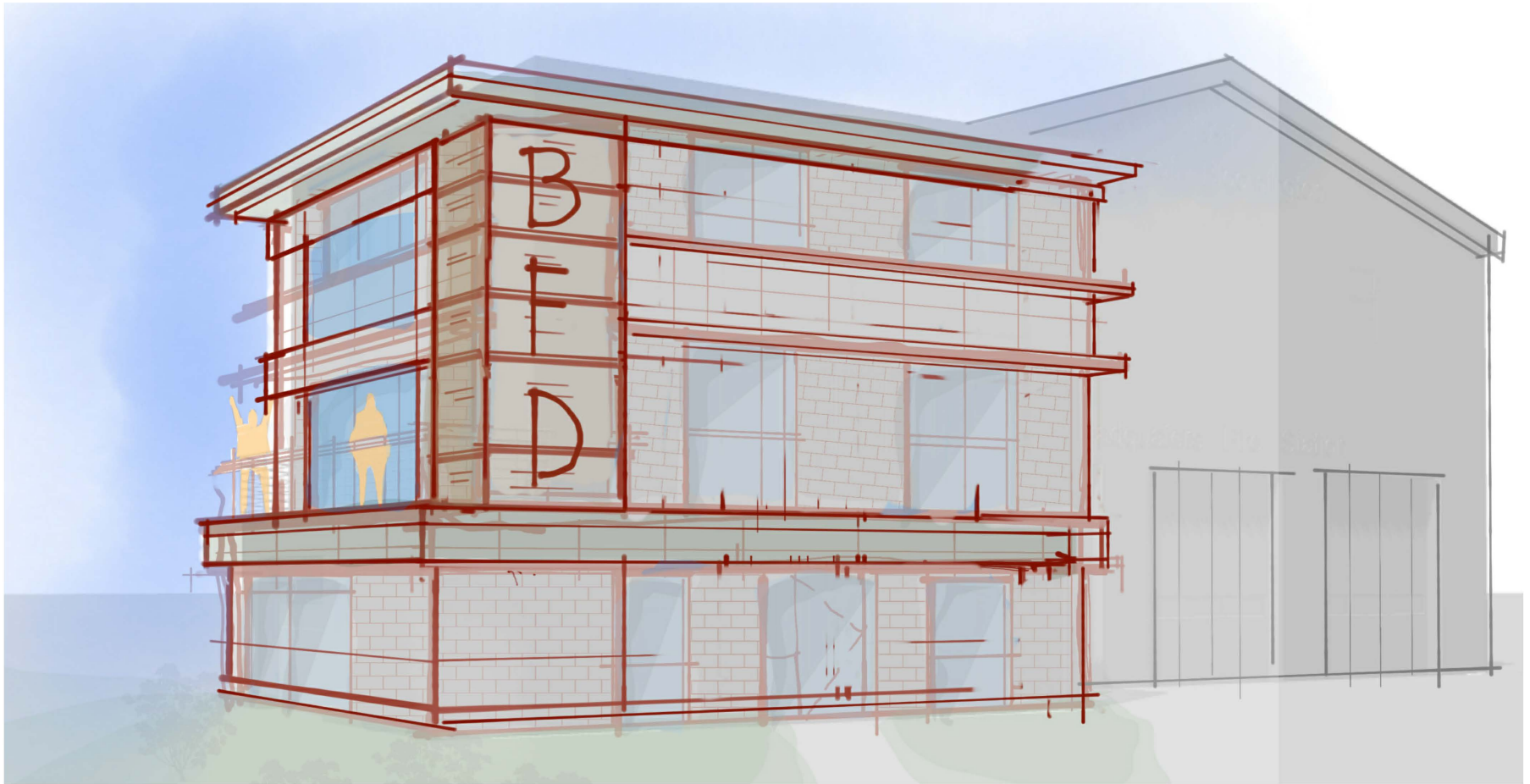
To remove approximately 3620 SF of existing asphalt pavement and replace with 8" concrete pavement would add 83,387



ATTACHMENT 6:

Concept Sketches of Station 1 Addition







MEMO FROM COUNCIL OFFICE ON: Drafts of Annual Council Legislative Schedule for 2023

This packet contains two alternate drafts of an Annual Council Legislative Schedule for 2023, labeled schedules A and B. Both drafts have been previously distributed to councilmembers and staff members for review and feedback. Please review the material, share your suggestions with others, and be ready to discuss the draft schedules on December 7th. The Council Office suggests that the Council adopt its schedule as early in December as possible to make it easier for those working with boards and commissions to resolve any room conflicts and establish their schedules for 2023. A brief summary of the draft schedules and potential changes are included below.

Legislative Cycles. The Council generally meets on the first four Wednesdays of the month for Regular Sessions and committee meetings (see [BMC 2.04.050 – Regular meetings](#) and [BMC 2.04.255 – Committees-Scheduling](#)). For years, the Council has also met on Fridays about twice a month for Council Work Sessions to informally hear about upcoming legislation and other pending matters.

Draft Schedule A includes 20 legislative cycles, plus a Budget Cycle, which are set forth in rows with five columns of dates for the following meetings and deadlines associated with each legislative cycle:

- Work Sessions;
- Deadline for submittal of ordinances and associated materials to the Council Office (and another for resolutions);
- First Regular Session;
- Committee meetings; and
- Second Regular Session.

Draft Schedule B generally provides for three regular sessions of Council each month (with exceptions/deviations noted on the schedule), does not provide for regularly-scheduled committee meetings or work sessions, and divides up departmental budget hearings between five days across two weeks. While local code provides for regular sessions of the Council to generally be held on the first and third Wednesdays, it also provides that the Council may agree by majority vote to dispense with any regular session or to change the day or hour of any meeting.

Exceptions and Additions to the Usual Wednesday Schedule. Both draft schedules include a number of footnotes, which, among other things, explain and elaborate on any exceptions or additions to the typical legislative process. Please see the draft Schedules for more detailed information.



City of Bloomington Indiana

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

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

Religious Holiday Adjustments. (See excerpts from the IU Religious Holiday Schedule) – The Council has often adjusted its schedule to account for religious holidays that fall during scheduled meetings. This draft Schedule makes an adjustment on April 5, 2022 for Passover by rescheduling the Council’s Regular Session for Tuesday, April 4, 2023. The Council can make any additional desired scheduling adjustments for religious holidays by motion (see below).

Proposing changes to draft Schedule and Adoption. Adoption of either draft schedule requires a motion to adopt the Schedule approved by a majority of the Council. Once adopted, please note that local code says the Council may agree by majority vote to dispense with any regular session or committee meeting, or to change the day or hour of any meeting. See [BMC 2.04.050](#) and [BMC 2.04.255](#).

ANNUAL COUNCIL LEGISLATIVE SCHEDULE FOR 2023 (A)

The Legislative Cycle. The Council’s regular sessions are held twice a month, typically on first and third Wednesdays. A “legislative cycle” is the period between and including regular sessions, which usually spans three consecutive Wednesdays (15 days). Upon the introduction of a legislative item (typically through a "First Reading" at a regular session), the Council usually schedules it for public deliberation at a subsequent meeting.

Referral to Committee. Legislation is typically referred to one of the Council's committees, which hold meetings to consider such items on second and fourth Wednesdays. A standing committee has two legislative cycles to make recommendations on an item referred (i.e., it can hold a meeting on the second and fourth Wednesdays after referral).

A standing committee must return the item to the full Council by the second Regular Session following its referral, but may choose to return the item within a single cycle (i.e., after having held only one meeting).

Location and Time of Meetings: Unless otherwise indicated, the Council meets on the first four Wednesdays each month in the Council Chambers, Suite 115 of City Hall, at 6:30 p.m. It also meets for Work Sessions on Fridays about 12 days before the beginning of the next legislative cycle. See the first column of the chart below. When considering referred legislation, standing committee meetings start between 5:30 and 9:45 pm (BMC 2.04.255). Council and committee meetings are also accessible electronically via links shared on the Council’s web calendar, at: <https://bloomington.in.gov/council>.

Work Sessions. These provide an opportunity for members to preview city initiatives, many of which are legislative items close to being formally introduced at Council. These meetings are held at City Hall at 12 noon, with meeting rooms announced via separate notice. Work Sessions will be held on the dates noted below.

Deadlines for Legislation: There are typically two deadlines for submitting legislation for each cycle: one for ordinances and another for resolutions. All accompanying materials, including a summary memo, must be submitted to the Council Office via email by noon on the date listed below. For the manner for submitting these materials, please inquire with the Council Office.

LEGISLATIVE CYCLE	COUNCIL WORK SESSION	DEADLINE (NOON) FOR EMAIL SUBMISSION OF ORDINANCES	DEADLINE (NOON) FOR EMAIL SUBMISSION OF RESOLUTIONS	REGULAR SESSIONS - 1 ST ORDINANCE READINGS	COMMITTEE MEETINGS - ORDINANCES & RESOLUTIONS	REGULAR SESSIONS - 2 ND ORDINANCE READINGS & RESOLUTIONS
	FRIDAYS	MONDAYS	MONDAYS	WEDNESDAYS	WEDNESDAYS	WEDNESDAYS
0				1 Jan. 4		
1	2022 Dec. 12 <i>M</i>	2022 Dec. 14 <i>w</i>	2022 Dec. 14 <i>w</i>	1 Jan. 11	₁ Jan. 11	Jan. 18
2	Jan. 6	Jan. 9	Jan. 13 <i>F</i>	Jan. 18	Jan. 25	Feb. 1
3	Jan. 20	Jan. 23	Jan. 30	Feb. 1	Feb. 8	Feb. 15
4	Feb. 3	Feb. 6	Feb. 13	Feb. 15	Feb. 22	Mar. 1
5	Feb. 17	Feb. 20	Feb. 27	Mar. 1	Mar. 8	₂ Mar. 22
6	Mar. 3	Mar. 6	Mar. 13	₂ Mar. 22	_{2,3} Mar. 29	Apr. 5
7	Mar. 24	Mar. 27	Apr. 3	₄ Apr. 4 <i>Tu</i>	Apr. 12	Apr. 19
8	Apr. 10 <i>M</i>	Apr. 10	Apr. 17	Apr. 19	₅ Apr. 26	May 3
9	Apr. 21	Apr. 24	May 1	May 3	May 10	May 17
10	May 5	May 8	May 15	May 17	May 24	June 7
11	May 19	May 22	May 26 <i>F</i>	₆ June 7	_{5,6} June 14	_{6,7} June 21
<i>SUMMER RECESS (ENDING WITH REGULAR SESSION ON JULY 19)⁵</i>						
12	July 7	July 10	July 17	₆ July 19	₆ July 26	₆ Aug. 2
13	July 21	July 24	July 31	Aug. 2	Aug. 9	Aug. 16
14	Aug. 4	Aug. 7	Aug. 14	Aug. 16	Aug. 23	Sept. 6
<i>[BUDGET WEEK – DEPARTMENTAL HEARINGS TO BE HELD – AUG 28-31]^{3,5}</i>						
15	Aug. 25	Aug. 28	Sept. 1 <i>F</i>	Sept. 6	Sept. 13	Sept. 20
Budget	N/A	Sept. 18	Sept. 18	₈ Sept. 27	₈ Sept. 27	₈ Oct. 11
16	Sept. 8	Sept. 11	Sept. 18	Sept. 20	Oct. 4	Oct. 18
17	Oct. 6	Oct. 9	Oct. 16	Oct. 18	Oct. 25	Nov. 1
18	Oct. 20	Oct. 23	Oct. 30	Nov. 1	Nov. 8	Nov. 15
19	Nov. 3	Nov. 6	Nov. 13	Nov. 15	_{3,9} Nov. 29	Dec. 6
20	Nov. 17	Nov. 27	Dec. 4	Dec. 6	Dec. 13	₁₀ Dec. 20
<i>YEAR-END RECESS¹⁰ followed by Organization Day (Jan. 3) and First Legislative Cycle of 2024</i>						
1	Dec. 11 <i>M</i>	Dec. 13 <i>w</i>	Dec. 13 <i>w</i>	₁ 2024 Jan. 10	₁ 2024 Jan. 10	2024 Jan. 17

SEE REVERSE FOR NOTES ON SPECIAL EVENTS MARKED ABOVE

1. Organizational Meeting and First Legislative Cycle. The Council will hold its 2023 Organizational Meeting on January 4 when, along with other matters, it elects officers and appoints members to serve on various boards and commissions. Under local code, the meeting must be held no later than the second Wednesday in January unless rescheduled by a majority of the Council. (BMC 2.04.010 and BMC 2.04.050[a, c & d]).

The Council will hold a Regular Session immediately followed by committee meetings on January 11 in order to avoid losing a legislative cycle due to the January 4 Organizational Meeting.

2. Spring Break. The Council will hold its second Regular Session in March on Wednesday, March 22, and second Committee meeting that month on Wednesday March 29. This schedule avoids meeting over Spring Break (when many residents are out-of-town) and takes advantage of a fifth Wednesday to shift meetings to the fourth and fifth Wednesdays of the month.

3. Fifth Wednesdays. The Council does not generally meet on a fifth Wednesday of the month. In 2023, there are four such Wednesdays, which occur in March, May, August, and November. According to this schedule, the Council would meet on the fifth Wednesday in March (to avoid meeting during Spring Break), in August (for the third night of Budget Week) and in November (to replace the committee meeting from the previous week that is lost due to Thanksgiving).

4. Passover. Passover begins on the evening of Wednesday April 5. To avoid meeting on this day of religious observance, the Council will instead meet on Tuesday, April 4.

5. Budget Hearings. The Council will hold a Budget Advance meeting in the Council Chambers at 6:00 p.m. on Tuesday, April 25. The Council will also hold a Budget discussion on Tuesday, June 13.

The Council will hold Departmental Budget Hearings in the Council Chambers at 6:00 p.m. each of the four nights of the week of August 28 through August 31 (a.k.a. "Budget Week"). Budget Books are scheduled to be delivered to members no later than the preceding Friday, August 25.

6. Summer Recess. BMC 2.04.050[e] states that the Council may schedule a summer recess, but if it does so, no legislation may be introduced for First Reading at the final regular session prior to the recess.

By approving this Annual Schedule, the Council will be scheduling a Summer Recess to begin after the first legislative cycle in June (which ends with the Regular Session of June 21) and to end with the Regular Session of July 19.

7. Tax Abatement Report. The Council will hear Annual Tax Abatement Reports no later than Regular Session on June 21, during Reports from the Mayor and City Offices.

8. Budget Cycle. After holding Departmental Budget Hearings in late-August (see Note #4), the Council will formally consider the several items making up the City Budget for 2024 during a separate legislative cycle known as the "Budget Cycle," starting in late September and ending in mid-October. In keeping with the Wednesday meeting schedule, this Budget Cycle starts with a Special Session and Committee of the Whole on the fourth Wednesday in September and ends with a Special Session on the second Wednesday in October.

Please note that the statutorily required initial public hearings associated with the City Budget package will be held during the aforementioned committee hearing, and the official adoption meeting will be held at Second Reading during the Special Budget Session in October.

9. Thanksgiving Week. The Council will not meet on the Wednesday before Thanksgiving per BMC 2.04.050[f]. In order to hold a full complement of Wednesday meetings during the two legislative cycles in November, this schedule utilizes the fifth Wednesday in November for committee meetings.

10. Year-End Recess. BMC 2.04.050[g] calls for the Council to recess after the second Regular Session in December. At this session, legislation may not be introduced for First Reading.

Additional Notes on the Council's Annual Legislative Schedule

Note: If additional meetings are scheduled, or if the date, time or place of a scheduled meeting changes, additional public notice will be posted. By adoption of this schedule, the Council gives staff the authority to correct typographical errors and align the narrative and notes to mesh with changes made in the course of and after Council approval of this schedule. These changes will not alter the date, time, or place of any meeting approved by the Council upon schedule adoption.

Council meetings are accessible both in person and via electronic means. Attendees joining a meeting electronically should visit <https://bloomington.in.gov/council> to find links for electronic meetings and to check for the most up-to-date information on accessing Council meetings.

For background and more information, consult Chapter 2.04 of the Bloomington Municipal Code, visit the Council website at bloomington.in.gov/council, or contact the Council office at 812-349-3409 | council@bloomington.in.gov.

ANNUAL COUNCIL LEGISLATIVE SCHEDULE FOR 2023 (B)

Regular Meetings. The Council will hold three regular sessions each month, usually on the first, second, and third Wednesdays, unless otherwise noted below. Upon the introduction of an ordinance (typically through a "First Reading" at a regular session), the Council may refer it to a committee, may schedule it for deliberation (typically through a "Second Reading" at the next regular meeting), or may consider it for adoption (a two-thirds (2/3) vote of all the elected members, after unanimous consent of the members present to consider the ordinance, is required to pass an ordinance on the same day or at the same meeting at which it is introduced). Resolutions may be considered for action by the Council at one meeting.

Referral to Committee. Legislation may be referred to one of the Council's committees, which hold meetings to consider such items on second and fourth Wednesdays unless a majority of the Council decides to meet at an alternative date and time.

A standing committee must return a referred item of legislation to the full Council by the second Regular Session following its referral, but may choose to return the item after a single regular session.

Location and Time of Meetings: Unless otherwise indicated, the Council meets in the Council Chambers, Suite 115 of City Hall, at 6:30 p.m. When considering referred legislation, standing committee meetings start between 5:30 and 9:45 pm (BMC 2.04.255). Council and committee meetings are also accessible electronically via links shared on the Council's web calendar, at: <https://bloomington.in.gov/council>.

Deadlines for Legislation: Ordinances and resolutions should be submitted to the Council Office at least ten days before the meeting at which the legislation is to be introduced. All accompanying materials, including a summary memo and fiscal impact statement, must be submitted to the Council Office via email by noon on the date listed below. For the manner for submitting these materials, please inquire with the Council Office.

Deadline for Submission of Legislation and Supporting Materials	Meeting Dates	Deadline for Submission of Legislation and Supporting Materials	Meeting Dates
N/A	01/11/2023 Organizational Meeting ¹	07/17/2023	07/26/2023 Regular Session
01/09/2023	01/18/2023 Regular Session	07/24/2023	08/02/2023 Regular Session
01/13/2023	01/25/2023 Regular Session	07/31/2023	08/09/2023 Regular Session
01/23/2023	02/01/2023 Regular Session	08/07/2023	08/16/2023 Regular Session
01/30/2023	02/08/2023 Regular Session	08/21/2023	08/29/2023-08/31/2023 Budget Week 1 – Departmental Budget Hearings ⁶
02/06/2023	02/15/2023 Regular Session	08/21/2023	09/05/2023-09/06/2023 Budget Week 2 – Department Budget Hearings ⁶
02/20/2023	03/01/2023 Regular Session	09/01/2023	09/13/2023 Regular Session
02/27/2023	03/08/2023 Regular Session	09/11/2023	09/20/2023 Regular Session
03/20/2023	03/29/2023 Regular Session	09/18/2023	09/27/2023 Special Session – Introduction of 2024 Budget Legislation followed by a Committee of the Whole (including the public hearing on the 2024 Budget) ⁷
03/27/2023	04/04/2023 Regular Session ²		
03/31/2023	04/12/2023 Regular Session		
04/10/2023	04/19/2023 Regular Session		
N/A	04/25/2023 Budget Advance ³	09/25/2023	10/04/2023 Regular Session
04/24/2023	05/03/2023 Regular Session	10/02/2023	10/11/2023 Special Session – Adoption Meeting for 2024 Budget Legislation ⁷
05/01/2023	05/10/2023 Regular Session	10/09/2023	10/18/2023 Regular Session
05/08/2023	05/17/2023 Regular Session	10/23/2023	11/01/2023 Regular Session
05/26/2023	06/07/2023 Regular Session	10/30/2023	11/08/2023 Regular Session
N/A	06/13/2023 Budget Advance ³	11/06/2023	11/15/2023 Regular Session
06/05/2023	06/14/2023 Regular Session	11/27/2023	12/06/2023 Regular Session
06/12/2023	06/21/2023 Regular Session ^{4 & 5}	12/04/2023	12/13/2023 Regular Session ⁸
<i>Summer Recess - Ending With Regular Session on July 26⁵</i>		<i>Year-End Recess – followed by Organization Day on January 10, 2024⁸</i>	

1. **Organizational Meeting.** The Council will hold its 2023 Organizational Meeting on January 11 when it elects officers and appoints members to serve on various boards and commissions. Under local code, the meeting must be held no later than the second Wednesday in January unless rescheduled by a majority of the Council. (BMC 2.04.010 and BMC 2.04.050[a, c & d]).
2. **Passover.** Passover begins on the evening of Wednesday April 5. To avoid meeting on this day of religious observance, the Council will instead meet on Tuesday, April 4.
3. **Budget Advance Meetings.** The Council will hold a Budget Advance meeting in the Council Chambers at 6:00 p.m. on Tuesday, April 25. The Council will hold a second Budget Advance meeting in the Council Chambers at 6:00 p.m. on Tuesday, June 13.
4. **Tax Abatement Report.** The Council will hear Annual Tax Abatement Reports no later than Regular Session on June 21, during Reports from the Mayor and City Offices.
5. **Summer Recess.** BMC 2.04.050[e] states that the Council may schedule a summer recess, but if it does so, no legislation may be introduced for First Reading at the final regular session prior to the recess. By approving this Annual Schedule, the Council will be scheduling a Summer Recess to begin after the Regular Session of June 21 and to end with the Regular Session of July 26.
6. **Departmental Budget Hearings.** The Council will hold Departmental Budget Hearings in the Council Chambers at 6:00 p.m. spread out across two weeks. Week 1 hearings will be held August 29 through August 31 and Week 2 hearings will be held September 5 and September 6. Budget Books are scheduled to be delivered to members no later than Friday, August 25.
7. **Budget Cycle.** After holding Departmental Budget Hearings in late-August and early September (see Note #6), the Council will formally consider the several items making up the City Budget for 2024 during a separate legislative cycle known as the "Budget Cycle," starting in late September and ending in mid-October. Please note that the statutorily required initial public hearings associated with the City Budget package will be held during the aforementioned committee hearing, and the official adoption meeting will be held at Second Reading during the Special Budget Session in October.
8. **Year-End Recess.** BMC 2.04.050[g] calls for the Council to recess after the second Regular Session in December. At this session, legislation may not be introduced for First Reading.

Indiana University 5-Year Religious Calendar

2021-2022

2nd Semester

Shogatsu/Gantan-sai (New Year)	Shinto	Jan. 1	Saturday
Epiphany	Christian	Jan. 6	Thursday
Feast of the Nativity	Eastern Orthodox	Jan. 7	Friday
Asian/Lunar New Year-Year of the Tiger		Feb. 1	Tuesday
Candlemas (St. Brigid's Day)	Pagan/Wiccan	Feb. 2	Wednesday
Vasant Panchami / Saraswati Puja	Hindu	Feb. 5	Saturday
Ash Wednesday (first day of lent)	Christian	Mar. 2	Wednesday
Purim	Jewish	Mar. 17*	Thursday
Vernal Equinox (EDT)		Mar. 20	Sunday
Spring Equinox (Ostara)	Pagan/Wiccan	Mar. 20	Sunday
Naw-Rúz (Baha'i New Year)	Baha'i	Mar. 21*	Monday
Holi	Hindu	Mar. 18*	Friday
Beginning of Ramadan	Islamic	Apr. 3*	Sunday
Palm Sunday	Christian	Apr. 10	Sunday
Vaisakhi / Baisakhi	Hindu / Sikh	Apr. 14	Thursday
Maundy Thursday	Christian	Apr. 14	Thursday
Good Friday	Christian	Apr. 15	Friday
Passover (Pesach), 1st two days	Jewish	Apr. 16*-17	Sat.-Sun.
Easter	Christian	Apr. 17	Sunday
Palm Sunday	Eastern Orthodox	Apr. 17	Sunday
Ridvan Festival, 1st of 12 days	Baha'i	Apr. 21*	Thursday
Holy Friday	Eastern Orthodox	Apr. 22	Friday
Passover (Pesach), concluding days	Jewish	Apr. 22-23*	Fri.-Sat.
Pascha (Easter)	Eastern Orthodox	Apr. 24	Sunday
9th Day of Ridvan	Baha'i	Apr. 29*	Friday
May Day (Beltane)	Pagan/Wiccan	May 1	Sunday
12th Day of Ridvan	Baha'i	May 2*	Monday
Eid-al-Fitr (Eid-ul-Fitr) 1 st day of Shawwal	Islamic	May 3*	Tuesday

**Holy days start at sundown on evening preceding first day and end at sundown or nightfall of concluding date.*

Islamic dates are based on criteria adopted by the Fiqh Council of North America (FCNA).

Please note that certain days each week are not good times to schedule meetings for some groups. For example, Friday nights and Saturdays for observant Jews and Friday nights for observant Muslims.

2022

Summer Sessions

Declaration of the Báb	Baha'i	May 24*	Tuesday
Ascension of Bahá'u'lláh	Baha'i	May 29*	Sunday
Shavuot (Feast of Weeks)	Jewish	June 5*-6	Sun.-Mon.
Summer Solstice (EDT)		June 21	Tuesday
Summer Solstice (Midsummer)	Pagan/Wiccan	June 21	Tuesday
Eid al-Adha	Islamic	July 10*	Sunday
Martyrdom of the Báb	Baha'i	July 10*	Sunday
Al-Hijra / Muharram (New Year)	Islamic	July 30*	Saturday

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2022-2023

1st Semester

Lammas (Lughnasdh)	Pagan/Wiccan	Aug. 1	Monday
Ashura (10th day of Muharram)	Islamic	Aug. 8*	Monday
Raksha Bandhan	Hindu	Aug. 11	Thursday
Krishna Janmashtami	Hindu	Aug. 19	Friday
Ganesh Chaturthi	Hindu	Aug. 31	Wednesday
Autumn Equinox (EDT)		Sept. 22	Thursday
Autumnal Equinox (Mabon)	Pagan/Wiccan	Sept. 22	Thursday
Rosh Hashanah (New Year)	Jewish	Sept. 26*-27	Mon.-Tues.
Navaratri	Hindu	Sept. 26-Oct. 4	Mon.-Tues.

Durga Puja	Hindu	Oct. 1-5	Sat-Wed.
Yom Kippur (Day of Atonement)	Jewish	Oct. 5*	Wednesday
Mawlid-al-Nabi (Muhammed's birthday) (12 th day of Rabi-al-Awwal)	Islamic	Oct. 8*	Saturday
Sukkot (Feast of Tabernacles)	Jewish	Oct. 10*-16	Mon.-Sun.
Shemini Atzeret & Simchat Torah	Jewish	Oct. 17*-18	Mon.-Tues.
Diwali / Kali Puja	Hindu	Oct. 24	Monday
Birth of the Báb	Baha'i	Oct. 26*	Wednesday
Birth of Bahá'u'lláh	Baha'i	Oct. 27*	Thursday
Halloween (Samhain)	Pagan/Wiccan	Oct. 31-Nov.1	Mon.-Tues.
Guru Nanak Birthday	Sikh	Nov. 8	Tuesday
Day of the Covenant	Baha'i	Nov. 26*	Saturday
Ascension of 'Abdu'l-Bahá	Baha'i	Nov. 28*	Monday
Bodhi Day (Rohatsu)	Buddhist	Dec. 8	Thursday
Hanukkah (Chanukah) (8-day Feast)	Jewish	Dec. 19*-26	Mon.-Mon.
Winter Solstice (EST)		Dec. 21	Wednesday
Winter Solstice (Yule/Midwinter)	Pagan/Wiccan	Dec. 21	Wednesday
Christmas	Christian	Dec. 25	Sunday
Kwanzaa	Interfaith/African-American	Dec. 26-Jan. 1	Mon.-Sun.

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2022-2023 2nd Semester

Shogatsu/Gantan-sai (New Year)	Shinto	Jan. 1	Sunday
Epiphany	Christian	Jan. 6	Friday
Feast of the Nativity	Eastern Orthodox	Jan. 7	Saturday
Asian/Lunar New Year-Year of the Rabbit		Jan. 22	Sunday
Vasant Panchami / Saraswati Puja	Hindu	Jan. 26	Thursday
Candlemas (St. Brigid's Day)	Pagan/Wiccan	Feb. 2	Thursday
Ash Wednesday (first day of lent)	Christian	Feb. 22	Wednesday
Purim	Jewish	Mar. 7*	Tuesday
Holi	Hindu	Mar. 8*	Wednesday
Vernal Equinox (EDT)		Mar. 20	Monday
Spring Equinox (Ostara)	Pagan/Wiccan	Mar. 20	Monday
Naw-Rúz (Baha'i New Year)	Baha'i	Mar. 21*	Tuesday
Beginning of Ramadan	Islamic	Mar. 23*	Thursday
Palm Sunday	Christian	Apr. 2	Sunday
Maundy Thursday	Christian	Apr. 6	Thursday
Passover (Pesach), 1st two days	Jewish	Apr. 6*-7	Thurs.-Fri.
Good Friday	Christian	Apr. 7	Friday
Easter	Christian	Apr. 9	Sunday
Palm Sunday	Eastern Orthodox	Apr. 9	Sunday
Passover (Pesach), concluding days	Jewish	Apr. 12-13*	Wed.-Thurs.
Holy Friday	Eastern Orthodox	Apr. 14	Friday
Vaisakhi / Baisakhi	Hindu / Sikh	Apr. 14	Friday
Pascha (Easter)	Eastern Orthodox	Apr. 16	Sunday
Ridvan Festival, 1st of 12 days	Baha'i	Apr. 21*	Friday
Eid-al-Fitr (Eid-ul-Fitr) 1 st day of Shawwal	Islamic	Apr. 22*	Saturday
9th Day of Ridvan	Baha'i	Apr. 29*	Saturday
May Day (Beltane)	Pagan/Wiccan	May 1	Monday
12th Day of Ridvan	Baha'i	May 2*	Tuesday

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2023 Summer Sessions

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Shavuot (Feast of Weeks)	Jewish	May 26*-27	Fri.-Sat.
Ascension of Bahá'u'lláh	Baha'i	May 29*	Monday

Summer Solstice (EDT)		June 21	Wednesday
Summer Solstice (Midsummer)	Pagan/Wiccan	June 21	Wednesday
Eid al-Adha	Islamic	June 29*	Thursday
Martyrdom of the Báb	Baha'i	July 10*	Monday
Al-Hijra / Muharram (New Year)	Islamic	July 19*	Wednesday
Ashura (10th day of Muharram)	Islamic	July 28*	Friday

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2023-2024 1st Semester

Lammas (Lughnasdh)	Pagan/Wiccan	Aug. 1	Tuesday
Raksha Bandhan	Hindu	Aug. 30	Wednesday
Krishna Janmashtami	Hindu	Sept. 6	Wednesday
Rosh Hashanah (New Year)	Jewish	Sept. 16*-17	Sat.-Sun.
Ganesh Chaturthi	Hindu	Sept. 19	Tuesday
Autumn Equinox		Sept. 23	Saturday
Autumnal Equinox (Mabon)	Pagan/Wiccan	Sept. 23	Saturday
Yom Kippur (Day of Atonement)	Jewish	Sept. 25*	Monday
Mawlid-al-Nabi (Muhammed's birthday) (12 th day of Rabi-al-Awwal)	Islamic	Sept. 27*	Wednesday
Sukkot (Feast of Tabernacles)	Jewish	Sept. 30*-Oct. 6	Sat.-Fri.
Shemini Atzeret & Simchat Torah	Jewish	Oct. 7*-8	Sat.-Sun.
Navaratri	Hindu	Oct. 15-24	Sun.-Tues.
Durga Puja	Hindu	Oct. 20-24	Fri.-Tues.
Birth of the Báb	Baha'i	Oct. 26*	Thursday
Halloween (Samhain)	Pagan/Wiccan	Oct. 31-Nov. 1	Tues.-Wed.
Birth of Bahá'u'lláh	Baha'i	Nov. 12*	Sunday
Diwali / Kali Puja	Hindu	Nov. 12	Sunday
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Hanukkah (Chanukah) (8-day Feast)	Jewish	Dec. 8*-15	Fri.-Fri.
Winter Solstice		Dec. 21	Thursday
Winter Solstice	Pagan/Wiccan	Dec. 21	Thursday
Christmas	Christian	Dec. 25	Monday
Kwanzaa	Interfaith/African-American	Dec. 26-Jan. 1	Tues. – Mon.

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2023-2024 2nd Semester

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Epiphany	Christian	Jan. 6	Saturday
Feast of the Nativity	Eastern Orthodox	Jan. 7	Sunday
Candlemas (St. Brigid's Day)	Pagan/Wiccan	Feb. 2	Friday
Asian/Lunar New Year-Year of the Dragon		Feb. 10	Saturday
Ash Wednesday (first day of lent)	Christian	Feb. 14	Wednesday
Vasant Panchami / Saraswati Puja	Hindu	Feb. 14	Wednesday
Beginning of Ramadan	Islamic	Mar. 11*	Monday
Vernal Equinox		Mar. 19	Tuesday
Spring Equinox (Ostara)	Pagan/Wiccan	Mar. 19	Tuesday
Naw-Rúz (Baha'i New Year)	Baha'i	Mar. 20*	Wednesday
Palm Sunday	Christian	Mar. 24	Sunday
Purim	Jewish	Mar. 24*	Sunday
Holi	Hindu	Mar. 25*	Monday
Maundy Thursday	Christian	Mar. 28	Thursday
Good Friday	Christian	Mar. 29	Friday
Easter	Christian	Mar. 31	Sunday
Eid-al-Fitr (Eid-ul-Fitr) 1 st day of Shawwal	Islamic	Apr. 10*	Wednesday