



City of Bloomington Common Council

Legislative Packet

Regular Session

followed by

Special Session for consideration of Ordinance 09-12

15 July 2009

Office of the Common Council
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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Revised Notice and Schedule for Special Session to Consider Ord 09-12** (which, in part, sets forth items to be considered on Wednesday, July 15th)
- **Notice and Schedule for Departmental Budget Hearings** to be Held from Wednesday, July 20th through Wednesday, July 23rd 2009 at 6:00 p.m. in the Council Chambers

Legislation for Final Action at Regular Session at the Wednesday, July 15th Special Session (which starts at 7:00 p.m.):

Legislation and Background Material for Final Action at Regular Session on Wednesday, July 15th at 7:00 p.m.

- **Memo to the Council - Re: Res 09-14 and Res 09-15 - from Danise Alano, Director of Economic and Sustainable Development**
 - Map – Downtown CRED
 - Cash Balance Sheet - Industrial Development Fund
 - *Contact Danise Alano at 349-3406 or alanod@bloomington.in.gov*
- **Res 09-14 To Authorize Expenditures from the Industrial Development Fund to Support an Economic Development Project (Envisage Technologies, Inc. at the Fountain Square Mall in the Downtown CRED)**
 - Res 09-01 of the Bloomington Industrial Advisory Commission – Recommendations to Council

- **Res 09-15** To Authorize Expenditures from Annual Revenues Generated and Received by the Industrial Development Fund to Support an Economic Development Project (Envisage Technologies, Inc. at Fountain Square Mall in the Downtown CRED)
 - **Res 09-02** of the Bloomington Industrial Advisory Commission – Recommendations to Council

Legislation and Background Material for First Reading:

None

Minutes from Regular Session:

- March 4, 2009
- May 20, 2009
- July 1, 2009

Special Session

- **UDO-074-CCL-001**
- **UDO-076-CCL-002**

Memo

Reminded: Departmental Budget Hearings Begin on July 20th – *Schedule Attached*

**Regular Session on Wednesday at 7:00 p.m.
Immediately Followed by the
Continuation of the Special Session to Consider Ord 09-12**

There are two meetings next week. The first is a Regular Session which will begin a half hour earlier than usual on Wednesday night. There are two resolutions ready for final action at that meeting, which are included in this packet and summarized herein. The second meeting is the continuation of the Special Session to Consider Ord 09-12. Please note that there are amendments for two of those amendments, which are briefly noted at the end of this memo.

Items for Final Action at the Regular Session on Wednesday, July 15th

Res 09-14 and Res 09-15 Authorizing Expenditures from, and Foregoing Revenues to, the Industrial Development Fund (IDF) for Envisage Technologies, Inc. and Its Relocation to Fountain Square Mall in the Downtown CRED

There are two resolutions bringing forward recommendations from the Bloomington Industrial Advisory Commission (BIDAC) to expend money from the Industrial Development Fund (IDF) in regard to the Downtown Community Revitalization Enhancement District (CRED). **Res 09-14** authorizes the Controller to reimburse Envisage Technologies, Inc. up to \$150,000 once it has verified certain benchmark spending for relocating to and renovating portions of the Fountain Square Mall. **Res 09-15** authorizes the Controller to return a portion of the State Income Tax Withholdings generated by this company in the CRED (Withholdings) over a period of five years as long as it relocates its business to the Fountain Square Mall and retains its current level of employment there during that time. In partnership with the State, that resolution also foregoes 10 years worth of Withholdings that would now go to the State rather than be deposited in the IDF.

This summary is based upon the memo and materials provided by Danise Alano, Director of the Department of Economic and Sustainable Development, and previous information obtained by the Council Office.

Community Revitalization Enhancement District (CRED) and the Industrial Development Fund (IDF)

In 2004, the City created the Downtown CRED which followed the creation of the City's Indiana Enterprise Center CRED in the late 1990s. CREDs allow the City to capture state income and sales taxes received within the district over a base amount and set them aside, along with other monies, into the Bloomington Industrial Development Fund until the district terminates in 2019.

Monies from the fund may be spent by the City upon written recommendation of the Bloomington Industrial Development Advisory Commission (BIDAC) and approval of the Council. *Please note that the BIDAC met on June 30th to consider these proposals and make these recommendations.* Under statute, the City may levy taxes (no more than 1.067 cents per \$100 assessed valuation) and issue bonds based upon CRED revenues (which the City has *not* pursued). It may also enter into a financing agreement with a developer who intends to develop or redevelop the facility and "has entered into a separate agreement with some other person for the use and operation of

the financed facility.” When entering into such a financing agreement, the City may establish goals or benchmarks for the developer to achieve before receiving a fee (per IC 36-7-13-18(b)).

The Downtown CRED account in the IDF had a balance of \$3.9 million as of June 26, 2009.

Envisage Technologies, Inc. Relocation and Expansion

As Alano notes in her memo, “Envisage Technologies, Inc. is a high-tech software company founded” here in 2001 and currently located in Rogers Farm on the City’s east side. “Over 90% of the company’s revenue (comes) from federal, state, and local government clients,” with some of the major ones located on the east coast or in the southwest. It developed and provides software “specifically designed for homeland security, law enforcement and military organizations requiring accurate and comprehensive information to strengthen operational readiness.” As such, most of its 34 employees have obtained the security clearances necessary to perform this sensitive work.

By 2012, Envisage plans to add another 23 employees and increase its payroll by \$2.2 million (which will more than double it). These positions will include project managers (5) and quality analysts (5) and a senior sales executive, marketing analyst, and administrative assistant. Their average hourly wage will be about \$46 per hour and the lowest hourly wage will be \$16.83 per hour (which significantly exceeds the City’s Living Wage requirements).

Alano notes that Envisage serves as a “critical anchor in Bloomington’s tech sector” not only by employing so many high tech workers, but also by helping with the Bloomington Technology Park, especially in regard to informing community about the “real day-to-day challenges that companies like Envisage face in Bloomington.” Due to the timing of the resolution Michelle Cole, VP of Operations and not Ari Vidali, founder and CEO, will be there to answer your questions.

Res 09-14 (Authorizing the Expenditure of Up to \$150,000 in IDF Monies to Reimburse Envisage for Attaining Relocation and Renovation Benchmarks at the Fountain Square Mall)

Res 09-14 authorizes the expenditure of up to \$150,000 of IDF monies to reimburse Envisage for the attainment of benchmark expenditures for relocation to and renovation of portions of the Fountain Square Mall. Briefly, the substance of the Council and BIDAC resolutions declare the intent to reimburse Envisage up to \$150,000 once it has:

- entered into a financing agreement with the City for the relocation to and renovation of portions of Fountain Square Mall;
- entered into a development agreement with a 3rd party regarding the use or operation of the facility (as required by I.C. 36-7-3.1-18); and
- verified that it has met the benchmarks set forth in the resolutions by spending at least \$176,000 toward eligible expenditures which include:
 - improvements to the common area of the Fountain Square Mall (\$51,000) as well as to the flooring, walls, and other areas of the leased space (\$17,500);
 - Acquisition of machinery and equipment (\$28,000) and computer hardware (\$59,500); and
 - Relocation of business systems and other items (\$20,000).¹

Please note that the City's obligation to pay the \$150,000 will not be limited, as has sometimes been the case for other IDF projects, by the requirement that the IDF receive sufficient revenues from the enterprise before reimbursing costs.

Res 09-15 (Authorizing the Expenditure of State Income Tax Withholdings Generated by Envisage for Relocating to Fountain Square Mall and Retaining the Level of Its Current Workforce and Foregoing Other Use of These Withholdings for a Period of Ten Years)

Res 09-15 is the result of cooperation with the State of Indiana Economic Development Corporation regarding the relocation of Envisage to Fountain Square Mall and the retention of its current level of workforce (34 employees) at that location.

¹ The amounts for each benchmark may be more or less than listed in the resolution as long as Envisage invests at least \$176,000 and the City reimburses no more than \$150,000.

As I understand them, the BIDAC and Council resolutions set two benchmarks for Envisage to attain before receiving any funds. In that regard, it must:

- Relocate its business and the current number of non-contract employees to Fountain Square Mall in the City's Downtown CRED; and
- Retain that level of employment (34 jobs) and payroll (\$2,401,944).

Ordinarily, the various state taxes paid by entities in the CRED to the State are redirected to the IDF. Here, the resolution provides the opportunity for Envisage to be reimbursed for all of its State Income Tax Withholdings (Withholdings) for a period of ten years.

Under Section One of the resolution, if Envisage meets and continues to satisfy the benchmarks and the State returns at least the following amount of revenues to the IDF, then the City will reimburse Envisage the following portion of the first five years of their Withholdings:

- 1st Year – 80%
- 2nd Year – 75%
- 3rd Year – 60%
- 4th Year – 40%
- 5th Year – 20%.

Toward this end, this section also authorizes the City to enter into an Economic Development Financing Agreement with Envisage setting forth the terms and conditions for the reimbursement. Please note that the memo from Alano estimates that these reimbursements will total approximately \$321,000 over those five years.

Under Section Two of the resolution, the City agrees to forego for 10 years the receipt of the remaining portion of the Withholdings that would otherwise be directed by the State into the IDF. During the first five years, the State, through the Indiana Economic Development Corporation and use of State Economic Development Growing Economy (EDGE) tax credits, would give Envisage the opportunity to receive its remaining Withholdings according to the following schedule should it meet and continue to satisfy the benchmarks:

- 1st Year – 20%
- 2nd Year – 25%
- 3rd Year – 60%
- 4th Year – 60%
- 5th Year – 80%.

Then, during the next five years (years 6 – 10), the State would provide EDGE tax credits to reimburse Envisage up to 100% of its Withholdings.

Continuation of Special Session to Consider Ordinance 09-12 on Wednesday, July 15th After the Regular Session (which begins at 7:00 p.m.)

The Council will reconvene the Special Session to consider **Ord 09-12** after the Regular Session on Wednesday (which begins at 7:00 p.m.) There are six amendments to cover that evening. Three of them have revisions or other potential actions which are briefly mentioned below:

- **UDO-075 (Converts density from units per acre to bedrooms per acre)**
Councilmember Volan has informed the Council Office that he wishes to the Council to consider postponing consideration of this amendment in order for him to propose a revision and, if that is not the will of the Council, he has announced his intention to request reconsideration of the amendment at a future meeting of the Special Session and/or introduce a new amendment on the same subject matter.
- **UDO-074 (Encourages Plan Commission and Board of Zoning Appeals to consider sustainable development practices; requires development plan to specify them; reduces width of drives/entrances; and, adds permeable surface requirement for parking lots and as a “green” incentive.)**
Councilmember Piedmont-Smith has worked with Plan staff to revise this amendment which she intends to introduce next week as CCL-001(a copy of which is enclosed with this material). This revision makes two changes to UDO-074. The first changes the general entrance and drive standards by increasing the maximum driveway widths from 28 to 34 feet for drives onto arterial or collector streets. The second changes the general parking standards by offering a menu of best management practices regarding the surface material of parking lots rather than only require the use of a percentage of permeable pavement.
- **UDO-076 (Restricts use of EIFS and other building materials on buildings in the CD district)** *Councilmember Sturbaum intends to introduce an amendment to UDO-076 numbered CCL-002. This amendment would restrict the use of EIFS as a building material in the Commercial Downtown zoning district. Specifically, it adds EIFS as a prohibited primary and secondary building material to multiple downtown overlay districts. It also restricts the use of vinyl, cementitious siding, and highly reflective building materials in some districts. Lastly, it makes the application of this rule uniform throughout the Commercial Downtown zoning district by including all four sides of the building.*

Please note that there may be a request to shift some of the amendments postponed last week. With action of the Council, these amendments might be heard on July 29th.

Happy Birthday Nicole Bolden (in the Clerk's Office) !

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:00 P.M., WEDNESDAY, JULY 15, 2009
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

- III. APPROVAL OF MINUTES FOR:** March 4, 2009 (Regular Session)
 May 20, 2009 (Regular Session)
 July 1, 2009 (Regular Session)

IV. REPORTS FROM:

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

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 09-14 To Authorize Expenditures from the Industrial Development Fund to Support an Economic Development Project (Envisage Technologies, Inc. at the Fountain Square Mall in the Downtown CRED)

Committee Recommendation: N/A

1. Resolution 09-15 To Authorize Expenditures from Annual Revenues Generated and Received by the Industrial Development Fund to Support an Economic Development Project (Envisage Technologies, Inc. at Fountain Square Mall in the Downtown CRED)

Committee Recommendation: N/A

VII. LEGISLATION FOR FIRST READING

None

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

VIII. ADJOURNMENT

(and immediately reconvene for)

SPECIAL SESSION FOR CONSIDERATION OF ORDINANCE 09-12

(See Schedule)



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

To: Council Members
From: Council Office
Re: Calendar for the Week of July 13-18, 2009

Monday, July 13, 2009

5:00 pm Utilities Service Board Work Session, Board Room, 600 E Miller Drive
5:30 pm Bicycle and Pedestrian Safety Commission - Education Subcommittee, Kelly
5:30 pm B-Line Trail Phase II Public Comment Meeting and Open House, McCloskey

Happy Birthday, Nicole Bolden, Office of the City Clerk!

Tuesday, July 14, 2009

4:00 pm Bloomington Community Farmers' Market, Madison St, Between 6th & 7th St
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W Grimes Lane
5:30 pm NAACP Freedom Fund Banquet Planning Meeting, Hooker Room
6:00 pm City of Bloomington Commission on Sustainability, McCloskey
6:30 pm Sister Cities International, Dunlap

Wednesday, July 15, 2009

9:30 am Tree Commission, North Shelter, Bryan Park, 1001 S Henderson St
2:00 pm Hearing Officer, Kelly
7:00 pm Council of Neighborhood Associations, Hooker Room
7:00 pm Common Council Regular Session, immediately followed by a reconvened Special Session to consider amendments to the UDO, Council Chambers

Thursday, July 16, 2009

8:00 am Bloomington Housing Authority, Housing Authority, 1007 N Summit, Community Room
3:30 pm Bloomington Municipal Facilities Corporation, Hooker Room
4:00 pm Bloomington Multicultural Expo Planning Meeting, Kelly
6:00 pm US Green Building Council, Council Chambers

Friday, July 17, 2009

12:00 pm Domestic Violence Task Force, McCloskey

Saturday, July 18, 2009

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton

Posted and Distributed: Friday, July 10, 2009

**Notice and Schedule for Common Council Consideration of Ordinance 09-12
which Brings Forward Amendments to the Unified Development Ordinance
from the Plan Commission as a Result of Its Period Review of Title 20 of the
Bloomington Municipal Code
(Revised July 10, 2009)**

**SPECIAL SESSION TO CONSIDER AMENDMENTS TO THE UNIFIED
DEVELOPMENT ORDINANCE (ORD 09-12) WHICH WILL BE HELD ON THE
FOLLOWING EVENINGS AT THE FOLLOWING TIMES:**

WEDNESDAY, JULY 8, 2009 - 7:00 P.M.

Motion to Introduce Ordinance 09-12

Motion to Approve Schedule

Motion to Approve Procedure

The Council will Consider One Motion to Approve the Following Text Amendments (Unless Members of the Council Request Individual Discussion of an Item Before Presentation is Made by Plan Staff):

- UDO-001 **Rooming house – adds asterisk.**
- UDO-002 **Establishes parking setback from *proposed* rather than *existing* right of way or easement in IG/QY districts.**
- UDO-003 **Pitched roof exception – extends to Third Street.**
- UDO-004 **Defines “proposal” as it relates to projects within the CD zoning district**
- UDO-005 **Adds one PUD final plan change that may be approved by Planning Director.**
- UDO-006 **Adds missing restrictions on accessory structures in multifamily zoning districts.**
- UDO-007 **Provides for some variation in sidewalk/tree plot designs.**
- UDO-008 **Requires connector paths to link developments to multi-use trails.**
- UDO-009 **Makes reduction of bike parking discretionary rather than automatic in CD zoning district.**
- UDO-010 **Clarifies calculation of amount of bicycle parking.**
- UDO-011 **Clarifies height and accessory status of communication facilities in CD district.**
- UDO-012 **Prohibits driveway design where driveway is parallel to street.**
- UDO-013 **Requires entrance & drive design to be paved (like parking areas).**
- UDO-014 **Requires conservation easements for wetland buffer areas.**
- UDO-015 **Corrects UDO reference.**
- UDO-016 **Clarifies fence height maximum & calculation of decorative features.**
- UDO-017 **Corrects typographic error.**
- UDO-018 **Corrects statutory reference.**
- UDO-019 **Makes landscaping of buffer yards separate from general landscaping requirements.**
- UDO-020 **Planting requirements – increases canopy tree requirements and makes interior requirements consistent.**

- UDO-021 **Clarifies landscaping requirement.**
- UDO-022 **Clarifies parking lot island and bump-out location and function.**
- UDO-023 **Clarifies outdoor storage and merchandizing requirements.
(Revised on July 8, 2009 to correct error)**
- UDO-024 **Adds omitted requirement for maximum parking lot slope.**
- UDO-026 **Corrects omission regarding parallel parking dimensions.**
- UDO-028 **Allows back-out parking on non-arterial streets in Core Neighborhoods.**
- UDO-029 **Clarifies setback for recreational equipment.**
- UDO-030 **Establishes same setback for detached and attached carports.**
- UDO-031 **Corrects statutory reference.**
- UDO-032 **Adds cross-references for exceptions to off-premises signs.**
- UDO-033 **Clarifies requirements for changeable copy on freestanding signs.**
- UDO-034 **Prohibits external illumination of temporary signs. (Postponed until August 5, 2009)**
- UDO-035 **Corrects section heading for multifamily signage.**
- UDO-036 **Creates wall signage allowance for multi-tenant non-residential centers.**
- UDO-037 **Clarifies minimum lot frontage requirements for freestanding signs.**
- UDO-038 **Corrects word usage in reference to drive-though bays. (On July 10th, Cm. Satterfield declared his intent to request reconsideration and revision of this amendment at future meeting during this Special Session.)**

- UDO-039 **Clarifies exemption regarding temporary containers used for charitable purposes.**
- UDO-040 **Corrects setback error for conservation subdivisions.**
- UDO-041 **Clarifies permitted activities within conservation/preservation easements.**

- UDO-042 **Requires public street frontage for new residential lots.**
 UDO-043 **Clarifies requirement for installation of no parking signs.**
(Revised on July 8, 2009 to correct error.)
 UDO-045 **Exempts construction of small accessory structures from events that end status as a non-conforming use in non-residential and multifamily properties.**
 UDO-046 **Requires developer to list bike rack model type.**
 UDO-047 **Requires petitioner to list scientific name of landscape species.**
 UDO-048 **Corrects typographical error under subdivision control.**
 UDO-049 **Defines start and duration of timing of final plat.**
 UDO-050 **Clarifies effect of withdrawal of demolition delay application.**
 UDO-051 **Requires submission of complete application before Demolition Delay waiting period begins.**
 UDO-052 **Adds basketball courts and batting cages to definition of recreational equipment.**
 UDO-053 **Clarifies change from one residential use to another and adds abandonment as a change in use.**
 UDO-054 **Adds “florist” to class of use table in definitions.**
 UDO-055 **Establishes depth of projection from wall to definition of wall sign.**
 UDO-056 **Changes definition of impound vehicle storage to include both inside and outside storage.**
 UDO-057 **Conforms erosion and storm water regulations to Title 10 of the BMC.**
 UDO-058 **Corrects references to Bicycle and Pedestrian Plan.**
 UDO-059 **Resolves conflict between temporary use and structure provisions for temporary signs.**
 UDO-060 **Corrects definition of outpatient care facility.**
 UDO-061 **Clarifies definition of basement to establish when it constitutes a “story”.**

The Council will Consider Separate Motions Regarding the Following Map Amendments:

- UDO-062 **Map Amendment - Rezones remaining part of the Highpoint PUD from PUD to CD/DEO.**
 UDO-063 **Map Amendment – Rezones Basswood area property from IN to RM.**

The Council will Consider Individual Motions Regarding the Following Text Amendments:

- UDO-065 **Prohibits primary pedestrian entrance in CD district to be off an alley.**
 UDO-066 **Clarifies “masonry” materials to be used in residential projects.**
 UDO-067 **Allows additions to single family attached and detached structures to have flat roofs.**
 UDO-068 **Clarifies that LEED-NC guidelines used in the UDO are periodically updated by USGBC.**
 UDO-069 **Revises list of landscaping to add native species and prohibit certain invasive species.**
 UDO-070 **Allows window signs on upper floors but counts such signs towards sign allotment.**
 UDO-071 **Allows only attached wall signs and sandwich board signs outside of right-of-way along the B-Line trail**

Note: The Common Council considered the foregoing amendments that evening and took action in some cases to postpone and revise them for consideration at a later meeting (see notes in italics after the titles above).

FRIDAY, JULY 10, 2009 – 10:00 a.m.

- *Deadline for Declaring Intent to Revive Amendments Non-Adopted by the Plan Commission and the Introduction of New Amendments.*
- *Deadline for Submitting Revived Amendments, Revised Amendments, and New Amendments for Consideration on the Evening of Wednesday, July 15, 2009*

WEDNESDAY, JULY 15, 2009

(AFTER REGULAR SESSION WHICH STARTS AT 7:00 P.M.)

The Council will Consider Individual Motions Regarding the Following Text Amendments:

- UDO-075 **Converts density from units per acre to bedrooms per acre. (On July 10th, Cm. Volan declared his intent to request postponement of consideration of this amendment to allow him time to offer a revision. Absent this action, he declared his intent to request reconsideration of this amendment at a future meeting of this Special Session.)**
 UDO-077 **Reduces void to solid ratio on first floor facades in all Downtown Overlay districts.**
 UDO-079 **Adds architectural design requirement along arterial streets.**
 UDO-080 **Adds requirements for some areas now exempt from riparian buffer zones.**
 UDO-074 **Encourages Plan Commission and Board of Zoning Appeals to consider sustainable development practices; requires development plan to specify them; reduces width of**

drives/entrances; and, adds permeable surface requirement for parking lots and as a “green” incentive. (On July 10th, Cm. Piedmont-Smith declared her intent to reintroduce and revise this amendment.)

UDO-076 **Restricts use of EIFS and other building materials on facades facing streets in CD district.** (On July 10th, Cm. Sturbaum declared his intent to reintroduce and revise this amendment.)

Note: The Common Council will proceed no further this evening than the last amendment in the foregoing list. In the event it does not finish consideration of these amendments, the Council will begin the next meeting where it left off this evening.

FRIDAY, JULY 17, 2009 – 10.00 a.m.

- *Deadline for Submitting Revived Amendments, Revised Amendments, and New Amendments for Consideration on the Evening of Wednesday, July 29, 2009*

WEDNESDAY, JULY 29, 2009 – 7:00 P.M.

The Council will Consider Individual Motions Regarding the Following Text Amendments:

- UDO-081 **Reduces buffer yard requirements.**
- UDO-083 **Converts minimum to maximum parking in non-residential, multifamily and affordable single family developments.** (On July 10th, Cm. Volan declared his intent to revise this amendment or introduce a new amendment on this subject)
- UDO-025 **Clarifies calculation of car dealer parking.** (Minor revision anticipated assuming passage of UDO-08.)
- UDO-027 **Allows stacked parking for MF garages.** (Minor revision anticipated assuming passage of UDO-08.)
- UDO-044 **Clarifies when parking setback, impervious surface, and entrances/drive requirements are necessary for non-conforming properties.** (Minor revision anticipated assuming passage of UDO-08.)
- UDO-085 **Adds or changes parking requirements for preschools, outdoor storage, and brewpubs.**
- UDO-086 **Defines and adds parking requirements for “outdoor retail.”**
- UDO-088 **Relaxes restrictions on size and duration of political signs to conform to case law.**
- UDO-089 **Changes restrictions on “reader board” signs to conform to case law**
- UDO-082 **Requires landscaping be installed when buildings are demolished unless a development plan is approved.** (On July 10th, Cm. Sturbaum declared his intent to reintroduce and revise this amendment.)

Note: The Common Council will proceed no further this evening than the last amendment in the foregoing list. In the event it does not finish consideration of these amendments, the Council will begin the next meeting where it left off this evening.

FRIDAY, JULY 31, 2009 – 10:00 a.m.

- *Deadline for Submitting Revived Amendments, Revised Amendments, and New Amendments for Consideration on the Evening of Wednesday, July 29, 2009*

WEDNESDAY, AUGUST 5, 2009 (AFTER THE REGULAR SESSION WHICH BEGINS AT 7:00 P.M.)

The Council will Consider Individual Motions Regarding the Following Text Amendments:

- UDO-090 **Restricts seasonal sale of fireworks to CA districts and clarifies length seasonal sales are permitted.**
- UDO-091 **Adds maximum suburban parent tract size for Suburban Subdivision type.**
- UDO-092 **Requires more detail for models accompanying downtown development proposals**
- UDO-094 **Defines “primary” and “secondary” exterior finish materials.** (On July 10th, Cm. Sturbaum declared his intent to revise this amendment.)
- UDO-095 **Defines certain urban agricultural activities and imposes special conditions on community gardens in residential zones.**
- UDO-093 **Requires grading permit for single family lots which have not been part of a larger grading plan.** (On July 10th, Cm. Piedmont-Smith declared her intent to reintroduce and revise this amendment.)
- UDO-034 **Prohibits external illumination of temporary signs.** (Postponed on July 8th to August 5th.)
- UDO-066 **Clarifies “masonry” materials to be used in residential projects.** (Postponed on July 8th to August 5th)

UDO-069 **Revises list of landscaping to add native species and prohibit certain invasive species.**
(Postponed on July 8th to August 5th)

Other Amendments Declared by Council Members by July 10, 2009 and to be filed with the Council Office by July 31, 2009

UDO-038 **Corrects word usage in reference to drive-through bays.** (On July 10th, Cm. Satterfield declared his intent to revise and request reconsideration of this amendment initially considered on July 8th or introduce a new amendment on this subject.)

UDO-078 **Prohibits residential uses on the ground floor along key corridors.** (On July 10th, Cm. Sturbaum declared his intent to reintroduce this amendment without revision.)

Once the Council has finished considering all the foregoing amendments, it will consider a motion to adopt Ordinance 09-12 (as Amended by the Council). In the event it has not finished consideration of amendments on this evening, the Council will continue the Special Session and hold meetings in the first half of September to conclude action on this ordinance.

The Council may revise this schedule and continue consideration of the UDO to other dates by a vote of the Council taken at any time during this Special Session.

Posted and Distributed on: Thursday, July 2, 2009

**SCHEDULE FOR DEPARTMENTAL BUDGET HEARINGS
TO BE HELD BY THE COMMON COUNCIL
IN JULY OF 2009**

**6:00 pm in the City Council Chambers (Room 115)
Showers Center - 401 North Morton Street**

Monday, July 20, 2009 Chair: Volan 6:00 pm

Departmental Hearings

Overview
Compensation and Health Insurance
Employee Services
Legal (*Includes Risk Management, Human Rights, and Board of Public Safety as Programs*)
Information and Technology Services
Telecommunications
City Council
City Clerk
Controller (*Includes Bonds and Leases*)
Office of the Mayor
Economic and Sustainable Development

Tuesday, July 21, 2009 Chair: Wisler 6:00 pm

Departmental Hearings

Police Department
Police Pension
Fire Department
Fire Pension
Public Transit
Utilities

Wednesday, July 22, 2009 Chair: Mayer 6:00 pm

Departmental Hearings (*Note: The Committee of the Whole usually scheduled for the fourth Wednesday of this month was scheduled for the fifth Wednesday, but has since been cancelled and replaced with a Special Session*)

Planning
Housing and Neighborhood Development
Community and Family Resources
Parks and Recreation

Thursday, July 23, 2009 Chair: Piedmont-Smith 6:00 pm

Departmental Hearings

Public Works
 Animal Control
 Engineering
 Fleet Maintenance
 Parking Enforcement
 Public Works General
 Street
 Sanitation (and Recycling)
 Traffic Control

Note: Action on the budget legislation is scheduled for Wednesday, September 2nd and 9th at meetings that will begin at 7:30 p.m. in the same room.

Posted and Distributed: Friday, Jul 10, 2009



MEMORANDUM

To: City of Bloomington Common Council
CC: Danny Lopez, Dan Sherman, Margie Rice, Inge VanderCruyse
From: Danise Alano, Director
Date: June 30, 2009
Re: Resolutions 09-14 and 09-15 to Authorize Use of Industrial Development Funds to Support an Economic Development Project

Background

On June 18, 2004 the State Budget Agency approved our downtown Community Revitalization Enhancement District (CRED). The base year for the CRED was 2003 (fiscal year ending June 30, 2003). Each year, the City provides contact information for businesses located in the CRED to the Indiana Department of Revenue, which then calculates the incremental increase over the 2003 baseline of payroll income taxes (state withholdings plus COIT) and of gross retail sales and use taxes. Any incremental increase over the 2003 baseline is paid to the City of Bloomington for deposit in the Industrial Development Fund for the City's use to support economic development in the CRED.

Below are the revenues received each year to date in the Industrial Development Fund, attributable to incremental revenues in the Downtown CRED. The base year for the Downtown CRED was 2003 (FY ending June 30, 2003).

FY 2004	\$ 457,822
FY 2005	345,915
FY 2006	906,134
FY 2007	1,000,000
FY 2008	1,000,000

Project and Recommendation

On June 30, 2009, the Bloomington Industrial Development Advisory Commission adopted its Resolutions 09-01 and 09-02 recommending the use of Industrial Development Funds (IDF) to support the retention and expansion of Envisage Technologies, Inc.

Envisage Technologies

ENVISAGE Technologies is a high-tech software company founded in 2001 in Bloomington. The company currently provides employment to 34 high-tech workers, most of which have achieved the Department of Defense Secret level or DHS security clearances required to

provide services to the Federal government. More than 90% of the company's revenue is derived from federal, state and local government clients. Envisage's proprietary software product is designed specifically for homeland security, law enforcement, and military organizations requiring accurate and comprehensive information to strengthen operational readiness. It is enterprise-class planning, scheduling and training software that optimizes personnel and resource management and is specifically designed to help organizations implement best practices, streamline complex operations and meet the highest security standards.

Envisage plans to add 23 new jobs which will more than double its annual payroll by 2012. Its current payroll is \$2,028,959. The added jobs will comprise an additional \$2,212,862.32 to the company's payroll. The company plans to hire 10 senior developers, five (5) project managers, one (1) senior sales executive, five (5) quality analysts, one (1) marketing analyst and one (1) administrative assistant. The lowest starting wage for employees is projected to be \$16.83/hr, while the average hourly wage across all new employees being \$46.26.

Currently, Envisage Technologies occupies two separate office buildings (one a former dairy barn) on the East side of Bloomington which are not suitable for the company's planned expansion. In addition to Bloomington, the company is considering out-of-state locations in Falls Church, VA, and San Antonio, TX, which are both proximal to major clients of the company. The Mayor and economic development staff view the retention of Envisage and its 34 employees here in Bloomington, as well as the facilitation of an added 23 new high paying jobs, as critical to the community's efforts to gain momentum as a base for knowledge workers and high-technology headquarter firms.

City Council Resolution 09-14: Utilize funds from the IDF to facilitate the retention and expansion of the company

Pursuant to BIDAC resolution 09-01 adopted on June 30, 2009, we seek the Council's approval to utilize funds from the IDF to reimburse Envisage for costs associated with capital and other investments they will make as the company moves and renovates its new facilities. In addition, we propose to use a portion of CRED revenues, based upon Envisage's annual calculated contribution to the City's CRED revenues.

Among its costs for relocation and renovation of the new facility to meet its security, technology and personnel needs, Envisage has proposed benchmark expenditures of \$176,000 to be considered for partial reimbursement:

- Fountain Square common area improvements \$51,000
- Flooring, wall and other lease-hold improvements \$17,500
- Machinery & Equipment \$28,000
- Computer Hardware \$59,500
- Business Systems and other relocation \$20,000

The Administration proposes reimbursing Envisage up to \$150,000 for completion of these benchmarks from existing funds in the IDF.

Resolution 09-15

Pursuant to BIDAC Resolution 09-02, adopted on June 30, 2009, we seek the Council's approval to make annual payments to Envisage for a period of five years following its relocation to the downtown CRED, based upon the calculated portion of CRED revenues contributed by Envisage to the IDF. This arrangement ties the actual reimbursement directly to the payroll of the employer. In any year in which Envisage does not retain its original 34 employees at the site, or should it relocate away from the CRED facility, the City shall not reimburse the employer. Should Envisage meet or exceed (i.e., add jobs) these benchmarks at the Facility, the City proposes to reimburse the employer by making annual payments based upon a sliding scale percentage of State Withholding Taxes generated by the employer per the following schedule:

Year One	80%
Year Two	75%
Year Three	60%
Year Four	40%
Year Five	20%

The annual reimbursements shall be paid to the employer upon attaining its benchmarks and upon receipt from the State of Indiana into the City's IDF of funds equal to or greater than the amount of Envisage's annual State Withholdings.

Foregoing State Withholdings into the IDF which are instead used by the State of Indiana for EDGE tax credits to Envisage

The City has closely partnered with the Indiana Economic Development Corporation (IEDC) to jointly provide a package of incentives and assistance aimed at ensuring the retention of Envisage in Bloomington, Indiana and positioning it to grow its company here. Among the incentives offered by the IEDC is Economic Development for a Growing Economy (EDGE) tax credits for ten years upon Envisage's relocation. As State income tax withholdings are the source of revenue used by the State to provide EDGE credits and also the source of funds for the City's IDF, the City must agree to forego that portion of revenues.

The State will complement the City's sliding scale of assistance above, with its increasing EDGE credit for ten years, per the following schedule:

Year One	20%
Year Two	25%
Year Three	40%
Year Four	60%
Year Five	80%
Years Six – Ten	100%

The Administration supports the forfeit of this portion of potential revenue from Envisage into the City's IDF. The City supports the State's use of this revenue toward further facilitation of the Company's growth in downtown. In addition, the City's IDF will continue to receive revenues derived from COIT and any retail sales and use taxes. Envisage estimates

its sales revenue will climb from \$2,018,789 in the first year of its relocation to \$12,309,061 by 2012.

Below is a spreadsheet summarizing the City’s expected expenditures (**Reimbursement**) from the IDF should BIDAC (and the City Council) authorize the use of IDF to facilitate the retention and expansion of this high technology company.

	Base Payroll*	Proj. New Payroll**	Total Payroll	State Withholding	% Reimb	\$ Reimb	Cumulative Reimbursement
Year 1	\$2,401,944	\$ 212,435	\$2,614,379	\$ 80,784.32	80%	\$64,627.45	\$ 64,627.45
Year 2	2,474,002	1,311,096	3,785,099	116,959.55	75%	87,719.66	152,347.11
Year 3	2,548,222	1,659,752	4,207,974	130,026.41	60%	78,015.85	230,362.96
Year 4	2,624,669	2,212,862	4,837,531	149,479.72	40%	59,791.89	290,154.85
Year 5	2,703,409	2,280,355	4,983,764	153,653.48	20%	30,799.66	320,954.51

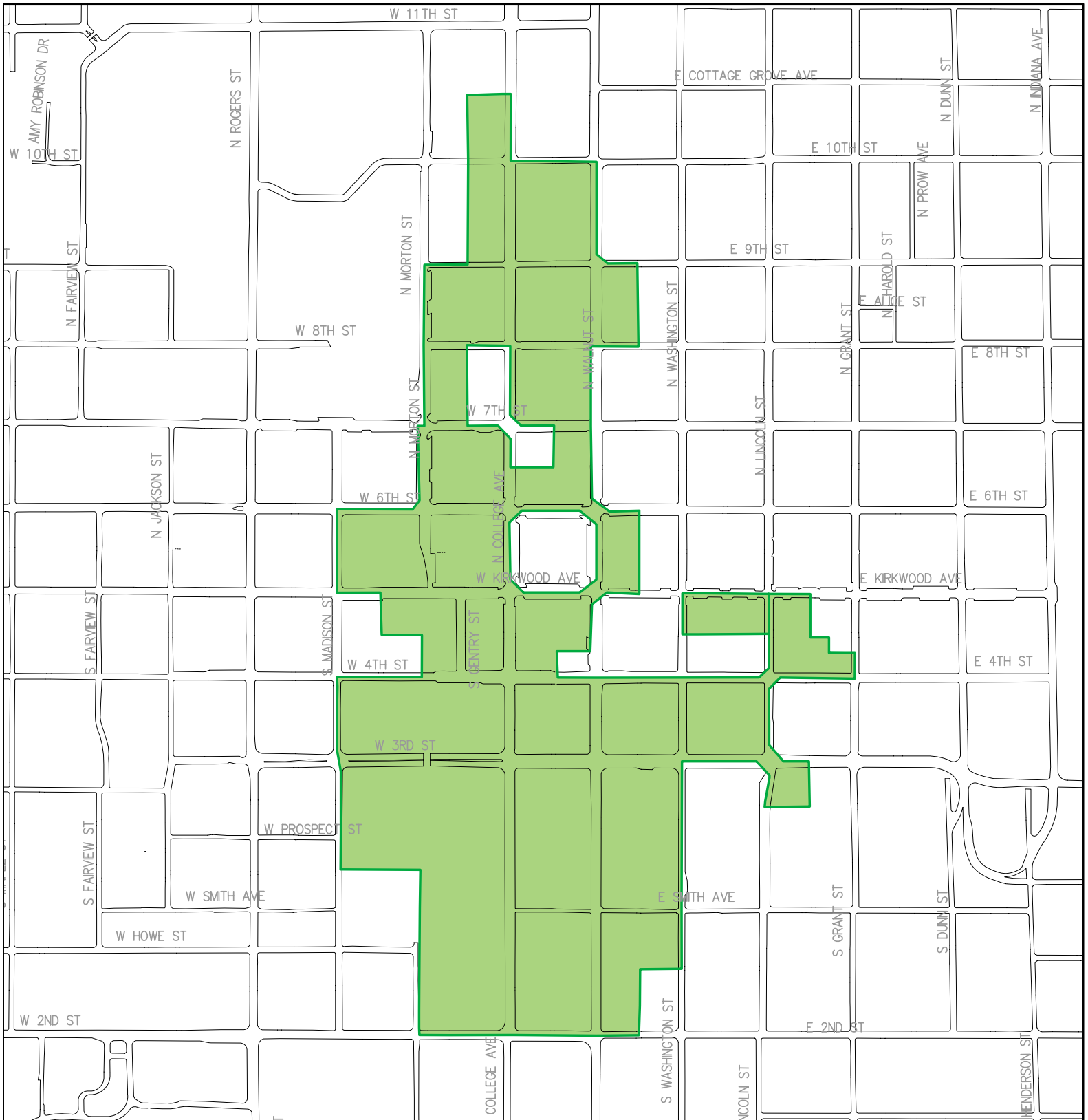
Note:

* Base Payroll is for the current 34 direct employees of the company and includes an assumed 3% annual wage increase for all current employees.

** Projected New Payroll assumes a 3% wage increase in Year 5 for all new employees.

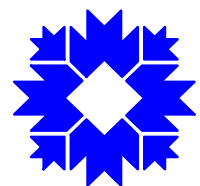
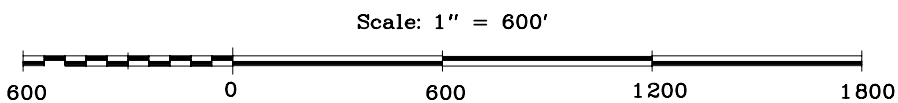
Summary

Pursant to the Industrial Development Advisory Commission’s Resolutions 09-01 and 09-02, we seek the Common Council’s support of use of economic development funds in the IDF to retain Envisage Technologies in Bloomington. With the Council’s authority, the City will enter into a Memorandum of Agreement outlining the terms and conditions of payment of these funds to Envisage, and Envisage will begin its process of relocation and growth at the end of this summer. We thank you for your consideration of this economic development project.



Downtown Community Revitalization & Enhancement District (CRED)

City of Bloomington



Geographic Information System

Jul 6, 2007

For use as map information only, information is NOT warranted.

TdtcredLP

City of Bloomington
Bloomington Industrial Development Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Updated June 30, 2009

	<u>2007</u>	<u>2008</u>	<u>Jun-09</u>
Thomson CRED Revenues			
General	431,005	432,924	
Miscellaneous			
Interest on Investments	31,142	82,597	9,656
Subtotal Thomson CRED Revenues	462,147	515,521	9,656
Downtown CRED Revenue			
General	1,906,134	1,000,000	
Miscellaneous			
Interest on Investments	54,297	56,459	44,978
Subtotal Downtown CRED Revenue	1,960,431	1,056,459	44,978
Total Revenues	<u>2,422,578</u>	<u>1,571,980</u>	<u>54,634</u>
Expenditures			
General			
Thomson Demolition	100,000	100,000	
Cook Pharmica 1	155,810	177,374	
Cook Pharmica 2			
Total Other Services & Charges	<u>255,810</u>	<u>277,374</u>	-
Total Capital Outlays			
Total Expenditures	<u>255,810</u>	<u>277,374</u>	-
Other Financing Sources			
Operating Transfers In			
Operating Transfers Out			
Excess (Deficiency) of Revenues	2,166,768	1,294,606	54,634
Fund Balance - January 1	<u>1,376,249</u>	<u>3,543,017</u>	<u>4,837,623</u>
Fund Balance - December 31	<u>3,543,017</u>	<u>4,837,623</u>	<u>4,892,257</u>

RESOLUTION 09-14

**TO AUTHORIZE EXPENDITURES
FROM THE INDUSTRIAL DEVELOPMENT FUND TO SUPPORT AN
ECONOMIC DEVELOPMENT PROJECT
(Envisage Technologies, Inc. at the Fountain Square Mall in the Downtown CRED)**

WHEREAS, in 2004, a Community Revitalization Enhancement District (“CRED”) was established pursuant to Indiana Code 36-7-13 in a portion of the City’s downtown, in which the portion of County Option Income Tax (“COIT”) and Indiana retail, use and income taxes generated within the CRED that exceeds a base amount is deposited by the State of Indiana (“State”) into the City’s Industrial Development Fund (IDF) for use by the City as provided in IC 36-7-13; and,

WHEREAS, the Downtown CRED IDF has a current balance of \$3,928,660.71 as of June 26, 2009; and,

WHEREAS, Envisage Technologies, Inc. (“Developer”), a high-tech software company founded in 2001 in Bloomington, Indiana, intends to relocate its business to Fountain Square Mall offices within the Downtown CRED (“Facility”); and

WHEREAS, pursuant to I.C. 36-7-13-18, Developer will enter into a separate agreement with a third-party for the use or operation of the financed Facility; and,

WHEREAS, Developer, currently a 34-employee company, as a result of this relocation intends to expand its high-tech business by 2012 through the addition of 23 new full-time jobs and additional new annual payroll of \$2,212,862 (“Project”), with no employee earning less than the City’s Living Wage pursuant to BMC 2.28; and,

WHEREAS, the Project will cause the following estimated costs to be incurred as a result of the relocation and expansion by the Developer (“Benchmarks”):

- Fountain Square common area improvements \$51,000
- Flooring, wall and other lease-hold improvements \$17,500
- Machinery & Equipment \$28,000
- Computer Hardware \$59,500
- Business Systems and other relocation \$20,000; and,

WHEREAS, the completion of Benchmarks will facilitate the expansion of the company in downtown Bloomington; and

WHEREAS, on June 30, 2009, the City of Bloomington Industrial Development Advisory Commission adopted Resolution 09-01 recommending use of \$150,000 from the Industrial Development Fund to pay to the Developer upon completion of said Benchmarks; and,

WHEREAS, the Developer and the City will enter into a financing agreement containing the terms and conditions of the reimbursement payment;

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

SECTION 1. The Common Council hereby authorizes the payment of up to One Hundred and Fifty Thousand Dollars (\$150,000) from the IDF to Developer upon completion of the following estimated Benchmarks, which may be administratively adjusted from category to category as needed provided the limit of \$150,000 is maintained:

- | | |
|---|----------|
| a. Fountain Square common area improvements | \$51,000 |
| b. Flooring, wall and other lease-hold improvements | \$17,500 |
| c. Machinery & Equipment | \$28,000 |
| d. Computer Hardware | \$59,500 |
| e. Business Systems and other relocation | \$20,000 |

SECTION 2. The Common Council also authorizes the City of Bloomington to enter into an economic development financing agreement with the Developer to include the terms and conditions of the reimbursement payment.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2009.

 ANDY RUFF, President
 Bloomington Common Council

SIGNED and APPROVED by me upon this _____ day of _____, 2009.

 MARK KRUZAN, Mayor
 City of Bloomington

ATTEST:

 REGINA MOORE, Clerk
 City of Bloomington

SYNOPSIS

In accordance with state law, this resolution authorizes that One Hundred and Fifty Thousand Dollars (\$150,000) be expended from the Industrial Development Fund (“IDF”) to reimburse Envisage Technologies, Inc. (Developer) for certain facility improvements it makes within the Downtown Community Revitalization Enhancement District (CRED). The Developer is making these improvements to facilitate the growth of its high technology company in the city. The resolution also authorizes the City to enter into an economic development financing agreement with the Developer to include the terms and conditions of the payment. The IDF supports industrial development and expansion within CREDs that serve the City of Bloomington.

**RESOLUTION 09-01
OF THE CITY OF BLOOMINGTON
INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION**

**TO AUTHORIZE EXPENDITURES FROM THE INDUSTRIAL
DEVELOPMENT FUND TO SUPPORT AN ECONOMIC DEVELOPMENT
PROJECT**

WHEREAS, in 2004, a Community Revitalization Enhancement District ("CRED") was established pursuant to Indiana Code 36-7-13 in a portion of the City's downtown, in which the portion of County Option Income Tax ("COIT") and Indiana retail, use and income taxes generated within the CRED that exceeds a base amount is deposited by the State of Indiana ("State") into the City's Industrial Development Fund (IDF) for use by the City as provided in IC 36-7-13; and,

WHEREAS, the IDF has a current balance of \$3,928,660.71 as of June 26, 2009; and,

WHEREAS, Envisage Technologies, Inc. ("Developer"), a high-tech software company founded in 2001 in Bloomington, Indiana, intends to relocate its business to Fountain Square Mall offices within the Downtown CRED ("Facility"); and,

WHEREAS, pursuant to I.C. 36-7-13-18, Developer will enter into a separate agreement with a third-party for the use or operation of the financed Facility; and,

WHEREAS, Developer, currently a 34-employee company, as a result of this relocation intends to expand its high-tech business by 2012 through the addition of 23 new full-time jobs and additional new annual payroll of \$2,212,862 ("Project"), with no employee earning less than the City's Living Wage pursuant to BMC 2.28; and,

WHEREAS, the Project will cause the following estimated costs to be incurred as a result of the relocation and expansion by the Developer ("Benchmarks"):

- Fountain Square common area improvements \$51,000
- Flooring, wall and other lease-hold improvements \$17,500
- Machinery & Equipment \$28,000
- Computer Hardware \$59,500
- Business Systems and other relocation \$20,000; and,

WHEREAS, the completion of Benchmarks will facilitate the expansion of the company in downtown Bloomington; and,

WHEREAS, the City wishes to use \$150,000 from the IDF to pay to the Developer upon completion of Benchmarks; and,

WHEREAS, the Developer and the City will enter into a financing agreement containing the terms and conditions of the reimbursement payment;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION THAT:

SECTION 1. The Commission hereby recommends to the Common Council that it:

1. Authorize the payment of up to One Hundred and Fifty Thousand Dollars (\$150,000) from the IDF to Developer upon completion of the following estimated Benchmarks, which may be administratively adjusted from category to category as needed provided the limit of \$150,000 is maintained:
 - a. Fountain Square common area improvements \$51,000
 - b. Flooring, wall and other lease-hold improvements \$17,500
 - c. Machinery & Equipment \$28,000

- d. Computer Hardware \$59,500
- e. Business Systems and other relocation \$20,000

2. Authorize the City of Bloomington to enter into an economic development financing agreement with the Developer to include the terms and conditions of the reimbursement payment.

BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION

	Signature		
	Yay	Nay	Abstain/Absent
Danise Alano	<i>Danise Alano</i>		
Rhonda Hinds	<i>Rhonda Hinds</i>		
Roger Kent	<i>Roger Kent</i>		
Don Moore	<i>Don Moore</i>		
Joyce Poling			
Gary Shelley	<i>Gary Shelley</i>		
Sen. Vi Simpson			

Richard Rampley *Bill Bradley*

	6	0	2
VOTE TOTAL	Yay	Nay	Ab

Approved this 30 day of June, 2009.

Joyce Poling + Vi Simpson not present.

RESOLUTION 09-15

**TO AUTHORIZE EXPENDITURES FROM ANNUAL REVENUES
GENERATED AND RECEIVED BY THE INDUSTRIAL DEVELOPMENT FUND
TO SUPPORT AN ECONOMIC DEVELOPMENT PROJECT
(Envisage Technologies, Inc. at Fountain Square Mall in the Downtown CRED)**

WHEREAS, in 2004, a Community Revitalization Enhancement District (“CRED”) was established pursuant to Indiana Code 36-7-13 in a portion of the City’s downtown, in which the portion of County Option Income Tax (“COIT”) and Indiana retail, use and income taxes generated within the CRED that exceeds a base amount is deposited by the State of Indiana (“State”) into the City’s Industrial Development Fund (IDF) for use by the City as provided in IC 36-7-13; and,

WHEREAS, Envisage Technologies, Inc. (“Developer”), a high-tech software company founded in 2001 in Bloomington, Indiana, intends to relocate its business to Fountain Square Mall offices within the Downtown CRED (“Facility”); and

WHEREAS, pursuant to I.C. 36-7-13-18, Developer will enter into a separate agreement with a third-party for the use or operation of the financed Facility; and,

WHEREAS, Developer, currently a 34-employee company, as a result of this relocation intends to expand its high-tech business by 2012 through the addition of 23 new full-time jobs and additional new annual payroll of \$2,212, 862 (“Project”), with no employee earning less than the City’s Living Wage pursuant to BMC 2.28; and,

WHEREAS, pursuant to I.C. 36-7-13-18, the City may establish goals or benchmarks concerning the development or redevelopment of property by a developer and the City may provide that a developer that meets or exceeds the goals or benchmarks shall be paid a specified fee from the industrial development fund shall be paid a specified fee from the IDF; and

WHEREAS, the City wishes to define the following as said Benchmarks:

- relocation of Envisage Technologies, Inc. and its current number of non-contract employees to Fountain Square Mall in the City’s downtown CRED, and
- annual retention of Developer’s current level of employment and payroll (34 jobs, \$2,401,944); and

WHEREAS, the City wishes to utilize a portion of CRED revenues as generated by the Developer from its annual State income tax withholdings (“Withholdings”) to pay the Developer upon completion of Benchmarks (“Reimbursement”), provided that equal or greater that amount of revenues in a given year is received that year into the City of Bloomington IDF from the State of Indiana Department of Revenue; and

WHEREAS, pursuant to the terms herein, for the first year (“Year One”) that Developer contributes Withholdings toward the City’s CRED revenues and meets or exceeds Benchmarks, the City shall reimburse the developer an amount equal to 80% of those potential revenues generated by Developer, annually thereafter for the following four years, the Reimbursement shall be paid according to the following schedule:

Year Two	75%
Year Three	60%
Year Four	40%
Year Five	20%; and,

WHEREAS, the Reimbursement shall be completed with Year Five; and

WHEREAS, in any given year in Years One through Five in which the developer does not meet or exceed Benchmarks, the City shall not pay the Reimbursement for that year; and

WHEREAS, in the years in which Benchmarks are met or exceeded by Developer, and pursuant to the terms herein, the City shall utilize the total Withholdings generated by Developer, including jobs retained and added, in the calculation to determine the amount of Reimbursement that year; and

WHEREAS, on June 30, 2009, the City of Bloomington Industrial Development Advisory Commission (“BIDAC”) adopted Resolution 09-02 recommending the City enter into an economic development financing agreement with Developer and use the IDF to pay the Developer according to the five-year schedule herein; and

WHEREAS, BIDAC Resolution 09-02 also recommended that the City forego the portion of Withholdings generated by Developer which would otherwise be recaptured by the CRED but instead which the State of Indiana Economic Development Corporation (“IEDC”) shall utilize to offset Economic Development for a Growing Economy Tax (“EDGE”) Credits it provides to Developer; and

WHEREAS, the City understands that the portion of Withholdings which will be retained by the State for EDGE purposes will follow the annual schedule below:

Year One	20%
Year Two	25%
Year Three	40%
Year Four	60%
Year Five	80%
Years Six – Ten	100%;

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

SECTION 1. (a) The Common Council hereby authorizes payment by the City from the Industrial Development Fund of a percentage of State income tax withholdings paid by Envisage Technologies, Inc.’s employees in the Downtown CRED, on account of the attainment of the above stated Benchmarks by Envisage Technologies, Inc., per the following annual schedule, in compliance with the provisions of IC 36-7-13-18 and subject to the City of Bloomington’s receipt from the State of Indiana of CRED revenues equal or greater than the amount which would be attributable to Envisage’s employment at the Facility, as provided herein, and all other conditions and provisions stated herein:

- 80% of the amount of Envisage’s State Withholdings in Year One,
- 75% in Year Two
- 60% in Year Three
- 40% in Year Four
- 20% in Year Five

(b) The Common Council also authorizes the City of Bloomington to enter into an economic development financing agreement with the Developer to include the terms and conditions of the reimbursement payment.

SECTION 2. The Common Council also hereby authorizes that the City of Bloomington agree to forego the remaining portion of State Income Tax Withholdings generated by Developer which would otherwise be recaptured by the CRED but instead which the State of Indiana Economic Development Corporation shall utilize to offset Economic Development for a Growing Economy Tax Credits it provides to Developer per the following annual schedule for the first 10 years in which Envisage is located in the CRED:

Year One	20%
Year Two	25%
Year Three	40%
Year Four	60%
Year Five	80%
Years Six – Ten	100%

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2009.

 ANDY RUFF, President
 Bloomington Common Council

SIGNED and APPROVED by me upon this _____ day of _____, 2009.

 MARK KRUZAN, Mayor
 City of Bloomington

ATTEST:

 REGINA MOORE, Clerk
 City of Bloomington

SYNOPSIS

In accordance with state law, this resolution authorizes a five-year payment schedule to be expended from the Industrial Development Fund (“IDF”) to Envisage Technologies, Inc. (Developer) to assist with the high technology company’s relocation and expansion in the Downtown Community Revitalization Enhancement District (“CRED”). The annual reimbursements will be a scheduled portion of the state income tax withholdings paid by the Developer’s employees. The resolution also authorizes the City to enter into an economic development financing agreement with the Developer to include the terms and conditions of the annual payments. The IDF supports industrial development and expansion within CREDs that serve the City of Bloomington. The resolution also authorizes the City of Bloomington to agree to forego from deposit into the IDF the remainder of state income tax withholdings which are to be utilized by the State of Indiana to provide the Developer with a 10-year Economic Development for a Growing Economy tax credit.

**RESOLUTION 09-02
OF THE CITY OF BLOOMINGTON
INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION**

**TO AUTHORIZE EXPENDITURES FROM ANNUAL REVENUES
GENERATED AND RECEIVED BY THE INDUSTRIAL DEVELOPMENT FUND
TO SUPPORT AN ECONOMIC DEVELOPMENT PROJECT**

WHEREAS, in 2004, a Community Revitalization Enhancement District (“CRED”) was established pursuant to Indiana Code 36-7-13 in a portion of the City’s downtown, in which the portion of County Option Income Tax (“COIT”) and Indiana retail, use and income taxes generated within the CRED that exceeds a base amount is deposited by the State of Indiana (“State”) into the City’s Industrial Development Fund (IDF) for use by the City as provided in IC 36-7-13; and,

WHEREAS, Envisage Technologies, Inc. (“Developer”), a high-tech software company founded in 2001 in Bloomington, Indiana, intends to relocate its business to Fountain Square Mall offices within the Downtown CRED (“Facility”); and,

WHEREAS, pursuant to I.C. 36-7-13-18, Developer will enter into a separate agreement with a third-party for the use or operation of the financed Facility; and,

WHEREAS, Developer, currently a 34-employee company, as a result of this relocation intends to expand its high-tech business by 2012 through the addition of 23 new full-time jobs and additional new annual payroll of \$2,212, 862 (“Project”), with no employee earning less than the City’s Living Wage pursuant to BMC 2.28; and,

WHEREAS, pursuant to I.C. 36-7-13-18, the City may establish goals or benchmarks concerning the development or redevelopment of property by a developer and the City may provide that a developer that meets or exceeds the goals or benchmarks shall be paid a specified fee from the industrial development fund shall be paid a specified fee from the IDF; and,

WHEREAS, the City wishes to define the following as said Benchmarks:

- relocation of Envisage Technologies, Inc. and its current number of non-contract employees to Fountain Square Mall in the City’s downtown CRED, and
- annual retention of Developer’s current level of employment and payroll (34 jobs, \$2,401,944); and,

WHEREAS, the City wishes to utilize a portion of CRED revenues as generated by the Developer from its annual State income tax withholdings (“Withholdings”) to pay the Developer upon completion of Benchmarks (“Reimbursement”), provided that equal or greater that amount of revenues in a given year is received that year into the City of Bloomington IDF from the State of Indiana Department of Revenue; and,

WHEREAS, pursuant to the terms herein, for the first year (“Year One”) that Developer contributes Withholdings toward the City’s CRED revenues and meets or exceeds Benchmarks, the City shall reimburse the developer an amount equal to 80% of those potential revenues generated by Developer, annually thereafter for the following four years, the Reimbursement shall be paid according to the following schedule:

Year Two	75%
Year Three	60%
Year Four	40%
Year Five	20%; and,

WHEREAS, the Reimbursement shall be completed with Year Five; and,

WHEREAS, in any given year in Years One through Five in which the developer does not meet or exceed Benchmarks, the City shall not pay the Reimbursement for that year; and,

WHEREAS, in the years in which Benchmarks are met or exceeded by Developer, and pursuant to the terms herein, the City shall utilize the total Withholdings generated by Developer, including jobs retained and added, in the calculation to determine the amount of Reimbursement that year; and,

WHEREAS, the City agrees to forego the portion of Withholdings generated by Developer which would otherwise be recaptured by the CRED but instead which the State of Indiana Economic Development Corporation ("IEDC") shall utilize to offset Economic Development for a Growing Economy Tax ("EDGE") Credits it provides to Developer; and,

WHEREAS, the City understands that the portion of Withholdings which will be retained by the State for EDGE purposes will follow the annual schedule below:

Year One	20%
Year Two	25%
Year Three	40%
Year Four	60%
Year Five	80%
Years Six – Ten	100%; and,

WHEREAS, the Developer and the City will enter into a financing agreement containing the terms and conditions of the Reimbursement payment;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION THAT:

SECTION 1. The Commission hereby recommends to the Common Council that it:

1. Authorize payment by the City from the Industrial Development Fund of a percentage of State income tax withholdings paid by Envisage Technologies, Inc.'s employees in the Downtown CRED, on account of the attainment of the above-stated Benchmarks by Envisage Technologies, Inc., per the following annual schedule, in compliance with the provisions of IC 36-7-13-18 and subject to the City of Bloomington's receipt from the State of Indiana of CRED revenues equal or greater than the amount which would be attributable to Envisage's employment at the Facility, as provided herein, and all other conditions and provisions stated herein:
 - 80% of the amount of Envisage's State Withholdings in Year One,
 - 75% in Year Two
 - 60% in Year Three
 - 40% in Year Four
 - 20% in Year Five
2. Authorize the City of Bloomington to enter into an economic development financing agreement with the Developer to include the terms and conditions of the reimbursement payment.

SECTION 2. The Commission hereby recommends to the Common Council that it:

1. Authorize the City of Bloomington to agree to forego the remaining portion of State Income Tax Withholdings generated by Developer which would otherwise be recaptured by the CRED but instead which the State of Indiana Economic Development Corporation shall utilize to offset Economic Development for a

Growing Economy Tax Credits it provides to Developer per the following annual schedule for the first 10 years in which Envisage is located in the CRED:

Year One	20%
Year Two	25%
Year Three	40%
Year Four	60%
Year Five	80%
Years Six – Ten	100%

BLOOMINGTON INDUSTRIAL DEVELOPMENT ADVISORY COMMISSION

	Signature		
	Yay	Nay	Abstain/Absent
Danise Alano	<i>Danise Alano</i>		
Rhonda Hinds	<i>Rhonda Hinds</i>		
Roger Kent	<i>Roger Kent</i>		
Don Moore		<i>Don Moore</i>	
Joyce Poling			
Gary Shelley	<i>Gary Shelley</i>		
Sen. Vi Simpson			

Richard Rampley *Gary Shelley*

	<u>5</u>	<u>1</u>	<u>2</u>
VOTE TOTAL	Yay	Nay	Ab

Joyce Poling + Vi Simpson not present.

Approved this 30 day of June, 2009.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: **CCL -001** Plan Commission Amendment #: UDO – 074

Sponsor: Piedmont-Smith Date: July 10, 2009

Synopsis

This amendment would increase the number of sustainable development projects in Bloomington. Because it is not legally permissible to regulate the interior design of buildings through zoning regulations, this amendment proposes a series of site design regulations outside the building envelope to increase the sustainability of nonresidential and multifamily projects. *(Revised July 10, 2009)*

Councilmember Piedmont-Smith proposed to reintroduce UDO-074 and amend it with CCL-001. This amendment makes two changes to UDO-074. The first changes the general entrance and drive standards by increasing the maximum driveway widths from 28 to 34 feet for drives onto arterial or collector streets. The second changes the general parking standards by offering a menu of best management practices regarding the surface material of parking lots rather than only require the use of a percentage of permeable pavement.

Plan Commission No Action [4:3]
Action:

Council Action:
Action Date:

Page 2-10

20.02.130 Residential Multifamily (RM); District Intent

The RM (Residential Multifamily) District is intended to be used as follows:

- Allow medium density residential development to ensure an adequate mix of housing types throughout the community.
- Facilitate compact development patterns in locations where there are high levels of public infrastructure capacity.

Plan Commission/Board of Zoning Appeals Guidance:

- Discourage the location of student-oriented housing distant from the main Indiana University Bloomington Campus.
- Restrict the location of new multifamily development to areas serviced by public transportation.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

Page 2-12

20.02.170 Residential High-Density Multifamily (RH); District Intent

The RH (High Density Multifamily) District is intended to be used as follows:

- Allow high-density residential development to ensure an adequate mix of housing types throughout the community.
- Continue the viability of existing high-density residential developments surrounding Indiana University and the Downtown.

Plan Commission/Board of Zoning Appeals Guidance:

- Discourage the location of student oriented housing distant from the main Indiana University Bloomington Campus.
- Restrict the location of new multifamily development to areas serviced by public transportation.

- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

Page 2-16

20.02.250 Commercial Limited (CL); District Intent

The CL (Commercial Limited) District is intended to be used as follows:

- Provide small scale retail goods and services required for regular or daily convenience of adjacent residential neighborhoods.
- Create an environment of well-planned, visually appealing commercial developments that are quiet and well buffered from adjacent residential areas.
- Preserve existing neighborhood serving commercial uses with context sensitive regulations where other more intensive or permissive commercial zoning districts (*e.g.* CG, CA, CD) are not appropriate or desired.
- Promote the development of small scale, mixed use urban villages with storefront retail, professional office, and residential dwelling uses. Development should incorporate pedestrian oriented design (scale and massing) and accommodate alternative means of transportation.

Plan Commission/Board of Zoning Appeals Guidance:

- Commercial and office uses should be at a scale that serves the immediate neighborhood.
- Residential uses should be limited to multifamily development on floors above the street level commercial uses.
- Pedestrian scale lighting, building forward design, transit accessibility, and reduced parking should be incorporated into the site plan design.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

Page 2-18

20.02.290 Commercial General (CG); District Intent

The CG (Commercial General) District is intended to be used as follows:

- Provide areas within the city where medium scale commercial services can be located without creating detrimental impacts to surrounding uses.
- Promote the development of medium-scaled urban projects with a mix of storefront retail, professional office, and/or residential dwelling units creating a synergy between uses where stand-alone uses have traditionally dominated.

Plan Commission/Board of Zoning Appeals Guidance:

- Site plan design should incorporate residential and commercial uses utilizing shared parking in order to ease the transition to residential districts.
- Street cuts should be minimized in order to enhance streetscape and improve access management.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

Page 2-20

20.02.330 Commercial Arterial (CA); District Intent

The CA (Commercial Arterial) District is intended to be used as follows:

- Identify locations for higher intensity commercial developments along major thoroughfares.
- Ensure that new developments and redevelopment opportunities incorporate a balanced mix of retail, office and multifamily residential uses.

Plan Commission/Board of Zoning Appeals Guidance:

- Site Plan design of retail centers should ensure access to all modes of transportation.
- Redevelopment and expansion of commercial uses should incorporate improvements to access management, signage, and landscaping.

- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

Page 2-22

20.02.370 Commercial Downtown (CD); District Intent

The CD (Commercial Downtown) District is intended to be used as follows:

- Protect and enhance the central business district, which contains many unique and historic structures.
- Promote high density development of mixed uses with storefront retail, professional office, and residential dwelling uses.
- Promote a diversity of residential housing for all income groups and ages.
- Development should incorporate pedestrian-oriented design (scale and massing) and accommodate alternative means of transportation.

Plan Commission/Board of Zoning Appeals Guidance:

- The downtown is targeted for intensified usage of vacant and under utilized buildings and sites.
- Space on the first floor of downtown buildings should be commercial with residential uses on the second floor and above.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring green building design elements such as vegetated roofs, energy efficiency, and reductions in energy and resource consumption.

Page 2-24

20.02.410 Industrial General (IG); District Intent

The IG (Industrial General) District is intended to be used as follows:

- Accommodate existing and future industrial uses that provide basic employment needs for Bloomington and the surrounding region.
- Ensure that industrial uses mitigate the potential negative impacts to surrounding properties in terms of noise, vibration, outdoor storage, and harmful air or water quality.

Plan Commission/Board of Zoning Appeals Guidance:

- Provide for appropriate lot sizes, setbacks, buffering, and loading/storage area designs to ensure compatibility between industrial uses and surrounding properties.
- New industrial land uses should have adequate access to arterial level streets and should avoid locations adjoining residentially zoned properties.
- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

Page 2-26

20.02.450 Business Park (BP); District Intent

The BP (Business Park) District is intended to be used as follows:

- Provide for a mixture of office-related uses that provide large-scale employment opportunities for the community and the surrounding region
- Ensure a high quality campus environment including recreational amenities, common space, limited commercial services, and integrated architecture and site design concepts

Plan Commission/Board of Zoning Appeals Guidance:

- Large tracts of land with good access to State Road 37 should be protected for future business park land uses
- Where business park sites have exposure to multiple road frontages, a 360-degree building profile should be utilized
- Allow for the integration of commercial services, but only at a scale and development phasing that fulfill the service needs for on-site employment uses

- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

Page 2-28

20.02.490 Institutional (IN); District Intent

The IN (Institutional) District is intended to be used as follows:

- Provide regulations for properties owned by state, county, city, and quasi-public institutions; including but not limited to parks, schools, cemeteries, golf courses, and other facilities.

Plan Commission/Board of Zoning Appeals Guidance:

- Ensure that institutional uses are adequately distributed throughout the community to prevent segments from being under served.
- Institutional uses should be located in areas that contain adequate public services. In particular, educational uses must be accessible via all modes of transportation.

- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

Page 2-30

20.02.530 Medical (MD); District Intent

The MD (Medical) District is intended to be used as follows:

- Provide for the location and regulation of hospital uses and associated medical facilities.
- Ensure that medical land uses do not negatively impact adjoining residential land uses through control of lighting, noise, traffic congestion, and spill-over parking.
- Encourage the continuation of Bloomington Hospital’s medical care and related services to the entire community, regardless of ability to pay, by ensuring that Bloomington Hospital meets its long-term space utilization needs.

Plan Commission/Board of Zoning Appeals Guidance:

- Bloomington Hospital is encouraged to expand without encroachment into established neighborhoods such as McDoel Gardens and Prospect Hill.
- Proposals for new or expanded medical facilities should be scrutinized in recognition of community interest, public health needs, and impacts on Bloomington Hospital so long as Bloomington Hospital continues to provide its current level of community service.

- Encourage proposals that further the Growth Policies Plan goal of sustainable development design featuring conservation of open space, mixed uses, pervious pavement surfaces, and reductions in energy and resource consumption.

Page 3-5

20.03.030 Courthouse Square Overlay (CSO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.050: Courthouse Square Overlay (CSO); Development Standards* and *Section 20.03.060: Courthouse Square Overlay (CSO); Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review*.

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.050: Courthouse Square Overlay (CSO); Development Standards* and *Section 20.03.060: Courthouse Square Overlay (CSO); Architectural Standards*; and complies with all review standards of *Section 20.09.120: Site Plan Review*.

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.050: Courthouse Square Overlay (CSO); Development Standards* and *Section 20.03.060: Courthouse Square Overlay (CSO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review*, and

- Satisfies the design guidelines set forth in *Section 20.03.070: Courthouse Square Overlay (CSO); Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

Page 3-11

20.03.100 Downtown Core Overlay (DCO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.120: Downtown Core Overlay; Development Standards* and *Section 20.03.130: Downtown Core Overlay; Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review*.

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.120: Downtown Core Overlay; Development Standards* and *Section 20.03.130: Downtown Core Overlay; Architectural Standards*; and complies with all review standards of *Section 20.09.120: Site Plan Review*.

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.120: Downtown Core Overlay; Development Standards* and *Section 20.03.130: Downtown Core Overlay; Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review*, and
- Satisfies the design guidelines set forth in *Section 20.03.140: Downtown Core Overlay; Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

Page 3-17

20.03.170 University Village Overlay (UVO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.190: University Village Overlay (UVO); Development Standards* and *Section 20.03.200: University Village Overlay (UVO); Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review*.

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.190: University Village Overlay (UVO); Development Standards* and *Section 20.03.200: University Village Overlay (UVO); Architectural Standards*; and complies with all review standards of *Section 20.09.120: Site Plan Review*.

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.190: University Village Overlay (UVO); Development Standards* and *Section 20.03.200: University Village Overlay (UVO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review*, and
- Satisfies the design guidelines set forth in *Section 20.03.210: University Village Overlay (UVO); Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.

- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

Page 3-23

20.03.240 Downtown Edges Overlay (DEO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.260: Downtown Edges Overlay (DEO); Development Standards* and *Section 20.03.270: Downtown Edges Overlay (DEO); Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review*.

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.260: Downtown Edges Overlay (DEO); Development Standards* and *Section 20.03.270: Downtown Edges Overlay (DEO); Architectural Standards*; and complies with all review standards of *Section 20.09.120: Site Plan Review*.

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.260: Downtown Edges Overlay (DEO); Development Standards* and *Section 20.03.270: Downtown Edges Overlay (DEO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review*, and
- Satisfies the design guidelines set forth in *Section 20.03.280: Downtown Edges Overlay (DEO); Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

Page 3--29

20.03.310 Downtown Gateway Overlay (DGO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.330: Downtown Gateway Overlay (DGO); Development Standards* and *Section 20.03.340: Downtown Gateway Overlay (DGO); Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review*.

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.330: Downtown Gateway Overlay (DGO); Development Standards* and *Section 20.03.340: Downtown Gateway Overlay (DGO); Architectural Standards*; and complies with all review standards of *Section 20.09.120: Downtown Gateway Overlay (DGO); Site Plan Review*.

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.330: Downtown Gateway Overlay (DGO); Development Standards* and *Section 20.03.340: Downtown Gateway Overlay (DGO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review*, and
- Satisfies the design guidelines set forth in *Section 20.03.350: Downtown Gateway Overlay (DGO); Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

Page 3-35

20.03.380 Showers Technology Park Overlay (STPO); Review Standards

Planning Staff Review:

Planning Staff shall approve any project that:

- Complies with all the standards of *Section 20.03.400: Showers Technology Park Overlay (STPO); Development Standards* and *Section 20.03.410: Showers Technology Park Overlay (STPO); Architectural Standards*; and,
- Complies with all review standards of *Section 20.09.120: Site Plan Review*.

Plan Commission Review:

The Plan Commission shall approve any project that:

- Complies with all the standards of *Section 20.03.400: Showers Technology Park Overlay (STPO); Development Standards* and *Section 20.03.410: Showers Technology Park Overlay (STPO); Architectural Standards*; and complies with all review standards of *Section 20.09.120: Site Plan Review*.

The Plan Commission may approve any project that does not comply with all the standards of *Section 20.03.400: Showers Technology Park Overlay (STPO); Development Standards* and *Section 20.03.410: Showers Technology Park Overlay (STPO); Architectural Standards* if the Commission finds that the project:

- Complies with all review standards of *Section 20.09.120: Site Plan Review*, and
- Satisfies the design guidelines set forth in *Section 20.03.420: Showers Technology Park Overlay (STPO); Design Guidelines*.
- The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.
- The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.

Page 5-26

20.05.035 ED-01 [Entrance and Drive Standards; General]

- (g) No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half (½) of the below requirements):
- (1) ~~Thirty-four (34)~~ **thirty-four (34)** feet if from a nonresidential use onto an arterial or collector street.
 - (2) ~~Thirty (30)~~ **thirty (30)** ~~Twenty four (24)~~ feet if from a nonresidential use onto a neighborhood street.

Page 5-40

20.05.049(a) GD-01 [Green Development Incentives; General]

Goal 2: A landscaping and site design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:

- (A) Use of permeable pavement materials for at least ~~twenty five percent (25%)~~ **fifty percent (50%)** of all private driveways, pathways, and parking areas.

Page 5-71

20.05.069 PK-01 [Parking Standards; General]

(n) Surface Material:

- (1) Unless specifically stated otherwise in the Unified Development Ordinance, all areas used for parking shall be asphalt, concrete, or other approved material.
- (2) ~~The Planning Director may approve other structurally engineered, permeable parking pavers for hard surface parking surfaces provided the parking area is intended for low intensity or intermittent parking uses and parking pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.~~

For all new parking lots of sixteen (16) spaces or greater, the following best management practices shall be used to improve stormwater infiltration and water quality:

- (A) permeable pavement materials. If such materials are the only practice employed from this list, then they must cover at least twenty five percent (25%) of the total parking lot area;
- (B) treatments such as rain gardens, bioretention basins, or vegetated swales designed to the

specifications of City of Bloomington Utilities; or
(C) other combinations of best management practices subject to approval by the City of Bloomington Planning and Utilities Departments.

(3) Areas utilizing permeable parking pavers shall not count towards impervious surface calculations.

Page 7-24

20.07.200 SD-01 [Sustainable Development Incentives; General]

Goal 2: A landscaping and site design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:

(A) A commitment to use permeable pavement materials for at least ~~twenty-five percent (25%)~~ **fifty percent (50%)** of all private driveways, pathways, and parking areas.

Page 9-12

20.09.120 Site Plan Review

(d) Applications: Applications for Site Plans shall be accompanied by the following information:

~~(8)~~ **(8)** Where such features are included in a development proposal, a detailed description of the sustainable development features that are incorporated into the proposed site plan, including any supplementary materials required to explain such features.

~~(8)~~ **(9)** *Miscellaneous:* The planning staff shall inform the applicant of any additional documents or data requirements after the pre-application conference. Such additional documents or data shall include but not be limited to those required by *Chapter 20.05; §EN: Environmental Standards*, where applicable.

Page 9-19

20.09.180 Subdivision Control; Preliminary Plat

(d) Application: The Preliminary Plat shall contain the following information:

(3) *Proposed Conditions:*

(E) Where such features are included in a development proposal, a detailed description of the sustainable development features that are incorporated into the proposed preliminary plat, including any supplementary materials required to explain such features.

Ordinance 09-12

Amendments to Title 20 (Unified Development Ordinance) Adopted by the Plan Commission

Council Amendment #: **CCL-002** Plan Commission Amendment #: **UDO – 076**

Sponsor: Sturbaum Date: July 10 2009

Synopsis

Restricts use of EIFS and other building materials in CD district

This amendment restricts the use of EIFS as a building material in the Commercial Downtown zoning district. Specifically, the amendment adds EIFS as a prohibited primary and secondary building material to multiple downtown overlay districts. EIFS would still be allowed for usage on building trim, cornices, and other architectural features. The amendment also restricts the use of vinyl, wood, cementitious siding, precast concrete, and highly reflective building materials.

This amendment restricts the use of EIFS as a building material in the Commercial Downtown zoning district. Specifically, the amendment adds EIFS as a prohibited primary and secondary building material to multiple downtown overlay districts. The amendment also restricts the use of vinyl, cementitious siding, and highly reflective building materials in some districts. Lastly, it makes the application of this rule uniform throughout the Commercial Downtown zoning district by including all four sides of the building.

Plan Commission No Action [4:3]

Action:

Council Action:

Action Date:

Page 3-14 Downtown Core Overlay

20.03.130(b)(4)

- (B) The following building materials shall not be used as secondary exterior finish materials:
- (i) EIFS (~~first floor only~~);

Page 3-20 University Village Overlay

20.03.200(b)(5)

- (A) General: The following materials are not permitted as primary exterior finish materials ~~on facades facing a street~~:
- (i) Highly reflective materials;
 - (ii) Vinyl;
 - (iii) EIFS;
 - (iv) Metal; and
 - (v) Smooth or Split-faced cement block.

(B) General: The following materials are not permitted as secondary exterior finish materials:

- (i) Highly reflective materials;
- (ii) Vinyl;
- (iii) EIFS.

(C)(B) Kirkwood Corridor: The following materials are not permitted as primary exterior finish materials ~~on facades facing a street~~:

- (i) Wood;
- (ii) EIFS (~~Exterior Insulation Finish System~~);
- (iii) Smooth-faced or split-faced cement block;
- (iv) Vinyl; and
- (v) Cementitious siding.

(D) Kirkwood Corridor: The following materials are not permitted as secondary exterior finish materials:

- (i) EIFS;
- (ii) Vinyl;
- (iii) Cementitious siding (first floor only).

(E)(C) Restaurant Row: The following materials are not permitted as primary exterior finish materials ~~on facades~~ facing a street:

- (i) EIFS (~~Exterior Insulation Finish System~~);
- (ii) Smooth-faced or split-faced cement block;
- (iii) Natural stone or masonry;
- (iv) Precast concrete;
- (v) Vinyl.

(F) Restaurant Row: The following materials are not permitted as secondary exterior finish materials:

- (i) EIFS;
- (ii) Vinyl.

Page 3-25 Downtown Edges Overlay

20.03.270(b)(4)

(A) Materials: The following materials are not permitted as primary exterior finish materials ~~on facades~~ facing a street:

- (A)(i) Smooth-faced or split-faced cement block;
- (B)(ii) Vinyl;
- (C)(iii) Highly reflective materials;
- (D)(iv) EIFS;
- (E)(v) Metal;
- (F)(vi) Precast concrete.

(B) Materials: The following materials are not permitted as secondary exterior finish materials:

- (i) Vinyl;
- (ii) Highly reflective materials;
- (iii) EIFS;

Page 3-31 Downtown Gateway Overlay

20.03.340(b)(4)

(A) Materials: The following materials are not permitted as primary exterior finish materials ~~on facades~~ facing a street:

- (A)(i) Highly reflective materials;
- (B)(ii) Vinyl;
- (C)(iii) Metal;
- (D)(iv) EIFS.

(B) Materials: The following materials are not permitted as secondary exterior finish materials:

- (i) Highly reflective materials;
- (ii) Vinyl;

(iii) EIFS;

Page 3-37 Showers Technology Park Overlay

20.03.410(b)(4)

(A) Materials: The following materials are not permitted as primary exterior finish materials ~~on facades facing a street:~~

~~(A)~~(i) Wood;

~~(B)~~(ii) Vinyl;

~~(C)~~(iii) Smooth-faced cement block;

~~(D)~~(iv) Cementitious siding;

(v) EIFS.

(B) Materials: The following materials are not permitted as secondary exterior finish materials:

(i) Vinyl;

(ii) EIFS.

In the Council Chambers of the Showers City Hall on Wednesday, March 4, 2009 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
March 4, 2009

Roll Call: Mayer, Piedmont, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler (7:40)

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

The minutes of January 14, 2009 were approved by a voice vote.

APPROVAL OF MINUTES

Tim Mayer noted that March, Disabilities Awareness Month, brought recognition from Stonebelt to businesses that employ persons with disabilities. Mayer said the ceremony was very moving, and that Mayor Kruzan sent a proclamation.

REPORTS:
COUNCILMEMBERS

Mayer said that Daniel Grundmann, Employee Services Director, received an award for his work with persons with disabilities from the Indiana Association of Rehabilitation Facilities.

Mayer noted the passing of long time city worker, Carol Jack, adding that she would be missed.

Chris Sturbaum noted the Heritage Quilt Show being held at the Convention Center with two days of classes and a great show. He noted that his wife participated in this activity and encouraged folks to see the show.

Susan Sandberg said that March was Women's History Month, and announced the annual Women's History Month Luncheon would be held on March 11, 2009.

Andy Ruff noted that the Metropolitan Planning Organization would be hearing a proposal from the Indiana Department of Transportation to purchase a property in the right-of-way for the proposed I-69 highway. He said this was a waste of money and effort on this project and urged folks to attend the meeting on March 13, 2009.

There were no reports from the Mayor or other city offices at this time.

MAYOR and CITY OFFICES

John Hamilton (outgoing Chair) gave the 2008 Annual Report about the work of the Bloomington Commission on Sustainability (BCOS).

COUNCIL COMMITTEES

- Bloomington Commission on Sustainability (BCOS)

Hamilton noted that the council had charged the BCOS to work on the environment, economy and social equity with initiatives and educational activities, and recommendations and annual report.

Hamilton said the initiatives included getting 40,000 more compact fluorescent bulbs in use within the city, a transportation summit with the city, county and IU as participants, and work on the volume pricing of water.

He noted that their educational work partnered with the Environmental Commission to hold meetings on energy efficiency and said that the meetings were well attended.

BCOS recommended that the hospital be kept in the downtown area, and that before any expansion of the water treatment plant, that there be an investment in resources in demand side management.

Hamilton said that the report looked at several indicators, noting that people in the lower subgroups of ISTEP scores had an increase per

capita water usage, had higher crime rates (particularly violent crimes) and higher rates of bicycle and pedestrian accidents, which he said called for attention and work. He noted that while bus ridership was up, it still could be improved.

Hamilton noted that the Greenhouse Gas Taskforce and the Peak Oil Taskforce came from the BCOS and worked independently of the Commission. He introduced Cynthia Shultz who would be leading the 2008 assessment report.

Ruff thanked Hamilton for his work on the commission for the past three years.

Shultz said that the next report would track 16 key indicators plus 10 others and the framework was available online.

Rollo, council member serving on the BCOS said that Cynthia had put together a framework to analyze a huge spectrum of data that the commission would be reviewing. He said that Hamilton had done a stellar job in the past three years in his leadership of the commission. He noted that the topic of sustainability was very broad and that the work of the commission and noted that there were resources needed. He said that Hamilton was an advocate for free ridership on BT busses and that it could be done for a rather modest investment.

Gabe Rivera made a statement about the drug war and sang his original song regarding this issue and accompanied himself on the guitar.

PUBLIC INPUT

David Keppel, member of the Green Sanctuary Task Force of the Unitarian Church, commended the council for its work in Sustainability. Keppel drew attention to SB 420 passed by the Indiana State which defined coal and nuclear energy as renewable energy, and disregarded the function of renewable energy standard. He added that he hoped that the Indiana House of Representatives would remove this passage and make the bill more sensible. Keppel noted the admirable work on a local level could be overwhelmed by the negative work elsewhere and asked that folks watch what was happening on a state level.

He also expressed his appreciation for local business, in particular thanked Steve Volan for his work with the Cinemat, a downtown business that was closing.

Jamie Scholl Reed, board member of the local Growers' Guild, permaculture guild talked about Urban Agriculture. She read a friend's statement regarding the growing, harvesting, and sale of crops within the city. She gave some examples of urban agriculture in other areas, noting the effectiveness of this practice. She noted that if we are truly a sustainable city, we must consider this practice.

Pete Johnson, director of Transition Bloomington, said that some of the funds for the city's purchase of the Sportsplex could be productively used in the purchase of land for agriculture for the purpose of growing food near the City of Bloomington. He said we as a community needed to take responsibility for our own, immediate and local food production rather than rely on energy wasting models.

Marc Haggerty asked the council to think about the county election committee that is studying elections. He noted that we needed to have some input on the type of voting machines we use. He noted that the hospital needed to stay downtown, and that the jail and courts needed to stay downtown, too. He talked about how folks are not better off after they leave jail and that and we need not vindictive justice, but

reformatory justice. He said it's a challenge, but there are solutions, and that we have to work on this.

There were no appointments to boards or commissions at this meeting.

It was moved and seconded that Appropriation Ordinance 09-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0.

It was moved and seconded that Appropriation Ordinance 09-01 be adopted.

Michael Trexler, Controller, noted that ordinance dealt with a grant from PetSmart to the City of Bloomington. He said that the funds were used to resurface kennels at the Animal Shelter.

Appropriation Ordinance 09-01 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 09-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-0. It was moved and seconded that Resolution 09-03 be adopted.

Lisa Abbott, Director of the Housing and Neighborhood Development Department, outlined the Mayor's recommendations for the distribution of the Community Development Block Grants for both Social Services and Physical Improvements for this year. She also noted that \$224,578 of CDBG funds would be coming to the City from the American Recovery and Reinvestment Act. She said it would necessitate a smaller CDBG process although the parameters had not yet been sent by HUD.

It was moved and seconded that Amendment #1 be adopted to amend Resolution 09-03.

Isabel Piedmont-Smith explained her amendment.

Satterfield asked if this language was used in last years Resolution. Dan Sherman, Council Attorney/Administrator, noted that the language last year did not reflect that the amount was estimated.

Piedmont-Smith noted that this wording was not caught in the last year's Resolution.

Satterfield asked if this was the only place that the amount was approximate, to which Sherman said that section 2 of the resolution discussed the event of more or less money.

There was no public comment on this amendment.

Mayer said that it may not be clear in the whereas clauses of the resolution that these were approximate numbers. However, it was very clear to the committee that made the recommendations to the Mayor that authority had been given to the chair of the committee to deal with any discrepancies in amounts allocated and amounts received.

Abbott said that had been used in all the previous years, but that this year if the amount received was 10% less than the funds allocated, the funds would be split evenly between the housing authority and the Department of Public Works. If there was more than 10% more than the expected allocation, the first \$48,360 would be split evenly between the Housing Authority and Public Works, and the remaining funds would be

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Appropriation Ordinance 09-01 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating from the General Fund Grant Monies for the Animal Care and Control Department)

Resolution 09-03 To Approve Recommendations of the Mayor for the Distribution of Community Development Block Grant (CDBG) Funds for 2009

Amendment #1 to Resolution 09-03 was sponsored by Councilmember Piedmont-Smith and clarifies that the \$744,000 of CDBG funds the City expects to receive is an estimated and not a final figure.

divided equally among the other applicants up to their requested amounts. She said that this was outlined in the resolution. Sturbaum asked if the committee would be reconvened to deal with the additional allocations from the stimulus package. Abbott said there probably would be another allocation recommendation with public comment and another presentation to the council. She said specifics of the program had not come forth at this point in time.

Amendment #1 to Resolution 09-03
(cont'd)

Amendment #1 to Resolution 09-03 received a roll call vote of Ayes: 9, Nays: 0.

Piedmont-Smith said she was pleased that more money would be coming to the city, and asked Abbott if there would be a new call for applications. Abbott said information from HUD indicated there would be 120 days to commit the money and it needed to be spent on projects that are ready to go. She said additional restrictions were not currently known, but the additional funding would necessitate amending the current annual action plan for 2008-2009 which would be a regular public process.

Resolution 09-03 as amended

Piedmont-Smith asked when the current fiscal year ended. Abbott noted the end was May 31. She said that according to preliminary information received by HUD, the city would have 120 days to commit the funds. She didn't know the actual time frame for that period.

There was no public comment on the resolution as amended.

Resolution 09-03 as amended received a roll call vote of Ayes: 9, Nays: 0.

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

LEGISLATION FOR FIRST
READING

Ordinance 09-04 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Adding Chapter 2.29 Entitled "Green Building Program.")

Ordinance 09-04

It was moved and seconded to suspend the rules to consider a motion to hold a Special Session on March 11, 2009. The motion was approved by a roll call vote of Ayes: 9, Nays: 0.

MOTION TO SUSPEND THE
RULES.

It was moved and seconded that the council introduce Ordinance 09-03 at a Special Session on March 11, 2009, discuss it at the Committee of the Whole Session on March 25, 2009 (after the Regular Session that Evening), and be ready to take final action on it at the Regular Session meeting on April 1, 2009.

MOTION TO HOLD SPECIAL
SESSION ON March 11, 2009

Ruff noted that this Ordinance dealt with the proposed purchase of the Sportsplex by the City of Bloomington.

The motion was approved by a roll call vote of Ayes: 8, Nays: 1 (Volan).

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

PUBLIC INPUT

The meeting was adjourned at 8:38 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

For approval

In the Council Chambers of the Showers City Hall on Wednesday, May 20, 2009 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 20, 2009

Roll Call: Mayer, Piedmont, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to approve at this meeting.

APPROVAL OF MINUTES

Dave Rollo noted that the newspaper had reported that community members were lobbying Congressman Baron Hill on the climate change bill that was currently before Congress. He said that the Citizen Action Coalition and the Green Sanctuary Task Force led by David Keppel tracked this bill, its implications and amendments. Rollo said that at Keppel's suggestion he had drafted a letter in support for a strong climate bill to the congressman. He asked fellow councilmembers to sign on to a letter he wrote to Congress. He highlighted parts of a letter he wrote regarding the Cap and Trade program being debated in Congress. He said the country needed a mandated 100% auction system to make that system work and not subsidize polluters. He added that it's our obligation for future generations to oppose the vested interests that have motivations for profit and are currently lobbying to defeat, derail, or weaken this bill that is in committee.

REPORTS:
COUNCILMEMBERS

Rollo said we should end any new coal generation plants unless it could capture and sequester the carbon emissions before they are authorized for construction. He said it was a way of internalizing costs appropriately in economic terms, and placed renewable energy sources within an economic framework that made them highly competitive. He added that the US needed to lead the world in conservation of green energy production as well as energy conservation.

He noted that it had been three years since the council supported the resolution supporting the Kyoto Protocol and Mayor Kruzan signed the US Mayor's Climate Protection Agreement. Since then our city government has concentrated on saving energy through very effective programs: a light bulb exchange program that replaced some 40,000 incandescent bulbs in the community with compact fluorescent bulbs, workshops on energy savings given by the Sustainability Commission for citizens, business leaders and contractors, and initiatives by the city's Team Green to reduce the energy usage in city buildings.

Brad Wisler reported that Fritz Terrace neighborhood association has begun meeting and is getting active. He said he attended the first meeting and thanked Celeste Wolfinger and the Hand Department's Vickie Provine and Officer Scott Oldham for their work in this area. He added that he was looking forward to the opening of the B-line trail.

Susan Sandberg said she was looking forward to the "Dancing with the Celebrities" event on Saturday at the Buskirk-Chumley Theater. She said dancers would be raising funds for non-profits and would be a lot of fun.

Tim Mayer wished everyone a safe Memorial Day.

Steve Volan said he and Sturbaum had attended the charrette for the new transit station design. Adding that Bloomington and IU contribute to the

city's high transit ridership, he said more than 25 persons attended the session to review designs and give input. He urged citizens to attend a follow-up meeting in June where a fine-tuned draft would be presented.

Chris Sturbaum reported on the charrette process that Volan mentioned. He said that at the end of the first day, based upon the ideas generated at the session, the architects drew up three sets of plans before participants arrived the next day. He said it was an upfront process that would produce an attractive station that would be clean, nice and easy to use. He added that the City of Bloomington had offered to pay half the cost of a design charrette for the Bloomington Hospital in an effort to help the hospital stay in the downtown area. He said that he had so much faith in the charrette process that he was certain it would help the hospital redesign their current location to stay where they are.

Andy Ruff noted an HT article that was buried in the back of the first section regarding comments by Governor Daniels at an Evansville Chamber of Commerce event. He noted that the price of a new terrain I-69 was now estimated at \$3B, but said that the costs could be reduced by reducing the standards under which the highway would be built. Ruff quoted Daniels as saying thinner pavement, or reduced median could be used. Ruff said that this was not cost saving, but would add maintenance costs and would not be as safe. Ruff said that it was striking that there was no consideration of a new cost benefit analysis for this highway since the projected costs have now doubled and projections of use have decreased.

There were no reports from the Mayor or City Offices.

MAYOR and CITY OFFICES

It was moved and seconded to allow the Environmental Commission 15 minutes for their Greenhouse Gas Inventory for the City of Bloomington Indiana: Footprint, Projections and Recommendations. The motion was approved by a voice vote.

COUNCIL COMMITTEES

- Environmental Commission

Michael Tosick of the EC introduced intern Mark Lemon who helped plan, research and write the report. Lemon explained the report, its methodology and its findings. He ended by giving recommendations, noting that the city's Sustainability and Environmental Commissions could help greatly in the endeavor to reduce greenhouse gas emissions. He noted that the full report was available on the City's website.

Almost all council members commented on the report, thanking Lemon and his colleagues for their work and saying that they appreciated the thoroughness and scope of the report.

Isabel Piedmont-Smith council representative on the Plan Commission, amendments that the Plan Commission had considered to the Unified Development Ordinance that would solve some problems that had come up since the UDO had been implemented in 2007. She reviewed several amendments that did not pass the Plan Commission and outlined arguments pro and con.

- Plan Commission

She noted that there were several more amendments to be considered by the Plan Commission before they would be considered by the Common Council as an ordinance.

There was no public comment at this point in the meeting.

PUBLIC INPUT

There were no appointments to boards or commissions at this meeting.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 09-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation.

LEGISLATION FOR SECOND READING

It was moved and seconded that Resolution 09-12 be adopted.

Lisa Abbott, Director of the Housing and Neighborhood Development Department, asked approval of the allocation of the CDBG funds that would be received from the Housing and Urban Development Office. She said that the grant would be in the sum of \$224,578. She said that the recommendation of the department and the Mayor were to allocate this money to the project that would meet the goals of the American Recovery and Reinvestment Act of 2009. She noted that the project fit the requirements of stimulating the economy through measures that modernize the nation's infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. She said that these funds were to be used for hard costs associated with infrastructure activities that provide basic services to residents.

Abbott said that the project would install sanitary sewers to 11 parcels that are currently on septic systems. She said that the funds would also be used to assist in financing of the Country Club sidepath. She said that a requirement under the funding source was that 50% of the funds be spent within 120 days of the contract signing. For this project, she said the environmental review was complete, the engineering design was complete and the City was already working on the acquisition of the right-of-way.

She said if the allocation was approved, the City would be able to post the substantial amendment to the fiscal plan by the date required, have public comment for the required seven days and meet HUD's deadline by June 5, 2009.

Sturbaum asked about the route of the existing sewer, but Abbott said she didn't have an answer to that question with the information she had with her. She said that there were some septic issues in the area. Mayer spoke to some of Sturbaum's issues of connectivity and noted that the route went south to the Dillman plant. Sturbaum said he supported this allocation.

Wisler asked if there was an original source of money for this project, to which Abbott noted that Neighborhood Capital Improvement Funds were slated to be used. She said that since the Country Club project was 'shovel ready,' CDBG funds could be used here to free up the other funds for use on the South Rogers streetscape project. Wisler asked if all the funds would be used there, to which Abbott said it was possible for them to be allocated to another approved neighborhood plan.

Sandberg asked if local contractors would be used, to which Abbott said that the contract would be put out to bid and she couldn't tell what that process would bring.

Sturbaum asked if each house would have to pay a hook-on cost. Abbott said it was very likely and that that might be an eligible use for the Neighborhood Capital Improvement Funds.

There was no public comment on this item.

Sandberg said the project was worthy and was happy to support it.

Mayer thanked Abbott for all her work on the project. He said that this would help facilitate the sewer for the Broadview area as well as sidepaths in the area.

Sturbaum said that there was a lot of demand for sewer extensions in the Broadview area and didn't want to forget the rest of the area after this project was completed.

Resolution 09-12 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funding Under the American Recovery and Reinvestment Act of 2009

Piedmont-Smith thanked Abbott and the staff for working so quickly on this and recommended hiring local people to do this work.

Resolution 09-12 (cont'd)

Resolution 09-12 received a roll call vote of Ayes: 9, Nays: 0.

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

LEGISLATION FOR FIRST READING

Ordinance 09-09 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" – Re: To Amend Chapter 15.26 Entitled "Neighborhood Traffic Safety Program" to Approve Installation of Traffic Calming Devices in the Near Westside Neighborhood (on West Seventh Street)

Ordinance 09-09

Ordinance 09-10 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" – Re: To Amend Chapter 15.26 Entitled "Neighborhood Traffic Safety Program" to Approve Installation of Traffic Calming Devices in the Diamond Gardens / J. N. Alexander Neighborhood

Ordinance 09-10

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

PUBLIC INPUT

The meeting was adjourned at 8:55 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

for approval

In the Council Chambers of the Showers City Hall on Wednesday, July 1, 2009 at 7:30 pm with Council Vice President Isabel Piedmont-Smith presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
July 1, 2009

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler
Absent: Ruff

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

The minutes of February 4, 2009 and May 6, 2009 were approved by a voice vote.

APPROVAL OF MINUTES

Mike Satterfield noted the July 4th holiday would be celebrated in the coming weekend. He asked that folks think about freedom, and consider the price that some have paid for it. He wished everyone a safe holiday weekend.

REPORTS:
COUNCILMEMBERS

Chris Sturbaum said that the B-Line was full of people and that it was working. He said he thought of this as a milestone and one of hundreds of things done in the city over the last 20 years.

Steve Volan wished everyone a Happy 4th of July and wished Canadian friends a Happy Canada Day (July 1).

Susan Sandberg announced the Arts Across America project which hosted young artists from Guatemala to create a mural along the B-Line. She announced vacancies on the Bloomington Community Arts Commission and gave application information. She encouraged citizens to be generous in donating to the AmVets 4th of July fireworks display expenses.

Brad Wisler reported on the 21st Century Fund budget that he said had been partially restored in the final State budget. He said it was a research and technology fund that would provide funds for start up companies that are really innovative, and added that Bloomington was primed to take advantage of this program.

Danny Lopez, City Communications Director, announced that the City would extend the 2 for 1 cat adoption program through the month of July.

MAYOR and CITY OFFICES

There were no committee reports at this meeting.

COUNCIL COMMITTEES

Randy Paul gave an update to the council on the Area 10 Agency on Aging contract with the BT Access drivers. He said that union supporters were being targeted and gave an example of a directive to a driver in regards to workman's compensation fraud. He added that new drivers were being hired, while old drivers were not getting enough hours. He said there was no negotiation being done with drivers. He said that the agency was being rewarded with tax money for new equipment when their contract with BT was being dropped. He asked the council to use any of its influence at the county level to help with this problem.

PUBLIC INPUT

David R Grubb spoke about the environment saying that our local lakes had pollution problems and that we needed to clean them up, as well as the landfill. He said that we cannot live with this poison in our environment.

There were no appointments to boards or commissions at this meeting.

It was moved and seconded that Resolution 09-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation.

It was moved and seconded that Resolution 09-11 be adopted.

Patty Mulvihill, Assistant City Attorney, said this was a second Justice Assistance Grant from the Federal government. She noted that the city's portion would be \$34,358, and the county council will receive about \$7000. She explained that the Federal government was only issuing one check to Monroe County and the interlocal agreement would stipulate the City would receive the money and would agree to disburse the appropriate funds to Monroe County. The police department would use this money to update all their audio and recording equipment in their interview rooms.

There was no public comment or council comment on this resolution.

Resolution 09-11 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Appropriation Ordinance 09-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-0.

It was moved and seconded that Appropriation Ordinance 09-04 be adopted.

Mike Trexler, City Controller, would appropriate general funds for the purpose of risk management fund and then appropriate those funds to cover the cost of worker's compensation. He said that the claims from the end of 2008 were the cause of this need.

There were no comments from the public or council on this ordinance.

Appropriation Ordinance 09-04 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Appropriation Ordinance 09-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 5-0-2.

It was moved and seconded that Appropriation Ordinance 09-04 be adopted.

Mike Trexler, City Controller, noted the accounting portion of the ordinance.

Rick Dietz, Director of the Information and Technology Services Department, spoke about the need for an Enterprise Resource Planning System to replace the current financial and payroll systems, add a new human resource information system and replace the current utility billing system. He said that in addition to those needs, the system would provide greater capacity for grant management, training and tracking and budgeting. He said that the system would fit our needs rather than needing an excessive amount of customization. He said costs would be reduced by reducing staff time, annual licensing fees, and third party consultants to maintain the system.

Dietz said vendors considered would be ones whose products were tailored to governmental agencies and said he hoped for more efficiency

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Resolution 09-11 To Approve the Interlocal Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to the Second Justice Assistance Grant (JAG) Program Award in 2009 (Funding for the Bloomington/Monroe County Audio-Video Recording Equipment Upgrade Project)

Appropriation Ordinance 09-04 To Specially Appropriate from the General Fund and Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Worker's Compensation Expenses)

Appropriation Ordinance 09-05 To Specially Appropriate from the Telecom Non-Reverting Fund Expenditures Not Otherwise Appropriated (Appropriating Funds to Purchase an Enterprise Planning System for the City)

with an included document management system. Trexler said that this was not a mere \$500,000 purchase but was considered an investment that would pay for itself in a short time.

Satterfield asked about the software programming costs vs. the personnel costs and consulting fees. Dietz said that the cost would include the purchase, and a year's support for the implementation and porting of existing data, training, and research needed to implement the program. The cost to the city in implementation could be reflected in the high level of buy in from city staff using the current system.

Satterfield asked where money would come from if the change to the new system would require more funding. Dietz said ideally it would not need more funds due to the bidding process and contract. Satterfield said that he would always anticipate problems and additional resources needed in this type of situation. Dietz said that was the current situation. Trexler said that the bids would include everything that the city wanted, and that they were doing everything possible to not go over that amount. Dietz said that the track record of the product and satisfaction of the current client base would factor into any decision.

Wisler asked if any other departmental functions would be included in this package. Dietz said that the main consideration would include those core functions mentioned earlier, but that they would also look at secondary functions and future offerings from the company. There was specific mention of the Parks and Recreation Department. Dietz noted that P&R was well satisfied with their current system.

Wisler asked about areas covered by this purchase. Dietz reiterated that the core would be mainly financial with the foundation of a payroll system, utility billing and a human resource management system. He added that secondary modules would be for grants management, scenario based budgets, requisition tracking and document imaging.

Wisler asked if a project management component would be part of this system. Dietz said all the systems that the city has reviewed so far have the ability to flag projects for accounting purposes. He said that some of the larger projects are being tracked in Next Steps, but that it would not tie into a new ERP system.

Volan thanked Dietz for his answers to questions raised in the committee meeting. He then asked to what extent the public would benefit from the ERP. Dietz said that the benefits would be indirect as the city would be more efficient in managing resources such as staff time. Trexler and Dietz agreed that the utility billing component would allow rate payers to track their usage. Trexler said financial information would be updated more frequently online.

Volan asked if there were plans to document their transition to the new system, with city employee input. Dietz said it would not be a problem to do this.

Piedmont-Smith asked if this system would facilitate communication with the county, as in tax abatement report information from the auditor's office. Dietz said that the city would be able to produce reports faster and more effectively, but was not sure how that would help the county. Dietz also noted that the county does not have a unified ERP system, but that different departments maintained their records with different systems. Trexler said that the flow of information really comes from the state through the county to the city and that this system probably would not have an impact on that.

Satterfield said he was pleased to see document management as a priority in this purchase. He asked if there was going to be a librarian to manage the documents. Dietz said that an additional person would not be needed, but that when there is a record of a transaction there might also be a scanned version of that record. Satterfield asked if the documents in the system would include interdepartmental memos or meeting minutes. Dietz said that the documents would be the ones associated with the financial system at first.

Piedmont-Smith noted that the council had received a question by email that Dietz had answered, and asked him to explain the answer regarding back up of the new system in more layman terms. Dietz said that the backup currently was one using both digital disks and tapes and that the city was confident of these arrangements and would continue to use them. He added that the new ERP system would have a live fail-over companion so that if it were to go down, within milliseconds, it would flip over to its companion virtual server.

There was no public comment on this appropriation ordinance.

Final council comments included the following:

Wisler said he appreciated Dietz's quick responses to questions that had come up during the week. He encouraged Dietz and Trexler to visit or interview employees who had been using the systems on a day-to-day basis. He said that its reception by users would have a great impact on the cost of the system. He said he was concerned with the "anything would be better than what we have now" attitude. He also encouraged them to think ahead to accommodate changes with additional modules so that another migration or large purchase would not be needed. He offered his support.

Volan thanked Grundmann, Dietz and Trexler for their work and responses to questions offered. He said he would like to explain to an uninitiated citizen just how much of an improvement this system would make. He said that a year from now he would like a report from Dietz on specific ways that employees in city hall had benefitted from the system, how much time had been saved in doing a task and how much more easy it was to generate a particular report.

Satterfield said a conversion would be a bit chaotic but in the end it would pay off. He cautioned Dietz not to set the bar too high on his expectations. Satterfield said he was concerned about the use of the Telecommunications Fund for this project. He said his concern was rooted in the problems of changing from a local franchise agreement to a state level agreement with local overrides and other problems with regard to broadcast of local government. He used this to explain his earlier statement that he would like to see more investment on the audio visual side of things. He added that this purchase would pay off, especially if the project was broadened and used to make city documents more available to the citizenry.

Appropriation Ordinance 09-05 received a roll call vote of Ayes: 8,
Nays: 0.

There was no legislation for introduction at this meeting.

LEGISLATION FOR FIRST
READING

It was moved and seconded that the Committee of the Whole meeting scheduled for July 8, 2009 be cancelled and that instead, the council hold a special session at 7 pm on that date in order to begin

MOTION TO HOLD SPECIAL
SESSION ON JULY 8, 2009

consideration of Ordinance 09-12 which amends several provisions of the Unified Development Ordinance.

Motion To Hold Special Session On July 8, 2009 (cont'd)

Volan noted that this ordinance was the first revision of the Unified Development Ordinance that was passed in 2006 and that it was an extremely important process. He said that the Plan Commission heard 95 amendments and that there were four meetings scheduled to handle this business. He asked for support of this motion.

The motion was approved by a roll call vote of Ayes: 8, Nays: 0.

Randy Paul continued his earlier update to the council on the contract negotiations with drivers for BT Access employed by Area 10 on Aging. He told of the frustration of trying to get information and his contacts with the state Pubic Access Counselor.

PUBLIC INPUT

He noted that he had been told conflicting information about the financial status of the Agency, and that the data was a key part of the negotiating process.

He spoke about the importance of the Employee Free Choice Act before congress and said that it was important that this legislation be passed to avoid this type of problem with union negotiations in the future.

He asked for any help that the council could give in this regard.

The meeting was adjourned at 8:50 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

for approval