



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 27 March 2024

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
27 March 2024

*Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:*

<https://bloomington.zoom.us/j/85413699638?pwd=K66nONMeJsAFRPIFm94Fgw6zbnzka0.1>

- I. ROLL CALL
- II. AGENDA SUMMATION
- III. APPROVAL OF MINUTES:
 - A. February 20, 2002 – Regular Session
 - B. April 16, 2008 – Regular Session
 - C. September 17, 2008 – Regular Session
 - D. November 5, 2008 – Regular Session
- IV. REPORTS *(A maximum of twenty minutes is set aside for each part of this section.)*
 - A. Councilmembers
 - B. The Mayor and City Offices
 - a. Report from Council for Community Accessibility
 - C. Council Committees
 - D. Public*
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS
- VI. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS
 - A. Ordinance 2024-02 - To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: Lower Cascades Park (Bloomington Historic Preservation Commission, Petitioner)
 - B. Resolution 2024-06 – Requesting the Food and Beverage Tax Advisory Commission to Make a Recommendation for Expenditure of Food And Beverage Tax Revenues

(over)

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Auxiliary aids are available upon request with adequate notice. To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: 22 March 2024

C. Resolution 2024-04 - A Resolution Opposing the LEAP Pipeline Water Diversion Project

VII. LEGISLATION FOR FIRST READINGS

None

VIII. ADDITIONAL PUBLIC COMMENT *

(A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Auxiliary aids are available upon request with adequate notice. To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: 22 March 2024



**City of Bloomington
Office of the City Clerk**

Minutes for Approval

20 February 2002 | 16 April 2008
17 September 2008 | 05 November 2008



**City of Bloomington
Office of the City Clerk**

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the February 20, 2002 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I hereunto set my signature as Clerk of the City of Bloomington on the date set forth below.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date: _____

The attached copy of the minutes for the February 20, 2002 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the _____ day of _____, 2024.

Isabel Piedmont-Smith
President, Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, February 20, 2002 at 7:30 pm with Council President Gaal presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 20, 2002

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

ROLL CALL

Council President Gaal gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

It was moved and seconded that the following persons be reappointed to the following boards and commissions:

BOARD AND COMMISSION
APPOINTMENTS

Ethan Klump	Telecommunications Council
Dorothy Salzman	Commission on the Status of Women
Aneta Sperber	Commission on the Status of Women
Jeffrey R. White	Utilities Service Board

The reappointments were approved by a voice vote.

It was moved and seconded that Appropriation Ordinance 02-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Do-Pass Recommendation of 8-0-1. It was moved and seconded that Appropriation Ordinance 02-01 be adopted.

LEGISLATION FOR SECOND
READING
Appropriation Ordinance 02-01 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (To Present a \$19,000 Grant to Indiana University for the Purpose of Sponsoring or Co-Sponsoring Arts Week Events)

The Ordinance received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Banach).

It was moved and seconded to limit debate on Resolution 02-04. The motion received a roll call vote of Ayes: 4 (Banach, Pizzo, Willsey, Cole), Nays: 5 (Diekhoff, Ruff, Gaal, Sabbagh, Mayer) and failed.

Motion to Limit Debate

It was moved and seconded that Resolution 02-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Do-Pass Recommendation of 5-2-2. It was moved and seconded that Resolution 02-04 be adopted.

Resolution 02-04 To Amend the City's Comprehensive Plan to Adopt a Subarea Plan for the West Kirkwood Corridor known as "The Plan For West Kirkwood"

It was moved and seconded to adopt Amendment #1.

Amendment #1 This amendment adds a policy recommendation on page 40 regarding the Adams and Kirkwood intersection or what is known as the western gateway to the West Kirkwood corridor. It identifies a change in City policy over the last 10 years towards a reduction in the expected level of traffic on this corridor. In particular it says that the "city should undertake the elimination of the excess traffic capacity while enhancing the intersection as a neighborhood gateway."

Amendment #1 received a roll call vote of Ayes: 1 (Cole), Nays: 7, Abstain: 1 (Pizzo) and thus failed.

It was moved and seconded to adopt Amendment #2.

Amendment #2 This amendment recognizes that the new more intense commercial uses can adversely affect the quality of life for residents of the

Amendment #2 received a roll call vote of Ayes: 0, Nays: 9 and thus failed.

It was moved and seconded to adopt Amendment #3.

Amendment #3 received a roll call vote of Ayes: 0, Nays: 9 and thus failed.

It was moved and seconded to adopt Amendment #4.

Amendment #4 received a roll call vote of Ayes: 0, Nays: 9 and thus failed.

It was moved and seconded to adopt Amendment #5.

Amendment #5 received a roll call vote of Ayes: 6 (Banach, Ruff, Gaal, Willsey, Sabbagh, Mayer), Nays: 3 (Diekhoff, Pizzo, Cole).

It was moved and seconded to adopt Amendment #6.

Amendment #6 received a roll call vote of Ayes: 4 (Willsey, Cole, Sabbagh, Mayer), Nays: 4 (Banach, Diekhoff, Pizzo, Gaal) and thus failed. Ruff was out of room.

It was moved by Willsey and seconded that Amendment #6 be reconsidered.

The motion received a roll call vote of Ayes: 6, Nays: 3 (Banach, Diekhoff, Pizzo) and so Amendment #6 was reconsidered.

Amendment #6 on reconsideration received a roll call vote of Ayes: 5 (Ruff, Willsey, Cole, Sabbagh, Mayer), Nays: 4 (Banach, Diekhoff, Pizzo, Gaal).

Amendment #10 received a roll call vote of Ayes: 4 (Banach, Diekhoff, Sabbagh, Mayer), Nays: 5 (Ruff, Pizzo, Gaal, Willsey, Cole) and thus failed.

neighborhood and recommends that careful attention be given to lighting, noise, hours of operation, and other factors that can negatively affect the neighborhood.

Amendment #3 This amendment changes the setback guidelines from "existing front property line" to "existing building fronts of that type", and replaces the term "Build to Line" with "Build-to-Context".

Amendment #4 This amendment addresses concerns about the meaning of the term "traditional neighborhood" as it appears in the Introduction. It does this by deleting the term in some paragraphs and replacing it with the word "older" in another paragraph. It also defines "traditional neighborhoods" as those with "early 20th century domestic architectural styles utilizing a grid street pattern, small lots, building forward orientation, and mixed uses."

Amendment #5 This amendment expands the building types permitted for Traditional Residential-1 Zoning (TR-1) to include two story houses.

Amendment #6 This amendment corrects the number of proposed building types permitted under the Plan from four to five.

Motion to reconsider Amendment #6

Amendment #10 This amendment foresees that the goal of revitalizing the corridor in a manner that is compatible with the existing neighborhood will require balancing design compatibility with economic feasibility and individual creativity. For this reason it recommends that the staff carefully review the architectural components in the "building types code" and acknowledges that the final version may have more variations in building types as well as less specificity in the design and material

standards.

Resolution 02-04 as amended by Amendments 5 and 6 received a roll call vote of Ayes: 6, Nays: 3 (Banach, Diekhoff, Sabbagh).

Resolution 02-04 as amended

It was moved and seconded that Resolution 02-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there had been a motion to bring this item forward without a committee hearing (7-2). It was moved and seconded that Resolution 02-05 be adopted.

Resolution 02-05 To Designate an Economic Revitalization Area (ERA) - Re: West Kirkwood Corridor from Rogers Street to Adams Street

Resolution 02-05 received a roll call vote of Ayes: 8, Nays: 0. Sabbagh was out of room.

It was moved and seconded that Ordinance 02-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there had been a motion to bring this item forward without a committee hearing (7-2). It was moved and seconded that Ordinance 02-03 be adopted.

Ordinance 02-03 To Designate an Economic Development Target Area - Re: West Kirkwood Corridor from Rogers Street to Adams Street

Ordinance 02-03 received a roll call vote of Ayes: 8, Nays: 0. Sabbagh was out of room.

It was moved and seconded that the council hold a committee of the whole session on March 6th after the regularly scheduled Regular Session to hear upcoming legislation.

Motion to Consider Committee Meeting Schedule

The motion passed with voice vote approval.

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

LEGISLATION FOR FIRST READING

Appropriation Ordinance 02-02 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating Two Grants in the General Fund)

Appropriation Ordinance 02-02

The meeting was adjourned at 12:40 a.m. on February 21, 2002.

PUBLIC INPUT
ADJOURNMENT

APPROVE:

ATTEST:

Chris Gaal, President
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington



**City of Bloomington
Office of the City Clerk**

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the April 16, 2008 meeting of the Bloomington City Council is a full, true, and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I hereunto set my signature as Clerk of the City of Bloomington on the date set forth below.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date: _____

The attached copy of the minutes for the April 16, 2008 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the _____ day of _____, 2024.

Isabel Piedmont-Smith
President, Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, April 16, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
APRIL 16, 2008

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

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION 7:30pm

There were no minutes approved at this meeting.

APPROVAL OF MINUTES

Councilmember Tim Mayer welcomed spring to Bloomington and thought everyone should go on a hike.

REPORTS: 7:32pm

COUNCILMEMBERS

Councilmember Mike Satterfield thanked the police department.

Councilmember Chris Sturbaum discussed how everyone needed to be considerate towards others.

Councilmember Steve Volan gave a report on his trip to Austin, Texas for Urbanism with Councilmember Wisler.

Sandberg discussed Hoosier Hills Food Bank and thought anything would assist their food bank.

Vickie Probine with Housing and Neighborhood Development gave a report on the 8th annual Blooming Neighborhood Award Celebration. She thanked everyone for their support.

MAYOR and CITY OFFICES

Mick Renneisen said the City received a successful bid for the first portion of the B-line trail. He said it was with Tri-county builders. He gave a brief schedule of the construction.

Denise Alano updated everyone on the B-line trail. She said there had been a great response so far.

Lisa Abbett from Housing and Neighborhood Development gave background on how to buy a house and how to make those decisions appropriately. She said they would be offering another session of the home buyers' club. She said it was fourteen hours.

Rick Dietz, the director of ITS, provided the Council with a brief demonstration of some of their new services.

Volan asked if this new website design was built entirely in house.

Dietz said they had incredibly capable staff and there were no outside sources.

Wisler thanked the director for his hard work and asked how the public could report if they found a problem or bug.

Dietz said they had a form on the website in the contact us area.

Satterfield stated it was a huge undertaking.

Mayor Mark Kruzan offered condolences to Marilyn for her husband's death. He discussed his opposition to I-69 and that he did not like that someone taking photos of the construction was detained by the police. He talked about how many more people were on the website.

Susan Maryman read a letter of thanks from their clients to the City Council and Mayor Kruzan. They thanked them for the grant they gave them and thanked the City for recognizing that people with memory loss could still be great contributors to the City.

PUBLIC COMMENT

Saunders Tokarski, the artist in residence for the partners program, said most of the people that came were not artists. She said they included people in a wide range of activities and she discussed the activities they did.

Lindsey Smith, the Cub Master for Pack 160, said the Webelos were trying to attain their citizenship patch. He said one of the requirements was to go to a City Council meeting.

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

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

It was moved and seconded that Ordinance 08-04 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-3. It was moved and seconded that Ordinance 08-04 be adopted.

Ordinance 08-04 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: Prospect Hill Conservation District (Bloomington Historic Preservation Commission, Petitioner)

Nancy Easton from the Historic Preservation Commission presented the legislation. She showed the registered districts and what they wanted to propose.

Council Questions:

Piedmont asked if the Director, Tom Cox, was at one of the public meetings and if he expressed reservation.

Easton said he had been to several meetings. She said he was hesitant at their private meetings because of the value of his property.

Volan asked if the Fell Building was so significant why it had not been designated already.

Easton said there was no perceived threat and the owner wanted to eventually restore the building.

Volan asked if the purpose of the district was to keep owners from feeling threatened. He asked why some areas were not included.

Easton said the Fell Building was in the National Registry District and the Army Navy store was non-contributing and right in the middle and the Frosted Foods store was already designated.

Volan asked what the harm was in including that building and asked if it was redundant to include the Prospect Hill area.

Easton said those homes had lots of details and were ornate. She said it was a higher standard than the Conservation District.

He asked if the Fell Building would be locally designated.

Easton said she did not know if it would be locally designated but she felt confident it would be restored and reused.

Satterfield said he did not understand how the process started. He asked if it started when they felt a threat was approaching.

Easton said the plan had about six months of work on it. She believed they did perceive a threat, like more buildings that would not be compatible with the existing houses.

Satterfield did not see the logic in not including the Batman house. He asked why they did not extend it to that area.

Easton said it would be inappropriate for a building that had those details, so it should have full review.

Satterfield asked if it had historic designation.

Easton said it was in a National Registered District.

Satterfield said the line seemed arbitrary and he wondered why it was not the whole area. He wondered if they wanted to keep the buildings in that area the same why they did not just include it.

Sturbaum explained the different districts and how they were reviewed.

Satterfield asked what the harm would be to include it.

Sturbaum said anything in the conservation district, no longer goes through delay of demolition. It would give up a certain protection.

Rollo asked if there was anything contradictory in the plan.

Easton said she did not see a conflict but she said they should discuss the process more.

Rollo thought there was some conflicting interface, but he did see the preservation of the structures happening.

Wisler asked about the district guidelines in the UDO and he said the more restrictive rules would apply but he asked if that was not the case for these designations.

Easton said they adopted guidelines appropriate for the area and they came up with standards.

Wisler asked if the less restrictive standards would trump the more restrictive standards. He said he was hearing it had to be one or the other.

Sturbaum said in this case it was an either-or situation. He said you choose one or the other.

Wisler asked if the individual structures could be designated.

Sturbaum said if someone in the district wanted to designate their house they could come forward and designate it.

Easton said if Title 8 applied, then they could not have demolition delay as well. She said they did fight for it.

Abbett said the in delay of demolition, they would review any partial demolition, but in a conservation district it would be taking the whole structure out.

Wisler asked why they did not include the bank structure.

Easton said they would have to leap across the street and get a non-contributing building. She said on that block face the Batman house was the only important building and that was why they left that area out.

Wisler asked if she could elaborate on the process of the draft guidelines and how they responded.

Easton said the guidelines were usually adopted after a district was created. She said the guidelines did not go through council for approval. She said a process for amending those guidelines was developed through the neighborhood.

Wisler asked if there was any reason why they were not adopted until after.

Easton said it would be premature.

Wisler asked why they could not have the guidelines in place prior.

Easton said because there would not be a district but they very nearly did have the guidelines.

Sturbaum explained the process of adoption and the guidelines.

Sandberg asked if the intent was to slow change but not preclude commercial adaptive reuse that would be acceptable to the commission.

Easton said the title did not apply to use at all.

Piedmont asked if the Fell Building and the Batman Building were not proposed in the conservation district because if a change was proposed, they would hope they would have local historic designation instead because it was stronger.

Easton said yes.

Piedmont asked if the houses included in the conservation district

would have to get a certificate of appropriateness for full demolition.

Easton said yes.

Piedmont asked if there was some level of review before demolition.

Easton said yes.

Carol Krows, the chair of the Historic Preservation, thanked the Prospect Hill Neighborhood for their work. She urged the Council to pass the ordinance as is.

Public Comment:

Barry Brown of the advisory board for the Historic Commission echoed Carol's comments. He hoped the Council would approve the ordinance.

Laurel Cornell of Prospect Hill was not in favor of the historic district but was in favor of the conservation district.

Elizabeth Cox Hash from McDowell Gardens hoped they would vote in favor of the ordinance.

Matt Prest felt that the neighborhood conservation district made the process of adding on an addition smoother. He hoped the Council would vote in favor of the ordinance.

Jane Sorby, Vice President of Bloomington Restoration Inc., encouraged them to keep that fabric of that street.

Paul Fratiany supported the conservation of the district but noted that several years ago he was contacted by a real estate agent to buy his house and the others to put up an apartment complex. He thought it was important to preserve the area.

Sandy Clothier urged the Council's approval of the ordinance.

Caroline Clay was in support of the ordinance.

Cynthia Bretheim of Prospect Hill supported the ordinance.

Keith Clay corrected that the property he owned was .07 acres not .7 acres. He discussed his thoughts on the conservation district.

Mark Cornett discussed artists and development.

Patrick Murray encouraged the Council to vote for the Conservation District.

Piedmont thanked everyone who came and stated their opinion. She favored the proposal. She thought the houses on 4th street were valuable structures.

Council Comment:

Rollo stated he would be supporting the Conversation District.

Wisler said he loved the neighborhood and the mixed use. He did not think they should use the force of law to be used to mandate anyone's personal preference. He said he was not suggesting anyone in the room would do that. He would be voting no.

Ruff said that this could limit what people could do with valuable properties. He said these properties make Bloomington valuable. He said Piedmont's comments were very consistent with his and he would be voting yes.

Satterfield thought the district would be a good asset for the neighborhood.

Volan discussed retail in the downtown area and new businesses and new construction. He said the houses in the proposed district provide commercial and residential space at an affordable rate. He said he would support the district.

Mayer thought this made a lot of sense for the community and would be supporting the district.

Rollo added that he lived in the house by the Bell Building.

Sandberg said this ordinance had her at hello. She would be supporting the ordinance.

Sturbaum thanked everyone for coming. He said there were certain actions that were very critical for the town and this was one of them and it had been a long time coming. He would be supporting the ordinance.

Ordinance 08-04 received a roll call vote of Ayes: 8, Nays: 1 (Wisler).

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 08-05 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Repealing and Deleting section 2.12.040, Entitled "Tree Commission", and Adding Section 2.20.150, Entitled "Tree Commission"

Ordinance 08-05

Ordinance 08-06 To Amend Title 12 of the Bloomington Municipal Code Entitled "Streets, Sidewalks, and Storm Sewers – Re: Repealing Chapter 24 Entitled "Trees", and Replacing it with Chapter 24 Entitled "Trees and Flora"

Ordinance 08-06

Michelle Cole asked about trees and vegetation being included into the streets. She was worried less money would go to that. The meeting was adjourned at 10:30 pm.

Public Comment:
ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington



**City of Bloomington
Office of the City Clerk**

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the September 17, 2008 meeting of the Bloomington City Council is a full, true, and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I hereunto set my signature as Clerk of the City of Bloomington on the date set forth below.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date: _____

The attached copy of the minutes for the September 17, 2008 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the _____ day of _____, 2024.

Isabel Piedmont-Smith
President, Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, September 17, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
SEPTEMBER 17, 2008

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler
Absent: None

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of May 7, 2008 and May 21, 2008 were approved by a voice vote.

APPROVAL OF MINUTES

REPORTS:

Councilmember Dave Rollo gave a report on the Center for Sustainability's compost program. He also talked about the council's resolution against the war in Iran and the response they council received from Congress members and the White House.

Councilmember Isabelle Piedmont-Smith gave a report on the City's poverty rate, and talked about some of the services that exist in the City to help with this issue.

Councilmember Andy Ruff stated that the Bloomington Public Transit Corporation will start giving free rides on the first Saturday of every month to anyone who can show a library card.

Councilmember Tim Mayer congratulated Piedmont-Smith on getting Married. He also shared his condolences to John Freeman's family on his passing. He also thanked the City's Utilities Department, Public Works, and Monroe County Government for fixing the bridge on Rogers road.

Councilmember Chris Sturbaum stated he was also a fan of the Center for Sustainability's compost program. He also talked about Indiana University not increasing their funding for the bus system as well as, the Cornelius Festival on Main St.

Councilmember Steve Volan gave a report on the City's poverty rate and explained some of the statistics.

Sandberg stated that she and Volan had talked about the poverty issue's statistics and her experience with it.

THE MAYOR AND CITY OFFICES

Police Chief Mike Diekhoff gave a report on the 109th anniversary event for the Bloomington Police Department and the Police Department open house event.

COUNCIL COMMITTEES

There were no council committee reports.

PUBLIC COMMENT

Steve Forrest spoke to the council about increasing funding for Bloomington Transit.

Buff Brown spoke to the council about Bloomington's infrastructure.

Lindsey Lucenta spoke about a group she is involved in called the Indiana Public Interest Research Group. She also stated that Indiana University would be having a get out the vote concert.

It was moved and seconded that Alain Barker be appointed to the Bloomington Community Arts Commission

BOARD AND COMMISSION
APPOINTMENTS

There was no public comment.

PUBLIC COMMENT

It was moved and seconded that Resolution 08-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis,

LEGISLATION FOR SECOND
READING
Resolution 08-11 To Authorize
Expenditures from the Industrial

giving the Committee Do-Pass Recommendation of 7-0-1.
It was moved and seconded that Resolution 08-11 be adopted.

Development Fund for Attainment of
Benchmarks by Cook Pharmica LLC at
the Indiana Enterprise Center

Denise Alano, Director of Economic and Sustainable Development, spoke about details and the reasoning behind Resolution 08-11 and Resolution 08-12.

Satterfield asked Alano about Cook's 9.2 million dollar payroll and if it was what was being brought to Bloomington.

Alano confirmed that that was correct.

Piedmont-Smith asked if the 75 percent tax reimbursement that Cook Pharmica is receiving might cause other areas of the City to lack sufficient investment.

Alano stated the tax funds captured in that district would only be able to be used in that district and that it will not forgo any other opportunities.

Sturbaum stated that he thought this was a great resolution and thanked Cook Pharmica for coming to Bloomington.

Piedmont-Smith stated that Cook Pharmica coming here could help with the City's poverty issue by providing good paying jobs with benefits.

Wissler said he thought the resolution was great and was really looking forward to its implementation.

Mayer said that Cook Pharmica coming to Bloomington was a good fit for the community.

Resolution 08-11 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 08-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 4-0-4.

It was moved and seconded that Resolution 08-12 be adopted.

Resolution 08-12 To Authorize
Expenditures from the Industrial
Development Fund for Physical
Improvements to Support an Economic
Development Project (Cook Pharmica,
LLC) at the Indiana Enterprise Center

Alano spoke about details and the reasoning behind Resolution 08-12. She stated the industrial fund would be used for site improvements and infrastructure.

Justin Wykoff, manager of engineering, spoke about the plans for improving the infrastructure for the Cook Pharmica site. He also went over the timeline of the project.

Rollo asked if bike lanes and enhanced pedestrian accessibility would be included in the infrastructure plans.

Wykoff said that they did add a bike path on Patterson and were looking to continue expanding the bike lane further.

Rollo stated that right turn lanes tend to not be pedestrian friendly and asked how Wykoff felt about that.

Wykoff said anytime you increase a pedestrian crossing distance it can be deemed as being unfriendly. They were looking into ways to mitigate the pedestrian crossing distance.

Rollo asked if the stream design will require permitting by Indiana Department of Environmental Management.

Wykoff confirmed they would need permitting through IDEM.

Sturbaum stated he thought there may be an issue with the intersection of Rogers street and 2nd street during the construction.

Wykoff said that he had already considered that intersection and would think of inventive ways to keep traffic flowing.

Alano stated that the Shiner company that had worked on the street project were fully aware of the scope of this project.

Sturbaum asked about a bike path that was supposed to be put in, but instead a sidewalk was put in.

Alano stated that they will be able to correct that and make sure that it is made into a bike path.

Piedmont-Smith asked Alano to review the Industrial Development Fund (IDF) balance.

Alano stated that the Thompson creed fund has about half a million dollars, the Downtown creed is almost 2.5 million dollars, as well as revenue from interest on investments.

Piedmont-Smith asked Wykoff how the Bike and Pedestrian Committee are supposed to comment on the plan when the due date for the plan is the same day as the Bike and Pedestrian Committee meeting.

Wykoff said that they will present the preliminary plan at that meeting for the committee to comment on and there will also be public meeting about the plan.

Piedmont-Smith asked about the entrance to Cook Pharmica from Patterson.

Wykoff stated that they had not made a decision on the best entrance for the property.

Volan asked if the petitioner knew how many jobs would be given to people who live in the Bloomington area.

Alano said that one of the incentives in the package that was offered to Cook Pharmica had them work with Bloomington Urban Enterprises Association to start a job fair.

Ted Green, Vice President and CFO for Cook Pharmica, stated they did not have an exact figure for how many jobs would go to Bloomington residents.

Volan asked Green how many employees Cook Pharmica currently has and what percentage of them are local?

Green said they have about 230 employees with 80 percent being local and 20 percent from other places.

Volan asked if the buildings that were going to be made were extensions of the structures that are already there.

Alano stated that Cook Pharmica would only be renovating the current buildings.

Volan then asked Alano if the renovation of these streets will encourage new buildings to be made that would attract retail opportunities.

Alano said there is a significant possibility that could happen.

Wisler asked if the petitioner knew how employees were traveling to work.

Green stated that the majority of the employees drive to work and that is due to most of the employees living too far to walk or bike.

Wisler also asked Green about his employee's comments on traffic in the area.

Green said from 7:30am to 8am it is very busy heading up North Rogers Street and at the Patterson intersection traffic can get backed up past the property's parking lot entrance way.

Rollo asked if Green had any objections with a bike path going through the property.

Green said Cook Pharmica would not have any objection to it. He also said Cook Pharmica does not own the land that the bike path would go through.

Rollo asked Alano if further development or redevelopment of the site would go under any review by a public body.

Alano stated that the Cook Pharmica project is only a renovation of their existing building and therefore would not trigger any City department review.

Satterfield asked Green what he meant by local when Green said that 80 percent of the employees were local.

Green said that he meant within the county and that about 40 percent of the local employees were in the city and the other 60 percent were from the county.

Ruff asked Alano how necessary the changes to the intersections for truck and large vehicle access versus convenience improvements for other forms of traffic.

Alano said that trucks and other large vehicles would still get to the site from Patterson and employees would be driving through the Hillside expansion.

Ruff then asked what changes will happen to the intersections and the stream.

Wykoff said they still needed to look at data to determine what would happen to the intersections and the stream.

Alano stated that the property owner of the majority of the stream is working with the city to rehabilitate the stream.

Piedmont-Smith asked Green what he meant when he said 80 percent of the people hired will be local.

Green said that was an estimate and he would be happy to provide data on where their employee base is coming from.

Volan asked how many parking spaces would be in the parking lot.

Green stated they have 350 spaces.

Volan asked if a part of the site could be used for retail space.

Green said there were no plans for that.

Wisler asked Alano how much of the appropriation was going to design and how much was going to construction.

Alano stated they did not know yet.

Wykoff said they did a request for proposals in July and a local firm has given a bid of \$75,000.

It was moved and seconded that Amendment #1 to Resolution 08-12 be adopted.

Amendment #1 to Resolution 08-12. This amendment would require the Council to approve the final plan for the public improvements associated with these funds.

Amendment #1 to Resolution 08-12 received a roll call vote Ayes: 6 (Rollo, Sandberg, Wisler, Piedmont-Smith, Ruff, Volan), Nays: 2 (Satterfield, Sturbaum). Mayer left the meeting at 10: 28 pm.

Resolution 08-12 as amended received a roll call vote of Ayes: 7, Nays: 0. Volan and Mayer left the meeting before this vote.

Final vote on Resolution 08-12 as amended.

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

LEGISLATION FOR FIRST READING

Appropriation Ordinance 08-05 To Specially Appropriate from the Parks Land Acquisition Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for the Purchase of the Cascades Trailer Park and Stone Mill Properties Adjacent to Cascades Park)

Appropriation Ordinance 08-05

Ordinance 08-19 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"

Ordinance 08-19

The meeting was adjourned at 10:43 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington



**City of Bloomington
Office of the City Clerk**

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the November 05, 2008 meeting of the Bloomington City Council is a full, true, and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I hereunto set my signature as Clerk of the City of Bloomington on the date set forth below.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date: _____

The attached copy of the minutes for the November 05, 2008 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the _____ day of _____, 2024.

Isabel Piedmont-Smith
President, Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, NOVEMBER 5, 2008 at 7:30 pm with Council President Susan Sandberg presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
NOVEMBER 5, 2008

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

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

The minutes of October 15, 2008 were approved as amended by a voice vote.

APPROVAL OF MINUTES

It was moved and seconded that Gregory Tourner be appointed to the Commission on the Status of Black Males.
The appointment was approved by a voice vote.

BOARD AND COMMISSION
APPOINTMENTS

It was moved and seconded that Appropriation Ordinance 08-06 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-1. It was moved and seconded that Appropriation Ordinance 08-06 be adopted.

LEGISLATION FOR SECOND
READING
Appropriation Ordinance 08-06 To Specially Appropriate from the Risk Management Fund Expenditures Not Otherwise Appropriated (Appropriating Funds for Worker's Compensation Expenses)

Appropriation Ordinance 08-06 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 08-21 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-1. It was moved and seconded that Ordinance 08-21 be adopted.

Ordinance 08-21 To Vacate a Public Parcel – Re: A Segment of the Fairview Street Right-of-Way Running North/South Between 515 West Patterson Drive and 1300 South Patterson Drive (Cook Pharmica, LLC, Petitioner)

Ordinance 08-21 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 08-20 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-1. It was moved and seconded that Ordinance 08-20 be adopted.

Ordinance 08-20 To Amend the Preliminary Plan for the Clarizz Planned Unit Development (PUD) to Allow an Additional 1350 Square Feet of Medical Office Space – Re: 583 S. Clarizz Blvd. (Orthopedics of Southern Indiana)

Ordinance 08-20 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 08-19 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0-1. It was moved and seconded that Ordinance 08-19 be adopted.

Ordinance 08-19 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic"

It was moved and seconded that Amendment #1 to Ordinance 08-19 be adopted.

Amendment #1 This amendment is sponsored by Councilmember Piedmont. It converts the intersection of Henderson and Allen Street from a 1-Way stop for traffic on Allen to a Multi-Way stop for traffic on Allen, the Bryan Park Entrance, and Henderson. This change was recommended by the Traffic Commission in order to slow traffic on Henderson which, on average, was going almost twice the legal limit of

Amendment #1 to Ordinance 08-19 received a roll call vote of Ayes: 8, Nays: 1 (Wisler).

It was moved and seconded that Amendment #3 to Ordinance 08-19 be adopted.

Amendment #3 to Ordinance 08-19 received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Amendment #4 to Ordinance 08-19 be adopted.

Amendment #4 to Ordinance 08-19 received a roll call vote of Ayes: 1 (Volan), Nays: 8.

It was moved and seconded that Amendment #5 to Ordinance 08-19 be adopted

Amendment #5 to Ordinance 08-19 received a roll call vote of Ayes: 7, Nays: 2 (Volan, Satterfield).

It was moved and seconded that Amendment #7 to Ordinance 08-19 be adopted.

20 mph. However, it was opposed by staff, which concluded that the traffic counts did not warrant the stop and stop signs should not be used to slow traffic. In an understanding with the Council Office, all such disputed items come forward as an amendment that needs sponsorship a member of the Council.

Amendment #3 The ordinance would convert all of the spaces on the north and south side of 4th Street between Madison and Rogers from unrestricted parking to 2-hour parking from 5:00 a.m. to 5:00 p.m. on Monday through Saturday. This amendment is sponsored by Councilmember Sturbaum and would add three 1-hour parking spaces on the north side of this block to help businesses in the area and leave a few spaces near Rogers Street on this side of the block unrestricted to help the residents of the area. In particular, it would place two 1-hour parking spaces just east of the alley and one 1-hour parking space just west of the alley and leave the remaining spaces west of the alley as unrestricted parking.

Amendment #4 This amendment is sponsored by Councilmember Volan and would require the Office of the Mayor to submit a comprehensive public parking report on a quarterly basis to the Council Office. The purpose of the audit is to provide accurate records of parking supply and demand over time to help develop and implement a rational and fact-based transportation plan to promote the vitality of the downtown.

Amendment #5 This amendment is sponsored by Councilmember Ruff on behalf of the Administration and would lower the increase in the escalating fine for a Class D Violation. Currently the fine rises from \$15 to \$30 if not paid within seven calendar days. The ordinance proposes that the fine rise from \$25 to \$40 when not paid in that time frame. This amendment would have that fine rise from \$20 to \$40 and be consistent with the doubling of the fine when not paid within seven calendar days.

Amendment #7 This amendment corrects citations in Section 48 and Section 58 of the ordinance.

Amendment #7 to Ordinance 08-19 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 08-19 as amended received a roll call vote of Ayes: 8, Nays: 1 (Volan).

FINAL VOTE ON ORDINANCE 08-19 as amended.

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 08-12 – To Vacate a Public Parcel – Re: Four Right-of-Ways on the Property Known as Fairview School Located at 627 West 8th Street (Monroe County School Corporation, Petitioner)

Ordinance 08-12

The meeting was adjourned at 11:20 pm.

ADJOURNMENT

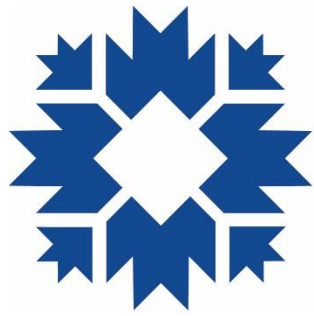
APPROVE:

ATTEST:

Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

for approval



City of Bloomington
COUNCIL FOR COMMUNITY
ACCESSIBILITY

Council for Community Accessibility

2023 Annual Report

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Who We Are

The City of Bloomington's Council for Community Accessibility (CCA) is a volunteer commission that advocates for the interests of people with disabilities.

Initially formed in 1990 as the Community Council on Handicap Concerns, the group's first goal was to advise the City of Bloomington on accessibility improvements. Today, the CCA works in a variety of areas: promoting community awareness of disabilities, developing accessibility solutions, and partnering with local organizations who share our goals.

While they come from diverse backgrounds, CCA members share a personal interest in accessibility issues and bring a range of leadership experiences to their work on the Council. Many members have disabilities themselves or are family members of those with disabilities.

Objectives

- **Assessment:** To seek information about the needs and available services for persons with disabilities.
- **Awareness:** To educate all segments of the community.
- **Accessibility:** To promote access to places of public accommodation, housing, programs, and services.
- **Advocacy:** To promote the best interests of persons with disabilities by supporting specific, identified issues.
- **Advice:** To serve as a resource for the community.

2023 Events

Breaking down the Barriers



In April 2023, the Council for Community Accessibility held a Breaking Down the Barriers event. Members visited Bloomington businesses that have been awarded an AccessAbility decal to celebrate the purchasing power of the disability community.

At left: Lesley Davis and MarChe Daughtry visit Blondie's Cookies in College Mall.

ADA Anniversary Celebration

In July 2023, the Council for Community Accessibility held the annual ADA Anniversary Celebration in the Showers Plaza outside City Hall. Over 500 people visited this year.

At right: Guests enjoy the 2023 ADA Anniversary Celebration in July. Representatives included the Indiana Institute on Disability and Community (IIDC), PALS, SICIL, Monroe County Public Library, Stone Belt, and Monroe County Special Olympics. In this photo, City of Bloomington IT Director Rick Dietz and his daughter select swag after doing an activity with Matt Norris from IIDC.



Gather 'round the Table



In October 2023, the Council for Community Accessibility held Gather 'round the Table, the annual event to bring together the disability community for conversation, learning, and a meal.

This year's theme was *The Fusion of Arts and Disabilities*. The four panelists worked in multiple mediums, including visual art, music, dance, theatre, and writing.

At left, a crowd of fifty people listens to the panelists.

Programs

AccessAbility Decal Program

This program, run by the Accessibility Committee, recognizes accessible businesses and provides guidance to businesses to eliminate barriers to accessibility. In the past they have worked on surveying polling locations, bus stops, schools, and medical offices.

At right, the current AccessAbility decal.



Mobility Aids Lending Library (MALL)



The Mobility Aids Lending Library (MALL) is a new initiative that has now achieved nonprofit status, begun by a local group of women known as “the Wheelie Women,” a group which includes CCA members. The program matches gently used mobility devices, free of charge, with those who cannot afford them or only need them for a short period of time.

At left, four of five members of MALL pose at the Monroe County Public Library with Michael Shermis, the CCA staff liaison. From left to right: Lesley Davis, Danielle Perdue, Michael Shermis, Karin Willison, and Casey Guarino, The fifth member, Susan Seizer, gifted Michael the “door key” (“dorky”) shirt.

2023 Goals in Review

In 2023, the Council for Community Accessibility members achieved the following progress on our 2023 goals in the areas of Advocacy, Inclusion, and Alliances.

Advocacy

1. Support the adoption of the Accessible Transportation and Mobility Principles by the Bloomington City Council.

- a. **Success:** The Accessible Transportation and Mobility Principles have been included in the larger Transportation Plan that will be passed by the Bloomington City Council in 2024. This is a huge success and will ensure greater involvement of people with disabilities in the conversation around transportation.
- 2. Pass a city-wide ordinance for captioning use on TVs in Bloomington.
 - a. **Success:** On December 13, 2023, Bloomington Ordinance 23-31 passed unanimously. This amends the Municipal Code to require places of public accommodation to activate closed captioning on televisions beginning in January 2025.
- 3. Co-host a mayoral candidate forum with Stone Belt.
 - a. **Success:** This event was held on March 30, 2023, and was well-attended and included insightful questions from Stone Belt clients and CCA members.
- 4. Form a working group that includes city leaders to explore how to improve the situation for those in the community who require personal care assistants.
 - a. **Continued Goal in 2024**

Inclusion

- 1. Increase awareness about and donations to the MALL (Mobility Aids Lending Library); transition categories of items to MCPL checkout.
 - a. **Success:** MALL is now registered as a nonprofit and has had tremendous success, with increased visibility and donations. Smaller mobility devices are now integrated into MCPL checkout within the Library of Things.
- 2. Complete the disability brochure/website for Visit Bloomington.
 - a. **Continued Goal in 2024**
- 3. Obtain permission to make and place Lego ramps at several City of Bloomington businesses and/or parklets; add new fields to accessibility surveys that specifically address the needs of deaf and blind patrons; offer staff trainings for targeted groups (e.g., wait staff); work to bring parking lots into compliance
 - a. **Continued Goal in 2024**

Alliances

- 1. Increase participation with and efforts to serve the deaf community and other underserved communities; engage in joint efforts with MCPL, SICIL, MCCSC, VITAL, IU ASL Club, Area 10, IU Health, and member organizations represented at monthly DSP meetings, among others
 - a. **Progress:** Engaged in joint efforts with MCPL, Stone Belt, and others. Alliances include Bloomington Transit, VITAL, IU-SPEA, MALL, and SICIL.

2024 Goals

At the January 29, 2024 meeting, Council for Community Accessibility members established the following goals for 2024 in the areas of Advocacy, Inclusion, and Alliances.

Advocacy

- 1. Support the official adoption of the Accessible Transportation and Mobility Principles by the City of Bloomington City Council.

2. Promote the rollout of the city-wide ordinance on closed captioning use on TVs in Bloomington, which will take effect on January 1, 2025.
3. Co-host a “Meet the Mayor” event with Stone Belt held at Stone Belt on March 26th.
4. Work with city leaders to explore ways to more thoroughly include and provide equity of access to the Bloomington Disabled community across all sectors, including housing, education, employment, emergency preparedness, and access to goods and services.
5. Hold the Gather ‘round the Table event and focus it on housing with inclusive design in the new Hopewell neighborhood.
6. Provide information about accessibility (ADA basics) to any government office that requires permits/approvals with a brochure that provides information about CCA’s services.

Inclusion

1. Increase awareness about and donations to the MALL and find a storage location for larger items.
2. Complete the disability brochure/website for Visit Bloomington.
3. Make all Bloomington public accommodation as accessible as possible through adding new fields to accessibility surveys specifically addressing the needs of deaf and blind patrons, offering staff trainings, and bringing parking lots into compliance.

Alliances

1. Increase participation with and efforts to serve the deaf community and other underserved communities
2. Expand the network of CCA partners through engaging in joint efforts with MCPL, SICIL, MCCSC, VITAL, IU ASL Club, Area 10, IU Health, IU Accessible Educational Services, Habitat for Humanity, ADA Indiana, and member organizations represented at monthly Disability Service Provider Coalition meetings, among others.
3. Work with the City of Bloomington Engineering Department to collaborate on a workshop on Designing/Constructing Pedestrian Facilities for ADA Compliance and Accessibility. This was done in 2022 with great success.

Services

Awareness Training

The CCA provides disability awareness training for organizations, businesses, and government employees.

Disabilities Awareness Presentations

The CCA, through our Speakers Bureau, offers disability awareness presentations to schools, religious groups, and civic organizations.

Free Consultations

The CCA can, in free consultations, review building or architectural plans to evaluate accessibility according to the Americans with Disabilities Act (ADA) specifications.

Workshops for Businesses

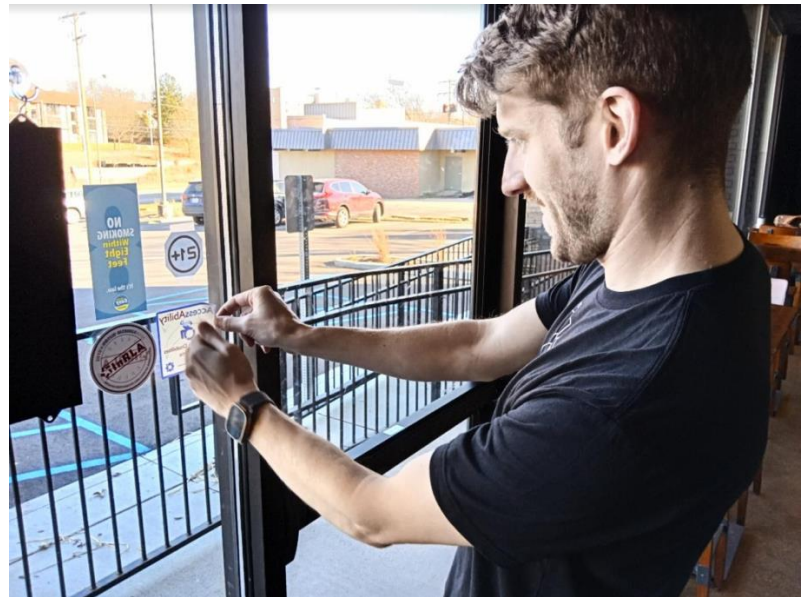
The CCA offers workshops for businesses on the benefits and responsibilities of complying with the ADA.

Committees

Accessibility Committee

The Accessibility Committee runs the AccessAbility Decal Program. Volunteers survey businesses and award window decals to those who achieve accessibility criteria.

At left: One of Bloomington's recently certified businesses, Heartwork Brewing, now proudly displays an AccessAbility decal. Jeff Browne, co-owner, said he felt great about their business being accessible.



Activities and Events Committee



The Activities and Events Committee plans programs and events throughout the year to foster community awareness of disabilities.

At left, CCA member Casey Guarino speaks at Gather 2023: she led the event planning for this year's highly successful event.

Transportation and Mobility Committee

The Transportation and Mobility Committee examines and acts on ways for people with disabilities to move more comfortably and efficiently through the community.

At right, members of the Transportation and Mobility Committee helped organize a training for the City of Bloomington Engineering staff. Committee and staff members walked routes in Bloomington to give the engineers insight on how people who are blind and/or who use wheelchairs navigate city sidewalks.



The Council for Community Accessibility is sponsored by the City of Bloomington

The Council for Community Accessibility meets the last Monday of each month from 4:00-5:30 p.m. in Bloomington City Hall (and on Zoom). All are welcome.

 CouncilforCommunityAccessibility

Web: bloomington.in.gov/cca

To receive the CCA newsletter or for other inquiries, e-mail cca@bloomington.in.gov or (812) 349-3471.

Community and Family Resources Department

401 N. Morton Street, Suite 260

Bloomington, IN 47404



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: March 1, 2024

Re: Ordinance 2024-02 - To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: Lower Cascades Park (Bloomington Historic Preservation Commission, Petitioner)

Synopsis

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to designate Lower Cascades Park as a historic district. The Bloomington Historic Preservation Commission, after a public hearing February 23, 2024, recommended that the park be designated historic with a rating as “Contributing.” This rating was based upon certain historic and architectural criteria set forth in BMC 8.08.010(e) entitled “Historic District Criteria.” Local designation will provide the protection needed to ensure that this property is preserved.

Relevant Materials

- Ordinance 2024-02
- Map of proposed historic district
- Staff Report from Bloomington Historic Preservation Commission

Summary

Ordinance 2024-02 would add “Lower Cascades Park” as a historic district under [Title 8](#) of the Bloomington Municipal Code (entitled “Historic Preservation and Protection”). The provisions of Title 8 are enabled by state law under [Indiana Code 36-7-11](#) (and following provisions) and are intended to:

- protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the City or serve as visible reminders of our historic heritage;
- ensure the harmonious and orderly growth and development of the City;
- maintain established residential neighborhoods in danger of having their distinctiveness destroyed;
- enhance property values and attract new residents; and
- ensure the viability of the traditional downtown area and to enhance tourism.

The [Historic Preservation Commission](#) (“HPC”) is authorized to make recommendations to the Council regarding the establishment of historic districts either on its own accord or by petition of the property owner. In this case, the HPC acted on its own to recommend that Lower Cascades Park be designated as a historic district due to it meeting at least three of



the criteria required by [Bloomington Municipal Code 08.08.010\(e\)](#) for the creation of a historic district.

In order to create a historic district, the HPC prepares a map describing the district, which may divide the district into primary and secondary areas. The HPC report also designates all buildings and structures within the proposed district as either historic or non-historic. Historic buildings and structures are then further classified as either Outstanding, Notable, or Contributing. Under [BMC 8.02.020](#), the definitions of the ratings are as follows:

- “Outstanding” means that the property has sufficient historic or architectural significance that it is already listed, or is eligible for individual listing, in the National Register of Historic Places. Outstanding resources can be of local, state, or national importance.
- “Notable” means that the property does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register.
- “Contributing” means the property is at least forty years old, but does not meet the criteria for an “Outstanding” or “Notable” rating. Such resources are important to the density or continuity of the area’s historic fabric. Contributing structures can be listed on the National Register only as part of an historic district.
- “Non-contributing” property is not included in an inventory unless it is located within the boundaries of an historic district. Such properties may be less than fifty years old, or they may be older structures that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for the National Register.

The HPC staff report attached to the ordinance lists 10 contributing buildings/structures and three non-contributing (non-historic) buildings/structures.

Under [BMC 08.08.020](#), once an area is designated as a historic district, a certificate of appropriateness must be issued by the HPC prior to the issuance of a permit for, or prior to work beginning on, any of the following within all areas of the historic district:

- The demolition of any building;
- The moving of any building;
- A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance, or
- Any new construction of a principal building or accessory building or structure subject to view from a public way.



City of Bloomington Indiana

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

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

The HPC promulgates [rules and procedures](#) for reviewing changes to properties within historic districts. Those reviews occur in the context of either granting or denying Certificates of Appropriateness for the proposed changes which, in some instances may be done by staff and other instances must be done by the Commission. Unless the property owner agrees to an extension, the action on the Certificate of Appropriateness must be taken with 30 days of submittal of the application.

According to the BMC, in order to bring forward a historic designation, the HPC must hold a public hearing and submit a map and staff report to the Council. The map identifies the district and classifies properties, and the Report explains these actions in terms of the historic and architectural criteria set forth in the ordinance (see also [BMC 08.08.010\(e\)](#)). These criteria provide the grounds for the designation.

In summary, [Ordinance 2024-02](#):

- Approves the map and establishes the district, which provides the basis for the designation;
- Attaches the map and the report as part of the legislation;
- Describes the district and classifies the properties;
- Inserts the newly-established district into the List of Historic and Conservation Districts contained within BMC 8.20.

Contacts

Noah Sandweiss, Historic Preservation Program Manager, (812) 349-3420,
noah.sandweiss@bloomington.in.gov

Anna Killion Hanson, Interim Director, Housing and Neighborhood Development, (812) 349-3420, anna.killionhanson@bloomington.in.gov

ORDINANCE 2024-02

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED
“HISTORIC PRESERVATION AND PROTECTION”
TO ESTABLISH A HISTORIC DISTRICT – Re: LOWER CASCADES PARK
(Bloomington Historic Preservation Commission, Petitioner)**

WHEREAS, the Common Council adopted Ordinance 95-20, which created a Historic Preservation Commission (“Commission”) and established procedures for designating historic districts in the City of Bloomington; and

WHEREAS, on February 23rd, 2024, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of Lower Cascades Park; and

WHEREAS, at the same hearing, the Commission found that the site has historic and architectural significance that merits the protection of the property as a historic district; and

WHEREAS, at the same hearing, the Commission approved a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and

WHEREAS, at the same hearing, the Commission voted to submit the map and report which recommend local historic designation of said properties to the Common Council;

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

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map and report submitted by the Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection.

The historic district is further described as:

Parcels 53-05-28-200-042.000-005 excluding the Upper Cascades Skate Park, 53-05-28-200-016.000-005, 53-05-28-200-019.000-005, 53-05-21-300-017.000-005, 53-05-21-300-007.000-005, 53-05-21-300-004.000-005, 53-05-21-300-008.000-005, 53-05-21-200-001.000-005 west of N Walnut St, 53-05-21-300-010.000-005, and 53-05-21-200-006.000-005 excluding parts of the Upper Cascades Golf Course in the City of Bloomington, Monroe County, Indiana.

SECTION 2. The property at “Lower Cascades Park” shall be classified as “Contributing”.

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic and Conservation Districts,” is hereby amended to insert “Lower Cascades Park” and such entry shall read as follows:

Lower Cascades Park 2851 North Old State Road 37

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

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

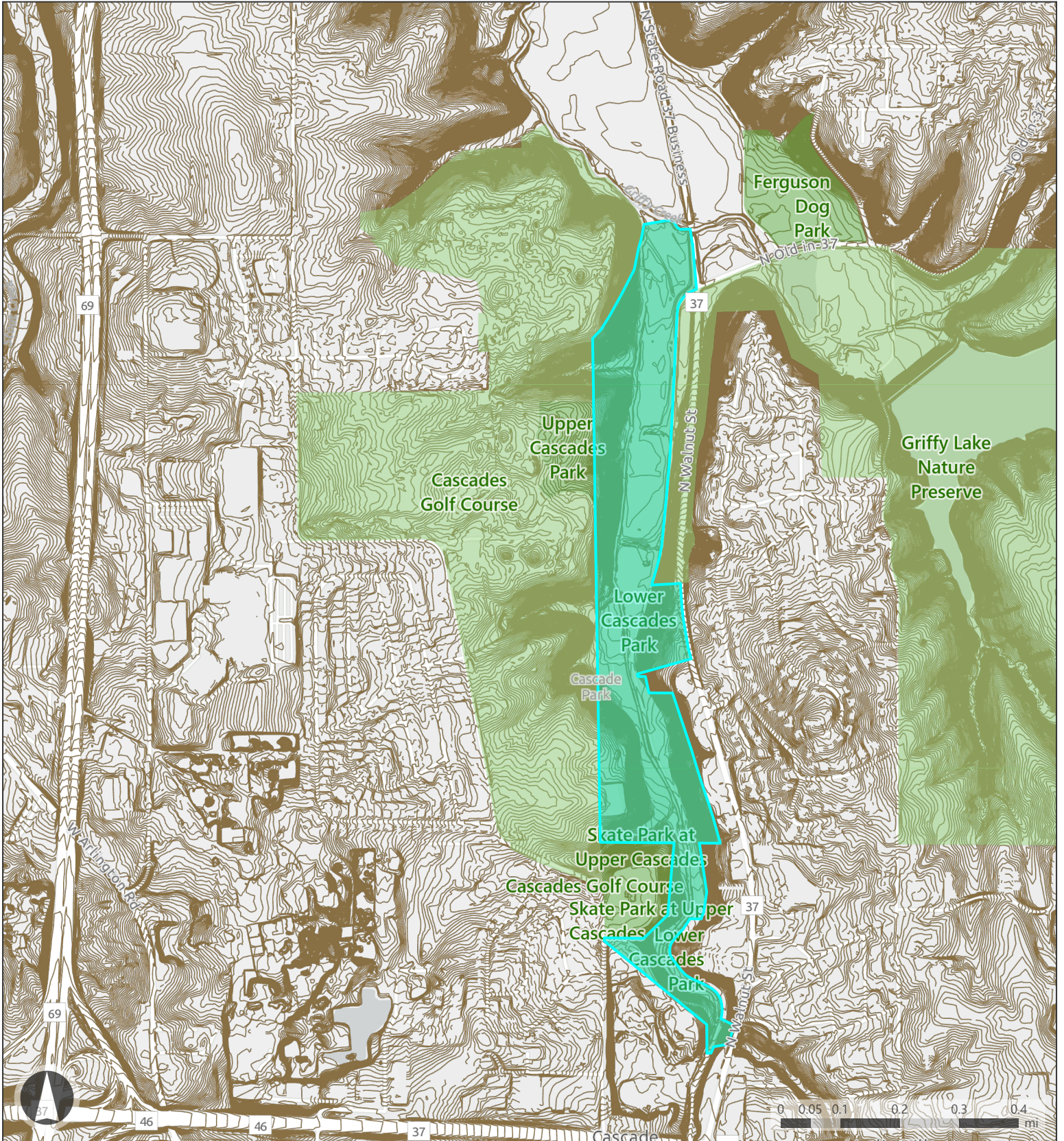
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

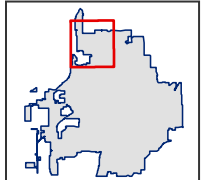
SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to designate Lower Cascades Park as a historic district. The Bloomington Historic Preservation Commission, after a public hearing February 23, 2024, recommended that the park be designated historic with a rating as “Contributing.” This rating was based upon certain historic and architectural criteria set forth in BMC 8.08.010(e) entitled “Historic District Criteria.” Local designation will provide the protection needed to ensure that this property is preserved.



Map Legend

- Park Boundary
- Other Park Properties
- Contours 2005



HD 23-01 LOWER CASCADES PARK HISTORIC DISTRICT

Staff Report

Bloomington Historic Preservation Commission

The property, located at the stream bottomland bound by and surrounding old State Road 37 to the east and the steep slopes to the west, qualifies for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code 1(a)(c), 2(g)

- 1) Historic:
 - a) **Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or**
 - b) Is the site of an historic event; or
 - c) **Exemplifies the cultural, political, economic, social, or historic heritage of the community.**
- 2) Architectural:
 - a) Embodies distinguishing characteristics of an architectural or engineering type; or
 - b) Is the work of a designer whose individual work has significantly influenced the development of the community; or
 - c) Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
 - d) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
 - e) Contains any architectural style, detail, or other element in danger of being lost; or
 - f) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of the city; or
 - g) **Exemplifies the built environment in an era of history characterized by a distinctive architectural style**

Case Background

The Lower Cascades Park (the Park) is one of three distinct geographical areas within the Cascades Park along with the Upper Cascades Park and the golf courses, in the northern region of Bloomington. The Park is located at the bottom of a valley, along the Cascades Creek and Old State Road 37, bounded to the north by Griffy Creek, and by a steep rise in the land to the east and west.

“The district’s hydrology centers on Cascades Creek which is located in the bottomlands. The stream flows north and drains into Griffy Creek approximately a half-mile north of the district. The stretches of Cascades Creek that are within the district have been channelized and its bottom is primarily bedrock. The creek’s minor tributaries drain the uplands and valley slopes, and cut to the bedrock resulting in outcroppings and small waterfalls (NRHP 2021).”

The HALS Survey describes the geology of the Cascades Park as follows. “The geological history of the Cascades Park Historic District created the natural and scenic landscape features that became an early twentieth century recreational attraction for Bloomington residents. The district is located in the unglaciated Highland Rim Natural Region that is characterized by karst topography, cliffs, and rugged hills. The park’s landscape is representative of the Mitchell Karst Plain Section of this region that is further characterized by level upland, steep slopes, and stream bottomland. Oak, hickory, and sugar maple are the dominant tree species, and ash would have historically been prevalent (HALS 2021, 4).”

The Cascades Park contains three large shelters built by the Works Progress Administration (WPA) during the 1930s. Two of these shelters, Sycamore and Waterfall Shelter are located within the proposed district area. The Lion’s Den Shelter, although designed as part of the same master plan, is located in the Upper Cascades, falling outside of the proposed district.

In addition to the shelters, the Park also contains a WPA era retaining wall on the stream embankment, 24 picnic tables, a well house, a concrete ford, various bridges, a campfire, and three wishing well fountains. Most of the structures were built using rusticated limestone ashlar (NRHP 2021).

The following is an extract from the Historic American Landscapes Survey (HALS) performed in 2021 which describes these resources in more detail. “Landscape features, especially uplands and bottomlands, divide Cascades Park Historic District into two distinct sections: Upper Cascades and Lower Cascades. Both sections contain Works Progress Administration (WPA) constructed resources: stream retaining walls, shelters, a well pump house, picnic tables, a fire ring, and wishing well drinking fountains. The WPA resources are primarily constructed with rusticated limestone ashlar (e.g., blocks) laid in a common bond. The use of limestone is representative of the Administration’s integration of regional materials into its projects. WPA constructed wishing wells and picnic tables are located in both the upper and lower sections of the park. The wishing wells are drinking fountains constructed of a circular limestone block base with two limestone block pillars that support a timber roof. The circular base contains a shallow concrete basin with a drinking fountain and a drain. A horizontal

timber threads through the upper portion of each pillar and supports a gable roof. There are three wells in the park: near the Lion's Club Shelter, near Sycamore Shelter, and along the trail between Waterfall Shelter and the concrete highway bridge. There are several types of WPA constructed picnic tables. Generally, the tables are constructed with a rectangular (approximately 3 x 10 feet), horizontal, smooth, single limestone slab tabletop supported by three limestone block pillars. The tabletop has rounded corners. The tables have between one and four benches (some benches are missing and some have been moved to accommodate wheelchairs). The benches are constructed of a horizontal, smooth limestone block with rusticated ends (approximately 1 x 4 feet) supported by pillars of limestone blocks. The benches on the long sides of the tables are composed of two limestone slab sections on three pillars. The end benches are comprised of a single limestone slab on two pillars (HALS 2021)."

Historic surveys rating and designations:

The Lower Cascades is currently going through the nomination process to be included in the National Register of Historic Places as part of a larger district that also includes the golf courses and the Upper Cascades.

The following ratings are based on the HALS survey and the National Register of Historic Places Nomination prepared by Christopher Baas and J.P. Hall for the Parks and Recreation Department in 2021.

Contributing:

- Monroe County Bridge # 413, 1926.
- 4 Metal/Concrete Pedestrian Bridges, c. 1960's.
- 24 limestone picnic tables, WPA Rustic, c.1936.
- Wishing Well Drinking Fountain, WPA Rustic, 1936.
- Waterfall Shelter, WPA Rustic, 1936.
- Well House, WPA Rustic, 1936.
- Limestone Benches, WPA Rustic, c. 1936. Contributing. (structure)
- Concrete Pedestrian Bridge, c. 1935, Contributing. (structure)
- Sycamore Shelter (Previously the Cascade Park Bath House), WPA Rustic, 1938
- The Slide (Cascades Creek ford), concrete, date unknown

Non-Contributing:

- Pedestrian Bridge, 2000s.
- Playground (southeast of the Sycamore Shelter and west of the Cascades Creek), c. 1980s.
- Playground, modern east of Cascades Creek and Old State Road 37. 2006.

1(a) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or

The Lower Cascades Park is part of a national movement towards the preservation of natural resources and enjoyment of outdoor spaces that was popularized in the early 20th century. Frederick Law Olmsted designed and popularized public parks and their use for a myriad of recreational uses throughout the United States including Central Park in New York City during the 19th Century. The National Park Service was instituted in 1916. The state park movement was on the tail of the national park efforts. Indiana's first state park was founded just up the road at McCormick's Creek in 1916. The Bloomington City Council created a local parks board in 1921, just five years later. The natural geographic beauty of the area led to the creation of the Cascades Park by the City of Bloomington in 1924. James Coffman wrote in his thesis titled *Cascades Park : a preservation and recreation development plan, Bloomington, Indiana* "The original intent was to preserve a naturally beautiful site."

In 1916, the road that runs through the Lower Cascades into Bloomington known as "North Pike" became a part of the "Dixie Highway", an interconnected road system that was promoted as a leisure travel alternative from Chicago to Florida in a national road trip campaign. A 1839 map featuring the Post Roads used by the United States Postal Service and prepared by David H. Burr, labels the north south road in Monroe County as a "4 Horse Mail Post Coach Road" (Burr 2021, 14).

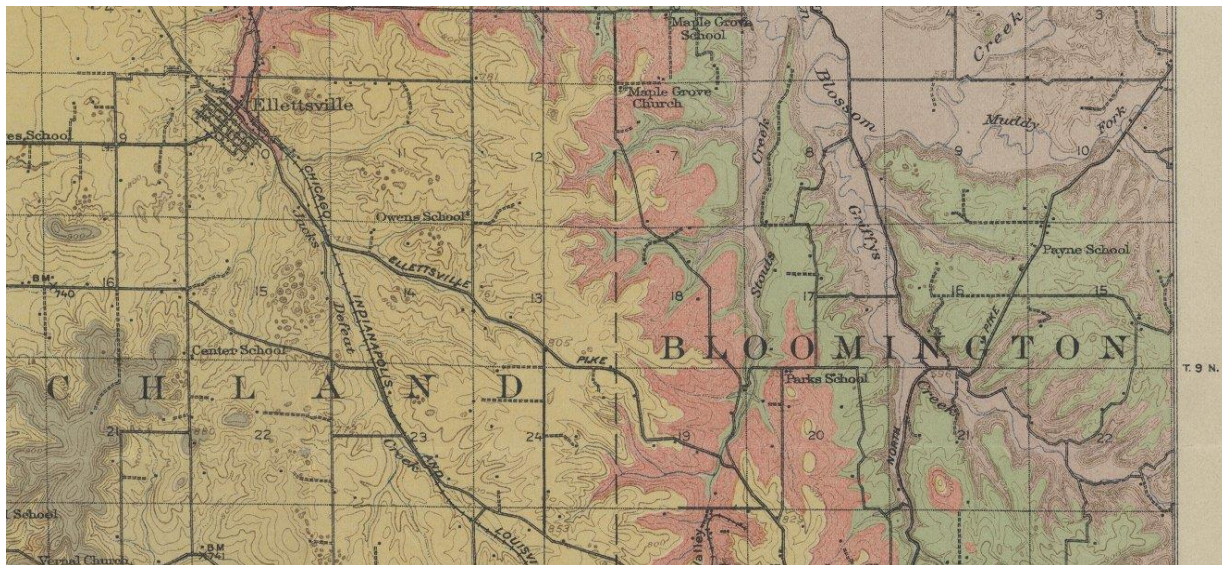


Image 1: “North Pike” Topographic map. 1914. (Courtesy, Wells Library Map Collections, Indiana University, Bloomington, Indiana)

North Pike connected Bloomington to Indianapolis (Image The “highway” consisted of a map that highlighted a map with stops along the way. Thomas Taggart, owner of the French Lick Springs Hotel, led a fierce campaign to have the proposed touristic highway diverted from Columbus to Bloomington so that his own hotel could be included. The historic highway was eventually replaced by multi lane highways as the preferred method of interstate travel and the term “Dixie” has gone out of favor throughout the United States due to its association with the confederacy. In 1927 the road was renamed State Road 37 when Indiana instituted a road numbering system.

1(c) Exemplifies the cultural, political, economic, social, or historic heritage of the community.

The Lower Cascades Park has been maintained by the City of Bloomington and enjoyed by both its residents and visitors alike for almost 100 years. During this time countless memories, picnics, races, and peaceful days have been enjoyed by community members. The history of the Cascades Park has been documented in different articles, documentaries, and even a masters thesis in 1984. In 1997 *BRI News* published an article providing information on the history of the Cascades Park stating that “In 1921, however, the owners of the stone and gravel quarry at the southern edge of the cascades planned to expand it northward, along the highway and creek bed. In response, the city’s first park board was established and chartered to protect the “beauty spot of the southern part of the state (BRI 1997, 1).”

The landscape has been maintained in its majority with minimal intervention, except to ensure its continual care. There have been changes over time. The park expanded through land purchases in the 1920’s and 1930’s. For a time there was a pool and tennis court, which were first leased and then purchased from then neighboring property to the north (1997, 2). The pool and court were eventually closed. More recently playgrounds have been installed in the last few years as well as a large bank stabilization project that was done to the Griffy Creek, replacing some of the original WPA stone retaining walls with a stepped system. The WPA structures and other landscape features such as benches, tables, and bridges remain mostly intact.



Image 2: Assortment of photos from a family trip to the Cascades Park dated to October 5, 1925. Courtesy of the Monroe County History Center

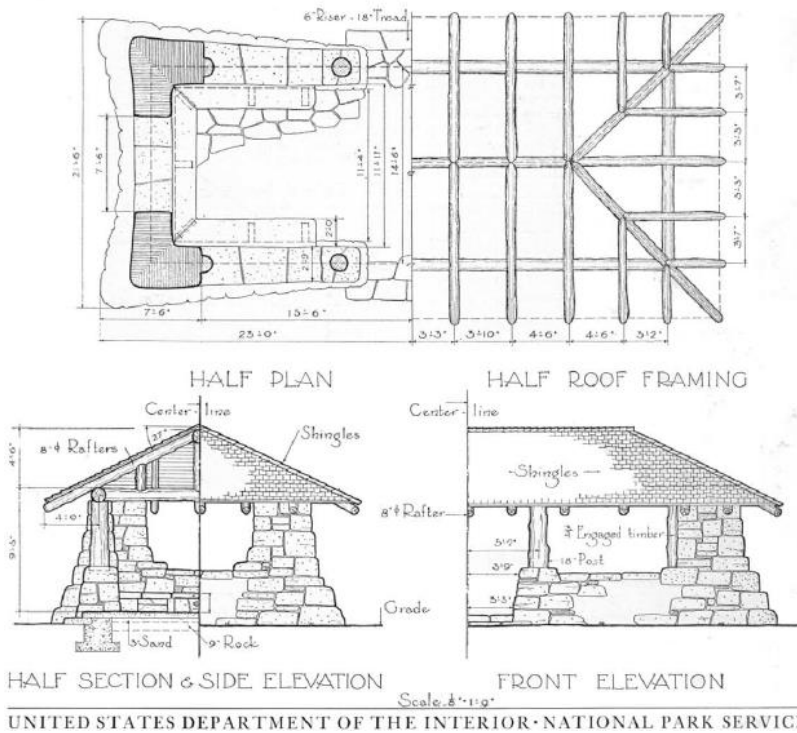
2(g) Exemplifies the built environment in an era of history characterized by a distinctive architectural style

The WPA structures including the two shelters, picnic tables, and wishing wells were built during the 1930's as part of the federal initiatives to alleviate the economic hardships affecting the entire population during the Great Depression. The City of Bloomington qualified for funds due to the economic impact felt directly by the quarries and other industries. Funds were requested for different initiatives throughout Bloomington but a sizable portion was allocated to the construction of various structures in both the Upper and Lower Cascades including the two main roofed activity structures, picnic tables, and wishing wells, amongst others.

The designs were based on the National Parks Service Rustic designs, sometimes known as "Parkitecture". This design typology emphasizes use of localized materials, and designs fitting an open aired, natural aesthetic that begins to blend into the landscape.

Shelter - Turner Falls State Park - Oklahoma

This carpenter critic may well skip this subject unless he would merely pause for breath. The free-hand lines of the shingle courses, doubled every fourth or fifth course for scale and accent, the well-sealed pole rather ends, the rugged informality and textural quality of the stone work, the pattern of the wall - all combine to the success of this structure.



UNITED STATES DEPARTMENT OF THE INTERIOR · NATIONAL PARK SERVICE

Image 3: National Parks Service shelter template (NPS Website)

Each design feature was created to facilitate passive recreation, mainly consisting of picnics and gatherings along with interaction with the natural features such as the cascades and creek.

Recommendation: Approvals

Staff recommends approval for the nomination of the Lower Cascades to be designated as a local historic district based on both its the Historic(a)(c) and architectural(g) merits as it has significant character, interest, and value as part of the development, heritage, or cultural characteristics of the city, exemplifies the cultural, political, social, and historic heritage of the community, and exemplifies the built environment in an era of history characterized by a distinctive architectural style.

The Lower Cascades has provided the community of Bloomington and beyond with a unique natural, cultural, and social space for over a century. The Lower Cascades will celebrate its hundredth anniversary as an officially recognized park in 2024. The combination of highly intact WPA structures built in the 1930's, its history as part of an early touristic interstate highway, and its unique natural features would each on its own be more than enough to qualify the site for designation.

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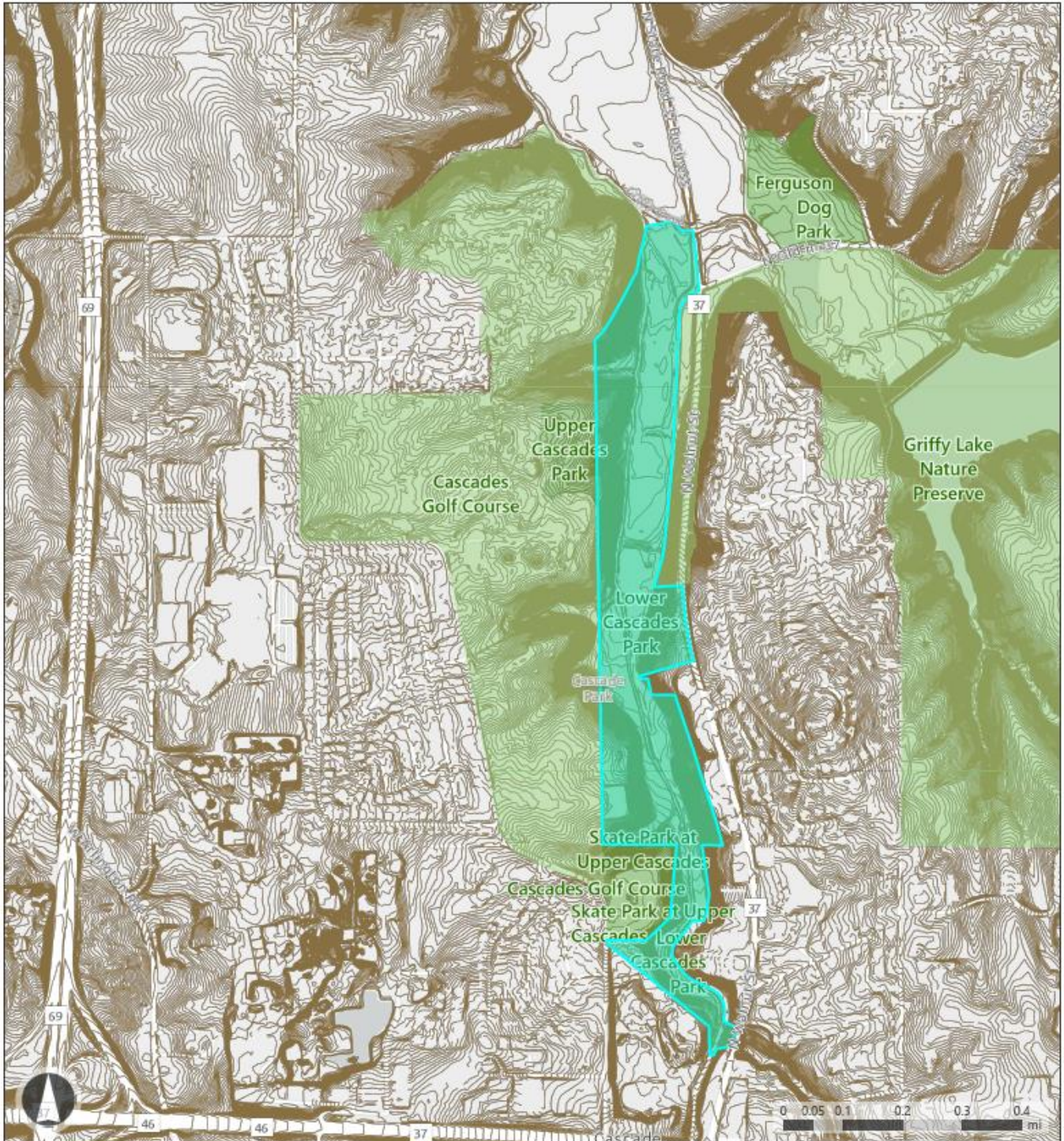
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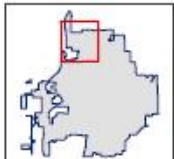
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Map Legend

- Park Boundary
- Other Park Properties
- Contours 2005



Photographs from the National Register of Historic Places Nomination taken by Chris Bass on May 26, 2021



Image 4: Waterfall Cascades (Sycamore) Shelter House, looking southwest.



Image 5: Sycamore Shelter



Image 6: Well House, looking southwest.



Image 7: Limestone bench southeast of the Sycamore Shelter, looking east.



Image 8: Concrete Pedestrian Bridge, looking southwest



Image 9: Stone Picnic Tables



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: March 22, 2024

Re: [Resolution 2024-06](#) - Requesting the Food and Beverage Tax Advisory Commission to Make a Recommendation for Expenditure of Food and Beverage Tax Revenues

Synopsis

This resolution is a request from the Common Council for the Food and Beverage Tax Advisory Commission to recommend expenditures of food and beverage tax revenues toward a 2024 budget for the Capital Improvement Board.

Relevant Materials

- [Resolution 2024-06](#)
- Exhibit A – Proposed 2024 Capital Improvement Board Budget and Memo
- City of Bloomington Food and Beverage Funds Plan for 2024

Summary

In 2017, through [Resolution 17-38](#), the Bloomington Common Council supported the passage of a county-wide food and beverage tax to fund expansion of the Monroe County Convention Center. Shortly thereafter, the Monroe County Council adopted an ordinance imposing a food and beverage tax, which has been collected since that time. The tax is authorized by state law ([Indiana Code 6-9-41](#)) and may be used only to finance, refinance, construct, operate, or maintain a convention center, a conference center, or related tourism or economic development projects (I.C. 6-9-41-15(a)).

Under state law (I.C. 6-9-41-15(b)), the city is required to develop a written plan before December 1 each year and submit that plan to the state with the following information:

1. Proposed use of food and beverage tax funds for the upcoming calendar year;
2. Detailed use of funds in the current and prior calendar years; and
3. Fund balance as of January 1 of the current calendar year.

A written plan (included in this packet) was submitted by the city in 2023. The plan stated that in 2024 the city anticipated using food and beverage tax revenues for (among other things) the following purposes:

1. To pay the expenses associated with creating a nonprofit building corporation to issue debt in support of design and construction of the Convention Center expansion.



City of Bloomington Indiana

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

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

2. Under an appropriate agreement with the CIB [Monroe County Capital Improvement Board of Managers,], to pay the CIB’s personnel and administrative expenses during the design and construction phase of the expansion project, including the hiring of counsel and a controller.

State law (I.C. 6-9-41-15(c)) requires that the city spend its food and beverage tax receipts according to this written plan. If the county and the city fail to spend money from their respective food and beverage tax receipts funds in accordance with these written plans before July 1, 2025, the ordinance establishing the food and beverage tax becomes void and no new revenue would be collected. (I.C. 6-9-41-15.5)

Under an interlocal cooperation agreement with the county (recently approved via [Resolution 2024-02](#)), the CIB has authority to determine its budget solely with the Common Council, using city food and beverage tax revenues or any other city-designated funds needed to pay for the hiring/retention of relevant support staff.

The CIB has submitted a 2024 budget request for the Council’s consideration. However, state law (I.C. 6-9-41-16(b)) also requires the Common Council, as legislative body of the City, to “request the advisory commission's recommendations concerning the expenditure of any food and beverage tax funds”. This resolution would make such a request for a recommendation from the [Food and Beverage Tax Advisory Commission](#) (FABTAC). After the FABTAC is able to meet and provide a recommendation, the Council will be asked to approve of the CIB budget through an additional resolution.

Contact

Margie Rice, Corporation Counsel, margie.rice@bloomington.in.gov, (812) 349-3426

James Witlatch, Bunger & Robertson, Attorney for CIB, jwhit@lawbr.com, (812) 332-9295

RESOLUTION 2024-06

REQUESTING THE FOOD AND BEVERAGE TAX ADVISORY COMMISSION TO MAKE A RECOMMENDATION FOR EXPENDITURE OF FOOD AND BEVERAGE TAX REVENUES

- WHEREAS, the City of Bloomington (“City”) and Monroe County (“County”) are collaborating on a project to expand the Monroe County Convention Center (the “Project”); and
- WHEREAS, a Capital Improvement Board (“CIB”) was established in July 2023 by the County through adoption of County Commissioner Ordinance 2023-24 for the purpose of managing and directing the affairs of the Project; and
- WHEREAS, the City and the County have since executed an Interlocal Cooperation Agreement (“Agreement”) for the operation of the CIB and the Convention and Visitors Commission; and
- WHEREAS, in the Agreement, the City and County agreed that, during the Project design and construction period, the CIB has authority to determine its budget solely with the Common Council, using City food and beverage tax revenues or any other city-designated funds needed to pay for the hiring/retention of relevant support staff; and
- WHEREAS, the 2024 Civil City adopted budget included an appropriation of \$250,000 from the Food and Beverage Tax City Fund (#152); and
- WHEREAS, Indiana Code § 6-9-41-15 requires that the City develop a written plan before December 1 of each year that includes, among other things, the proposed use of food and beverage tax funds for the upcoming calendar year; and
- WHEREAS, in November 2023, the City’s Controller and Corporation Counsel submitted a written plan to the Indiana State Board of Accounts, which stated that the City anticipated using food and beverage tax funds in 2024 to:
1. To pay the expenses associated with creating a nonprofit building corporation to issue debt in support of design and construction of the Convention Center expansion.
 2. Under an appropriate agreement with the CIB, to pay the CIB’s personnel and administrative expenses during the design and construction phase of the expansion project, including the hiring of counsel and a controller; and
- WHEREAS, according to Indiana Code § 6-9-41-15, “money deposited in the city food and beverage tax receipts fund may be used only to finance, construct, operate, or maintain a convention center, a conference center, or related tourism or economic development projects;” and
- WHEREAS, according to Indiana Code § 6-9-41-16(b), the Common Council, as legislative body of the City, “must request the advisory commission's recommendations concerning the expenditure of any food and beverage tax funds”; and
- WHEREAS the CIB has submitted a proposed 2024 budget, attached hereto as Exhibit A, for the Common Council’s review and approval;

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

SECTION 1. The Common Council, under Indiana Code § 6-9-41-16(b), hereby requests the Food and Beverage Tax Advisory Commission to consider and adopt written recommendations regarding the CIB’s proposed 2024 budget to be funded from the City’s portion of food and beverage tax revenues.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This resolution is a request from the Common Council for the Food and Beverage Tax Advisory Commission to recommend expenditures of food and beverage tax revenues toward a 2024 budget for the Capital Improvement Board.

Monroe County Capital Improvement Board

2024 BUDGET MEMORANDUM

March 1, 2024

Revised March 14, 2024

To: Members of the City of Bloomington Common Council
From: John Whikehart, President
Eric Spoonmore, Treasurer
Jeffrey Underwood, Controller/Assistant Treasurer

Re: 2024 Budget

We would like to first thank you and Mayor Thomson for all your hard work and approval of the interlocal agreement. The completion of that agreement allows the Board to continue the process for the expansion of the convention center.

As the next step in that process, we are submitting our proposed 2024 budget for the Council's review and approval. This proposal aligns with the \$250,000 that the Council appropriated as a part of the City's overall 2024 budget. Once approved, this will allow the Board to provide for internal staff support, operating expenses and outside professional assistance related to next steps leading up to the design and construction of an expanded Convention Center.

Much of this request is contained in Category 3 – Services:

Professional Services-Internal includes services that would be provided by the Board's Attorney, Controller and other support as may be necessary.

Professional Services-External includes services such as Owner's Representative, Construction Manager, and other professional services including possible update, if necessary, of the market analysis.

"Other" includes services such as, but not limited to, design and maintenance of Website.

As we move forward in this process additional funds and an updated budget may be necessary for the Council's review, approval, and appropriation. We look forward to the opportunity to present this proposed budget and appreciate your deliberations of this request.

Exhibit A

Monroe County Capital Improvement Board
2024

Category 1 - Personnel Services		0
Category 2 - Supplies		1,000
Category 3 - Services		249,000
	Professional Fees-Internal	130,000
	Professional Fees - External	50,000
	Architectural & Design Fees	50,000
	Insurance	15,000
	Other	4,000
Category 4 - Capital		<u>0</u>
Total		<u><u>250,000</u></u>

City of Bloomington Food & Beverage Funds Plan for 2024

This submission constitutes the City of Bloomington's written plan required by Ind. Code 6-9-41-15(b), regarding the use of the City's portion of Food & Beverage tax revenue ("F&B funds") to "finance, refinance, construct, operate, or maintain a convention center, a conference center, or related tourism or economic development projects."

Background

On December 12, 2017, exercising authority granted to it by the Indiana General Assembly under Indiana Code 6-9-41 et seq., the Monroe County Council passed Ordinance 2017-51, An Ordinance Adopting a Food and Beverage Tax in Monroe County.

Ordinance 2017-51 provides that a one percent (1%) tax will be imposed on gross revenue of establishments selling prepared foods and beverages in the county, and that the revenue will be divided between the City and County based on where the tax is collected. In accordance with Ind. Code 6-9-41-12, the City created a Food and Beverage Tax City Fund, Number 152, into which City F&B funds are deposited.

Ordinance 2017-51 also established the Food and Beverage Tax Advisory Commission (FABTAC), in accordance with Ind. Code 6-9-41-16, to "coordinate and assist efforts of the County and City of Bloomington fiscal bodies regarding the utilization of food and beverage tax receipts...."

In 2018, the City and County entered into a Memorandum of Understanding to collaborate on a convention center expansion and related supporting infrastructure. The MOU focused on the initial project stage of selecting an architect to propose a design for the expansion, set up a jointly appointed steering committee to do the same, and among other things, allocated the City responsibility for contracting and paying for architect expenses.

In 2019, the FABTAC recommended and the City of Bloomington Common Council approved F&B fund appropriations for Phase 1 architecture and design services for the convention center expansion, and related bond counsel and financial adviser services.

In 2019, the City entered into three agreements with Schmidt Associates, an Architectural and Engineering Services firm, and its lead subconsultant, Convergence Design. The first agreement, executed February 22, 2019, authorized Phase 1 services related to the convention center expansion. These services consisted of conceptual and design work and related analyses, market demand analysis, and extensive community engagement, and were completed in fall 2019.

The second agreement, executed December 20, 2019, provided for Schmidt and Convergence to perform Phase 2 architecture and engineering design services for the design, bidding, plan review, and construction of the convention center expansion, with work to begin after a Capital

Improvement Board (CIB) is established and, “by mutual agreement of the City and Monroe County, is adequately staffed and prepared to begin operations.”

The third agreement, also executed on December 20, 2019, provided for similar Phase 2 architecture and engineering design services for a parking garage to support the expanded convention center.

The project was paused during the COVID-19 pandemic, and with the support of the FABTAC and the Common Council, the City established a “Rapid Response Loan Fund” to provide loans and/or grants to support local food and beverage and tourism-related enterprises and cultural organizations that were suffering financial hardship due to the pandemic and state-ordered shutdowns. This Fund’s purpose was to sustain the continued survival of local businesses and organizations that support tourism in the City and that are crucial to the viability of the convention center expansion.

As the pandemic subsided, the City and County resumed efforts to move the project forward.

On July 5, 2023, the Monroe County Commissioners issued Ordinance 23-20 establishing a Capital Improvement Board (CIB) with members chosen by the County and the City, to manage the design and construction of an expanded convention center and to manage its operations upon completion of construction.

The City and County have negotiated an interlocal agreement that provides for collaborative support of this effort and for the CIB and the Convention and Visitors Commission (CVC), which manages the Monroe County Innkeeper’s Tax funds used to maintain and operate the existing (and later, expanded) convention center.

The Mayor and the Common Council approved and signed this agreement on November 17. The agreement now awaits approval and signature by the Monroe County Council and Monroe County Commissioners.

Fund balance as of January 1, 2023

The balance of the City’s F&B fund as of January 1, 2023, was \$13,096,639.44. Since January 1, 2023, the City has received an additional \$3,410,127.74 in F&B funds and earned \$9,951.86 in interest, for a current total (as of October 31, 2023) of \$3,420,079.60.

Prior and current year use of F&B funds

To date, the FABTAC has approved and the Common Council has appropriated the following “not to exceed” amounts of City F&B funds for the uses described below:

2019: \$350,000.00 for Phase 1 costs for architecture and engineering services related to convention center expansion

\$200,000.00 for Phase 1 costs for bond counsel and financial adviser services related to convention center expansion

\$6,250,000.00 for Phase 2 costs for architecture and engineering services related to convention center expansion and a parking garage supporting convention center expansion (the City applied this as an NTE of \$4,115,000.00 for the convention center expansion and an NTE of \$1,485,000.00 for the parking garage)

2020: \$2,000,000.00 for the City's Rapid Response Loan Fund

The City has made the following actual expenditures of F&B funds since the establishment of the Food and Beverage tax:

2018: None

2019: \$26,828.92 (Phase 1 bond counsel services provided by Barnes & Thornburg)
\$28,000.00 (Phase 1 financial adviser services provided by O.W. Krohn & Associates LLP)
\$8,500.00 (survey related to Phase 1 architecture and engineering services, provided by Precision Point, Inc.)
\$208,565.55 (Phase 1 architecture and engineering services, provided by Schmidt Associates)

\$271,894.47 – total 2019 F&B funds expenditure

2020: \$1,416,600.00 (Rapid Relief Loans)
\$475.68 (Phase 1 bond counsel services/legal advice provided by Barnes & Thornburg)

\$1,417,075.68 – total 2020 F&B funds expenditure

2021: \$122,500.00 (Rapid Relief Loans)

\$122,500.00 – total 2021 F&B funds expenditure

2022: None

As indicated above, the City applied a total of \$1,539,100.00 in F&B funds to Rapid Response loans during 2020-21. As of November 28, 2023, loan recipients have repaid the City \$736,672.44 of those F&B funds, or 48% of the total. The City continues to work with loan recipients on repayments.

Proposed 2024 use of F&B funds

The City included a \$250,000 appropriation of F&B in its 2024 budget to support Convention Center expansion activities. The Common Council approved the City's budget, with this reservation of F&B funds for such activities, on October 11, 2023.

In 2024, the City anticipates using these F&B funds for the following purposes, in coordination with the FABTAC and Common Council:

1. To pay the expenses associated with creating a nonprofit building corporation to issue debt in support of design and construction of the Convention Center expansion.
2. Under an appropriate agreement with the CIB, to pay the CIB's personnel and administrative expenses during the design and construction phase of the expansion project, including the hiring of counsel and a controller.

Additionally, if the CIB wishes to acquire certain real property owned by the City's Redevelopment Commission for the convention center expansion, then depending on negotiations between the CIB and the RDC, some portion of City F&B funds may be used to help the CIB acquire that property.

Finally, and under an appropriate agreement with the CIB, the City anticipates drawing on already-appropriated funds to pay for Phase 2 architecture and engineering services as the project moves ahead.

If you have questions or require further information, please contact Jeffrey Underwood, City Controller, at underwoj@bloomington.in.gov, or Beth Cate, Corporation Counsel, at beth.cate@bloomington.in.gov.

MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Ash Kulak, Deputy Administrator / Deputy Attorney for Common Council

Date: March 22, 2024

Re: Resolution 2024-04 – A Resolution Opposing the LEAP Pipeline Water Diversion Project

Synopsis

This resolution is sponsored by Councilmember Ruff. It expresses the Common Council's opposition to the Indiana Economic Development Corporation's proposed Limitless Exploration / Advanced Pace Innovation District Project that would divert water from the Wabash River aquifer and/or Teays River aquifer, which may impact Hoosiers who rely on these aquifers for their water supply. This resolution also directs the City Clerk to send copies of the resolution to the Indiana General Assembly, Indiana Economic Development Corporation, the Indiana Finance Authority, the Indiana Secretary of Commerce, and Indiana Governor Eric Holcomb.

Update for March 27, 2024 Regular Session

This item was considered by the Council on March 6, 2024, at which time the Council postponed further consideration of this resolution until the next Regular Session. The matter now comes back to council for further consideration and possible vote.

Relevant Materials

- Resolution 2024-04
- Map of Counties Included in IFA Water Study
- Citizens Action Coalition Report: Proposed LEAP Project in Boone County Reveals Severe Deficiencies in Indiana's Water and Economic Development Policy

Summary

This resolution expresses opposition to the Indiana Economic Development Corporation (IEDC)'s proposed plans to divert water from several different areas within the Wabash River to Boone County for its creation of the LEAP District Project. It expresses the city's solidarity with the Hoosier communities that would be affected by diverting water from their primary water source, as Bloomington faced a similar proposed water diversion project proposed in 2006 that was ultimately not pursued.

In 2006, the Indianapolis Department of Waterworks authorized a private non-profit corporation, Aquavisions, to proceed with a feasibility study and financial review of a [proposal to build a 60-mile pipeline](#), capable of carrying 90 million gallons of water per day, from Lake Monroe to Indianapolis. Questions were raised by Monroe County, as well as then-Bloomington mayor Mark Kruzan, who developed a task force to study the [impact the proposed pipeline would have on Bloomington's water supply](#). The developer ultimately decided not to go through with the pipeline project when the then-governor [Mitch Daniels called the idea a "nonstarter."](#)

Now, the IEDC has proposed a large industrial development to be located just north of Lebanon in Boone County, in an area where [water quantity is too sparse to support such a large industrial development project](#). To ensure there will be enough water to support the industries the IEDC wants to attract to the area, it has already taken steps to initiate the creation of a water pipeline to divert water from the Wabash River into Boone County. Unlike in 2006, governor Eric Holcomb is supportive of the proposed diversion and has directed the [Indiana Finance Authority \(IFA\) to oversee a water supply study for the project](#).

Residents in affected communities along the Wabash River have [gathered to voice their opposition to this water diversion proposal](#), including a group formed by West Lafayette councilmember David Sanders called [Stop the Water Steal](#). Sanders has spoken to local news media about his opposition to the project, both as a city councilmember and founder of Stop the Water Steal.

The Citizens Action Coalition (CAC), a consumer and environmental advocacy organization, has also [chimed in](#), criticizing the IEDC's lack of transparency in this process, as well as the state's position on its use of water as a resource. The Executive Director of the CAC, Kerwin Olson, spoke to local news media about the CAC's opposition to the pipeline project.

Local news clips from community gatherings and stakeholder interviews are available at the following links:

- Community Expresses Concerns About LEAP Project: <https://www.youtube.com/watch?v=NW-a9c3x4m0>
- Councilmember Sanders Speaks Against LEAP Project: <https://www.youtube.com/watch?v=gkA55abAGVQ>
- CAC Executive Director Kerwin Olson Claims LEAP Project Threatens Indiana Water & Taxpayers: <https://www.youtube.com/watch?v=93epYAlgjH8>

After facing this pushback, [governor Holcomb has paused action on development](#) of the pipeline until the IFA study is complete. Governor Holcomb explains the purpose of the water study [in an interview with WLF New 18](#). The IFA has taken steps to [initiate the study](#) by engaging professional consultants, as well as releasing goals, an FAQ page, and a request for proposals.

Affected communities have also taken action by developing legislation in opposition to this project, including cities of Attica, Lafayette, West Lafayette, and Monticello, as well as the counties of Miami, Benton, and Tippecanoe. The Tippecanoe County Board of Commissioners went so far as to [pass an ordinance](#) placing a nine-month moratorium on the export of water from its borders. The moratorium was passed in an attempt to get the Indiana General Assembly to take action. WTHR [reported](#) on this action by Tippecanoe County in December 2023. West Lafayette was the first to propose a [resolution](#) in opposition to this project. West Lafayette Councilmember David Sanders spearheaded this initiative, bringing experts from Purdue to discuss ground water hydrogeology.

Contact

Councilmember Andy Ruff, ruffa@bloomington.in.gov, (812) 349-3409

Sources linked above

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Sarah Morin, "Pipeline Plan One of Many Regarding Indy Water Needs," *The Herald Times*, (July 23, 2006), <https://www.heraldtimesonline.com/story/news/2006/07/23/pipeline-plan-one-of-many-regarding-indy-water-needs/48244651/>.

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Bob Seagall, "Indiana Spends Millions on Proposed Pipeline Plan as State Agency Remains Silent and Hides Details," *WTHR*, (July 27, 2023), <https://www.wthr.com/article/news/investigations/13-investigates/indiana-spends-millions-lafayette-lebanon-pipeline-plan-wabash-river-boone-county/531-7537884e-3f88-418c-a539-5d944a3dba90>.

Noe Padilla, "Gov. Holcomb Announces Indiana Finance Authority Will Oversee Water Study Related to LEAP," *Journal & Courier*, (Nov. 13, 2023), <https://www.jconline.com/story/news/local/indiana/2023/11/13/holcomb-announces-indiana-finance-authority-will-oversee-water-study/71574404007/>.

"Stop the LEAP Pipeline," *Stop The Water Steal*, <https://stopthewatersteal.org/about>. See also, Marco Rivero Luna, "Stop the Water Steal Hosts First Meeting in Opposition to LEAP Project Pipeline," *The Purdue Exponent*, (Nov. 2, 2023), https://www.purdueexponent.org/city_state/article_0e1ef11e-79be-11ee-a421-8fc589406d02.html.

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Staff Reporters, "INTERVIEW: Governor Holcomb Discussing LEAP Project," *WLF1 News 18*, (Dec. 15, 2023), https://www.wlfi.com/news/local/interview-governor-holcomb-discussing-leap-project/article_acbee16e-9b86-11ee-bacf-f3f1ea22895c.html.

"North Central Indiana Water Study," *Indiana Finance Authority*, <https://www.in.gov/ifa/regional-water-studies/north-central-indiana-water-study/>.

Tippecanoe County Board of Commissioners Ordinance No. 2023-26-CM, <https://www.tippecanoe.in.gov/DocumentCenter/View/41920/ORD-2023-26-CM-High-Volume-Water-Export-and-Radial-Collector-Well-Moratorium>.

West Lafayette Common Council Resolution No. 22-2023 (Amended), <https://www.westlafayette.in.gov/home/showpublisheddocument/2023/638330623338430000>.

RESOLUTION 2024-04

A RESOLUTION OPPOSING THE LEAP PIPELINE WATER DIVERSION PROJECT

- WHEREAS, the Indiana Economic Development Corporation (the “IEDC”) has planned a “LEAP (Limitless Exploration/Advanced Pace) Innovation District” located on more than 9,000 acres in Boone County without ensuring sufficient water resources were available for the businesses and industries to be recruited for locating in the LEAP Innovation District; and
- WHEREAS, the IEDC commenced construction planning of a pipeline to divert as much as 100 million gallons of water per day from the Wabash River aquifer and/or the Teays River aquifer in Tippecanoe County, as well as possibly other surrounding counties, to the LEAP Innovation District, which could jeopardize the water supply for aquifer-reliant residents; and
- WHEREAS, on November 13, 2023, Indiana Governor Eric Holcomb directed the Indiana Finance Authority to oversee the completion and validation of a water supply study for the LEAP Project; and
- WHEREAS, several Indiana communities in this region have passed legislation in opposition to the construction of the pipeline and diversion of water from the Wabash River aquifer and/or Teays River aquifer to the LEAP Innovation District, including the cities of Monticello, Attica, Lafayette, and West Lafayette, as well as the counties of Miami, Benton, and Tippecanoe, with Tippecanoe County passing an ordinance placing a nine-month moratorium on the export of high volumes of water outside of the county; and
- WHEREAS, these communities are chiefly concerned with the potential for negative ecological and economic development consequences within their communities due to diverting water from their residents’ primary water source; and
- WHEREAS, members of the public within communities in the impacted region, as well as consumer and environmental advocacy organizations, have spoken out against the LEAP Project, criticizing the IEDC’s lack of transparency in initiating the project, the State’s position of using water as an economic development tool, and the significant costs of the Project that could burden taxpayers across the state of Indiana as well as reduced water affordability for residents whose water supply has been siphoned; and
- WHEREAS, in response to this opposition, in mid-December of 2023, Governor Holcomb paused action on the Project until the IFA water study is complete; and
- WHEREAS, the reallocation of fundamental resources, like water, in order to further economic development projects in one region of the state at the expense of another, is an unwise policy practice that should not be supported in this or any future instance; and
- WHEREAS, Monroe County faced a similar issue in 2006, in which a 60-mile water pipeline construction project was proposed, and ultimately not pursued, that would have diverted water from Lake Monroe to Indianapolis at a rate of 90 million gallons of water per day; and
- WHEREAS, by adopting this resolution, the Bloomington Common Council hereby expresses its opposition to the LEAP pipeline water diversion project and stands in support of Indiana cities and towns, counties, and rural and agricultural areas that would be impacted by the proposed diversion of millions of gallons of water from their primary water supply;

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

SECTION 1. The City of Bloomington hereby expresses its opposition to the construction of a pipeline and diversion of water from the Wabash River aquifer and/or the Teays River aquifer to the LEAP Innovation District in Boone County.

SECTION 2. The Clerk shall send a copy of this resolution, duly adopted, to the Indiana General Assembly, the Indiana Economic Development Corporation, the Indiana Finance Authority, the Indiana Secretary of Commerce, and Indiana Governor Eric Holcomb.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2024.

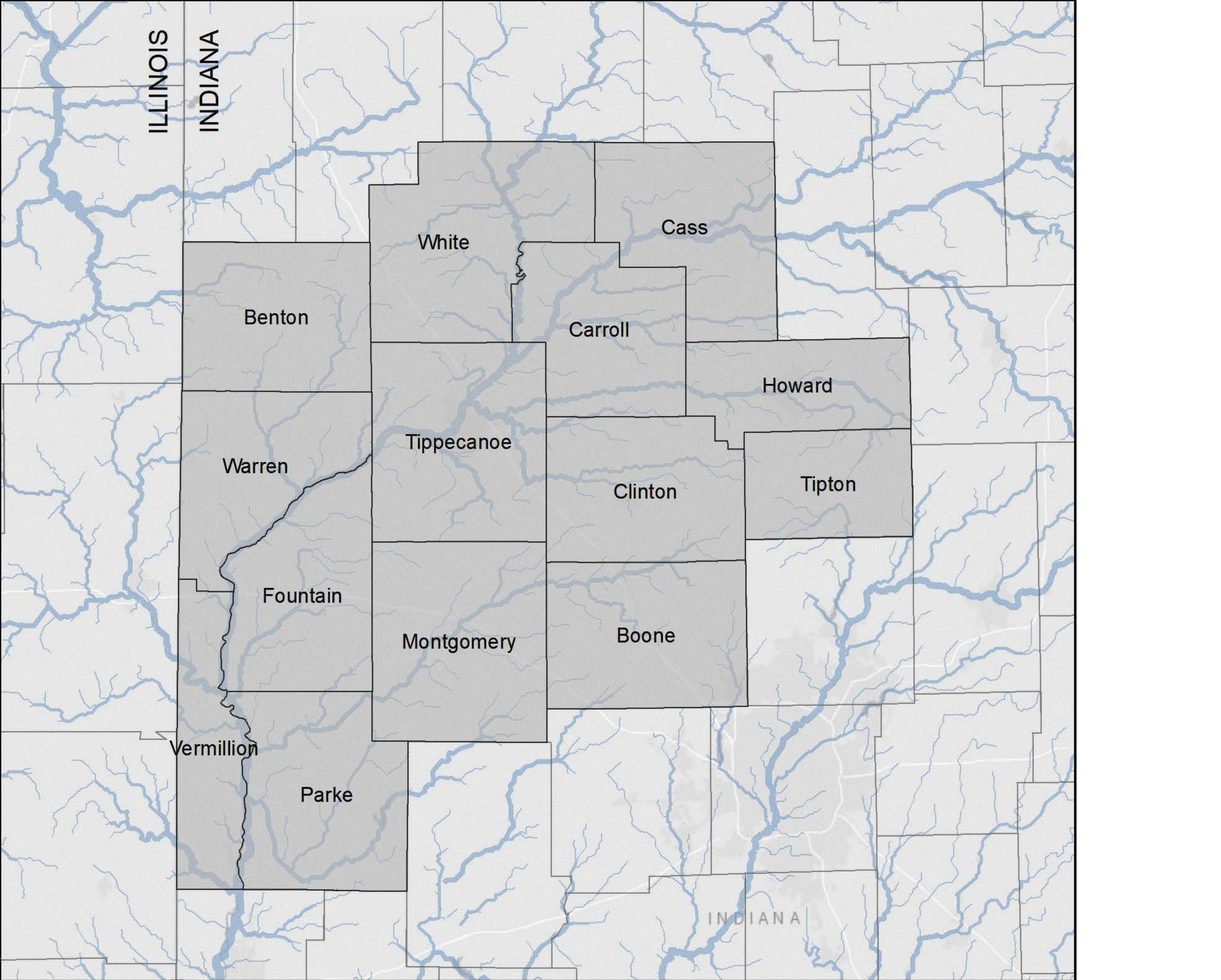
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmember Ruff. It expresses the Common Council's opposition to the Indiana Economic Development Corporation's proposed Limitless Exploration / Advanced Pace Innovation District Project that would divert water from the Wabash River aquifer and/or Teays River aquifer, which may impact Hoosiers who rely on these aquifers for their water supply. This resolution also directs the City Clerk to send copies of the resolution to the Indiana General Assembly, Indiana Economic Development Corporation, the Indiana Finance Authority, the Indiana Secretary of Commerce, and Indiana Governor Eric Holcomb.





REPORT:

Proposed LEAP Project in Boone County Reveals Severe Deficiencies in Indiana's Water and Economic Development Policy

December 2023

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Executive Summary

Public concern about the LEAP (Limitless Exploration/Advanced Pace) district adjacent to Lebanon in Boone County led CAC to investigate state water and economic development policy more thoroughly.

We find that:

- The shell-game with water to enable the LEAP district is fomenting public dissent and a water war, contrary to sound water policy.
- From a policy perspective, the state views water strictly as a tool for near-term, opportunistic economic development, not as a resource that requires strategic and systematic consideration to secure water availability for communities into the future and to ensure water bill affordability for ratepayers.
- The Indiana Economic Development Corporation (IEDC), essentially a privatized state agency with little to no accountability or transparency to policymakers or the public, must be reformed or abolished.
- The IEDC committed hundreds of millions of taxpayer dollars to land purchases, prior to ascertaining whether enough water resources would be available for the LEAP project.

The LEAP project and the Indiana Economic Development Corporation

The LEAP district is a 10,000-acre plot of productive farmland adjacent to Lebanon along Interstate 65 (I-65) that is to be converted into a massive industrial park. LEAP is perhaps the most expansive and expensive economic development project ever undertaken by the state.¹

The project is so water intensive that the current plan is to build two sets of pipeline infrastructure, as shown in Figure 1.

Figure 1. LEAP Pipeline Infrastructure

Pipeline Path	Est. Length	Purpose	Est. Cost (millions)
Lafayette to Lebanon	52 miles	Supply water to prospective microchip, data center, and other facilities	\$2,000
Indianapolis to Lebanon	50 miles	Supply water to Lebanon for purposes of supplying the Eli Lilly facilities	\$200 - \$400

But there are other issues that would add costs to local citizens and/or Central Indiana water and wastewater ratepayers as well as electric ratepayers that are explained below.

The LEAP project is sponsored and, up to this point, bankrolled by the Indiana Economic Development Corporation (IEDC) with taxpayer dollars. The IEDC, created by statute in 2005 under Governor Mitch Daniels, is essentially a privatized state agency that operates in secret, with little accountability or transparency, and no mechanism for public input. The IEDC has been shrouded in controversy since its inception due to its lack of transparency that is by legislative design.² The LEAP process demonstrates that the lack of transparency has continued and fomented public backlash against the project.

According to Citizens Water, “state officials” have been interested in economic development and concerned about “the lack of adequate water and groundwater resources along the I-65 corridor between Zionsville and Lafayette for some time.”³ Logistically, the LEAP district is desirable because it has access to a major interstate, it lies between the Research Park at Purdue University and the Indianapolis International Airport, and has access to plenty of land – that is, prime farmland.⁴ The Achilles heel for such large-scale development as envisioned by

¹ <https://www.wthr.com/article/news/investigations/13-investigates/indiana-spends-millions-lafayette-lebanon-pipeline-plan-wabash-river-boone-county/531-7537884e-3f88-418c-a539-5d944a3dba90>

² <https://www.wthr.com/article/news/local/inflated-numbers-secretive-contracts-surround-indiana-jobs/531-ab615819-dd36-45c8-9b40-be956bc7aca6> and <https://www.goodjobsfirst.org/wp-content/uploads/docs/pdf/scandalsnotjobs.pdf>

³ Verified Direct Testimony of Jeffrey A. Willman (June 29, 2023), https://iurc.portal.in.gov/entity/sharepointdocumentlocation/7a01165c-4117-ee11-8f6d-001dd8084f05/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=45896_CRW%20et%20al_Exhibit%204_Clean_Willman_062923.pdf

⁴ <https://lebanon.in.gov/2022/12/08/mayor-gentry-shares-benefits-of-leap-district/>

IEDC for LEAP is the scarcity of ample surface water (major rivers) or groundwater in Boone County.

IEDC seeks water-intensive industries for LEAP

What makes LEAP development even more difficult are the water-intensive industries IEDC hopes to locate at the site.

The only firm that has committed to locating new facilities at the LEAP district as of December 2023 is Eli Lilly, which is locating two new manufacturing facilities at the site. To supply water to the facilities, Lebanon and the IEDC entered into a memorandum of understanding in 2022 whereby the IEDC would pay Lebanon to set aside about 860,000 gallons of water per day⁵ (equivalent to 56% of Lebanon's "current water capacity").⁶ At the time, Lilly initially planned a \$2.1 billion facility⁷ - later expanded to a \$3.7 billion facility.⁸ A larger facility would arguably have a greater impact on Lebanon's water supply.

A microchip manufacturer – as is the norm, the name not disclosed by IEDC - is eyeing Indiana's LEAP development as well as another Midwestern state to site a \$50 billion facility.⁹ Microchip facilities consist of microchip fabricators or fabs. An example is Intel's 700-acre campus, consisting of 4 fabs, in Ocotillo, Arizona.¹⁰ Just 1 of those fabs uses about 10.2 million gallons per day. A \$50 billion facility would consist of 4 or 5 fabs, using up to nearly 41 to 51 million gallons per day. Another example of the water-intensity of microchip fabrication is Taiwan-based TSMC that plans up to 5 fabs in Phoenix, Arizona, which, according to media reports, would use an estimated 35 million gallons per day.

IEDC states it is also luring a data center to the site.¹¹ Large data centers can use 1 to 5 million gallons per day.¹²

⁵ <https://lebanon.in.gov/2022/11/07/water-plan-for-eli-lilly-approved-phase-2-of-annexation-map-shared/>

⁶ https://www.reporter.net/news/local_news/city-council-approves-water-capacity-for-eli-lilly/article_a6511f98-5700-11ed-894f-af9ae382e8ef.html The article states, "The IEDC wants the city to set aside 860,000 million gallons of water per day and the same capacity for wastewater discharge, according to a memorandum of understanding between the IEDC and Lebanon Utilities. That's about 56% of the city's current water capacity and 39% of its wastewater capacity..."

⁷ <https://lebanon.in.gov/2022/11/07/water-plan-for-eli-lilly-approved-phase-2-of-annexation-map-shared/>

⁸ <https://www.wthr.com/article/money/business/eli-lilly-ups-investment-2-new-lebanon-manufacturing-sites-to-37-billion-indiana-boone-county/531-926d5754-ed0b-440c-a372-252c95f1afcf>

⁹ <https://www.ibj.com/articles/indiana-one-of-two-states-competing-for-50b-semiconductor-plant>

¹⁰ <https://www.azcentral.com/story/money/business/tech/2021/09/24/intels-20-billion-arizona-chip-factories-break-ground-chandler/5836524001/#>

¹¹ <https://www.ibj.com/articles/indiana-one-of-two-states-competing-for-50b-semiconductor-plant>

¹² <https://www.washingtonpost.com/climate-environment//2023/04/25/data-centers-drought-water-use/#>

If each of these firms committed to the district and the LEAP microchip campus is similar to Intel's facility, the amount of water they would use on a daily basis could be as much as 47 to nearly 56 million gallons per day, equivalent to the average water use of nearly 737,000 Hoosier residents.¹³ This does not include water required for new housing that is in-process.

And this voluminous amount of water is only the beginning for IEDC. The agency plans more development at LEAP that would eventually require 100 million gallons per day, equivalent to the average water use of about 1.3 million Hoosier residents.¹⁴ For comparison, the City of Lafayette withdraws between 10 to 17 million gallons per day.¹⁵

Water: The Achilles heel of the LEAP project

But where will IEDC get the water? IEDC recently disclosed to the public that it has settled on groundwater located approximately 35 miles away along the Wabash River, near Lafayette. True to form, it only recently disclosed its intent. Elected officials and local residents immediately raised legitimate concerns with this plan.

One reason for concern is that IEDC committed to the LEAP district and water-intensive industries prior to doing any water study on the impacts locally in and around Lafayette – including on individual wells, on crop irrigation, and downstream cities and towns.

IEDC assumed that there would be no impacts, as expressed by their consultant in October 2022.¹⁶ Since then, an initial analysis has been completed that, according to IEDC, shows positive results. However, the details have not been disclosed, and questions have been raised about the methodology by INTERA, IEDC's water consulting firm. While IEDC's consultant emphasizes that "existing water users" would not likely be impacted,¹⁷ there was no mention of future users either locally or downstream in terms of industrial or commercial development, increase in crop irrigation needs, or increasing population, which is concerning given that Tippecanoe County is the fourth fastest growing county in the state¹⁸.

Moreover, according to local sources, after four days of water testing completed in September 2023,¹⁹ to assess the volume of water that could sustainably be extracted from groundwater, several residents reported sulfurous water, gravel in their wells and gravel in their water heater

¹³ <https://www.neefusa.org/story/water/home-water-use-united-states#Indiana>

¹⁴ <https://www.neefusa.org/story/water/home-water-use-united-states#Indiana>

¹⁵ <https://news.yahoo.com/look-potential-impact-transferring-water-091700441.html?guccounter=1>

¹⁶ <https://www.insideindianabusiness.com/articles/wabash-river-could-be-solution-to-boone-countys-development-needs>

¹⁷ <https://www.insideindianabusiness.com/articles/wabash-river-could-be-solution-to-boone-countys-development-needs>

¹⁸ <https://cbs4indy.com/news/these-are-the-fastest-growing-counties-in-indiana/>

¹⁹ <https://www.iedc.in.gov/events/news/details/2023/09/21/iedc-releases-initial-results-from-water-study>

filters. None of these residents experienced these issues prior to the test drilling. Additionally, according to local sources, these negative impacts were not included in IEDC's report provided to elected officials.²⁰

In addition, a 2015 Purdue University analysis finds that “during the low flow months of July–October, wastewater discharges into the Wabash River basin contributed 82 to 121% of the stream flow,” meaning the entire volume of the water in the Wabash River is being used.²¹ Which begs the question: who will get water during times of water scarcity – Tippecanoe County residents and farmers and users downstream, or big business at LEAP?

Governor Eric Holcomb recently shifted “exclusive oversight” of INTERA’s ongoing water analysis of the Wabash aquifer’s ability to supply sufficient volumes to the LEAP district from the IEDC to the Indiana Finance Authority (IFA) and called for a more comprehensive study for Central Indiana.²² However, it remains to be seen if these inquiries will result in sound water policy for the state and an actual transparent public discourse on water policy, especially considering that the IFA is shielded from public records requests in the same fashion as the IEDC.

IEDC process foments backlash

IEDC’s process for developing LEAP has been conducted in the reverse order it should have followed.

County and state legislators in the Lafayette area are seeking a third-party review of the analysis of the IEDC initial water study,²³ and local legislators plan to file legislation to require a more systematic study prior to approvals for large water withdrawals.²⁴ The Cities of West Lafayette and Lafayette have adopted resolutions opposing LEAP.²⁵ Tippecanoe County recently passed a moratorium which will impose a nine-month ban on high-volume water withdrawals.²⁶

²⁰ E-mail, November 3, 2023.

²¹ <https://www.purdue.edu/newsroom/releases/2015/Q3/study-reveals-need-for-better-understanding-of-water-use.html>

²² https://www.ibj.com/articles/indiana-finance-authority-assumes-oversight-of-iedc-water-study?utm_source=news-update&utm_medium=newsletter&utm_campaign=2023-11-13&utm_id=45485179

²³ <https://www.wbaa.org/local-news/2023-09-22/tippecanoe-county-officials-want-third-party-review-after-state-finds-abundant-water-availability-for-water-withdrawals-to-lebanon>

²⁴ <https://www.ibj.com/articles/lafayette-area-officials-take-steps-to-protect-water-supply-as-iedc-considers-35-mile-pipeline>

²⁵ <https://www.insideindianabusiness.com/articles/west-lafayette-council-declares-opposition-to-water-pipeline> and https://www.wlfi.com/news/local/lafayette-city-council-votes-unanimously-to-oppose-leap-project/article_d70b36e6-7d01-11ee-b0e6-63f0642590b6.html

²⁶ <https://www.wishtv.com/news/i-team-8/tippecanoe-county-takes-action-to-stop-massive-water-withdrawal/>

City Councils in Attica²⁷ and Monticello²⁸ have recently adopted similar resolutions in opposition to LEAP.

While the LEAP project is almost wholly speculative in nature, IEDC has committed nearly \$1 billion in taxpayer funds already, tossing taxpayer money around like Wall Street speculators. Hundreds of millions of dollars, much of it for land purchases that far exceed the actual value of the land,²⁹ have been expended prior to the microchip firm or data center committing to locate in Boone County.

And, regardless of whether the microchip firm or the data center commits to the LEAP district, the IEDC plans to develop the massive site over time with the Wabash River aquifers appearing to be the only viable source of water for such large-scale development.³⁰

Speculating with taxpayer dollars- in secret

The amount of taxpayer dollars committed by IEDC already is staggering – about \$972 million so far, as shown in Figure 2.³¹

Figure 2. Taxpayer Dollars Committed to LEAP – So Far

Description	Cost (millions)
Land purchases (~1,000 acres), June 2023	\$ 122.0
Land purchases supporting potential data center (290 acres), June 2023	\$ 16.0
Land purchases for interchange supporting Eli Lilly (220 acres), June 2023	\$ 20.2
Land purchases (1,578 acres), September 2022-March 2023	\$ 126.0
Infrastructure Improvements (Road, Drainage)	\$ 38.0
Land purchases (1,577 acres), 2022	\$ 125.0
Payment to Lebanon Utilities for Eli Lilly's Water & Wastewater	\$ 21.2
Black & Veach contract assessing Lafayette to Lebanon pipeline costs and wastewater treatment plant for microchip campus	\$ 10.2
Citizens Water Pipeline from Indianapolis to LEAP for Eli Lilly	\$ 200.0
<i>Eli Lilly Manufacturing Facility</i>	
Training Grants	\$ 4.5
Redevelopment Tax Credits	\$ 17.1
Additional Subsidies	\$ 271.5
Total	\$ 971.7

²⁷ <https://twitter.com/jconline/status/1711738108985651310>

²⁸ https://www.newsbug.info/monticello_herald_journal/news/city-council-passes-resolutions-opposing-leap-and-carbon-sequestration/article_b24c5046-88a1-11ee-b3f6-33bdda5e1e04.html

²⁹ https://ag.purdue.edu/commercialag/home/wp-content/uploads/2023/08/2023-08-PAER_v2-1.pdf and <https://www.ibj.com/articles/state-budget-committee-approves-iedc-funding-requests> and <https://www.ibj.com/articles/iedc-paying-premium-for-farmland-for-boone-county-tech-district#:~:text=The%20IEDC%20spent%20more%20than,with%20farm%20buildings%20and%20silos.>

³⁰ <https://docs.lib.purdue.edu/cgi/viewcontent.cgi?article=1000&context=climatetr> and <https://www.indianachamber.com/wp-content/uploads/2017/09/WaterStudyReport2014LoRes.pdf>

³¹ <https://www.wthr.com/article/news/investigations/13-investigates/indiana-spends-millions-lafayette-lebanon-pipeline-plan-wabash-river-boone-county/531-7537884e-3f88-418c-a539-5d944a3dba90>; <https://indianacapitalchronicle.com/2023/03/06/iedc-spends-126m-in-boone-county-land-purchases/>; <https://www.ibj.com/articles/state-budget-panel-weighs-risks-of-additional-200m-in-iedc-requests>; <https://fox59.com/indiana-news/plans-new-eli-lilly-facility-in-boone-county-move-forward/>; <https://www.indystar.com/story/news/local/indianapolis/2023/04/17/lilly-adds-1-6b-200-jobs-to-boone-county-project/70122119007/>; <https://www.ibj.com/articles/state-budget-panel-weighs-risks-of-additional-200m-in-iedc-requests>; and Verified Direct Testimony of Craig L. Jackson (June 29, 2023), https://iurc.portal.in.gov/entity/sharepointdocumentlocation/00b9e7d7-4017-ee11-8f6d-001dd8084f05/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=45896_CRW%20et%20al_Exhibit%202_Clean_Jackson_062923.pdf

Underscoring the speculative nature of the LEAP project, the IEDC initially approached Citizens Water (the water utility in Indianapolis) to build and maintain water pipelines to Lebanon and the LEAP district to supply Eli Lilly. Citizens' initial study estimated the costs of the pipeline to be \$200 million (included in the figure above).³² The Indiana Finance Authority was to provide a loan from its water and wastewater revolving loan program, to be eventually paid off by the IEDC. The problem is that this initial engineering estimate does not provide the ultimate cost of the pipeline infrastructure – it could be 50 percent less or 100 percent more.³³

However, negotiations between IEDC and Citizens broke down. Citizens pulled its petition before state utility regulators, the Indiana Utility Regulatory Commission (IURC), to create a subsidiary to manage the LEAP pipeline infrastructure.³⁴ CAC believes this is due to money. In our estimation, the IEDC has over-extended itself, despite its \$1.2 billion slush fund appropriated in the 2023 legislative session.³⁵ (The IEDC has also been promising water to towns along the Lafayette-LEAP pipeline, without any analysis of cost or additional water withdrawals.³⁶)

The breakdown in negotiations means, at the moment, there may not be sufficient water supply for Eli Lilly (or Lebanon), which has already broken ground in the LEAP district on a larger \$3.7 billion facility to produce feedstock for pharmaceutical production.³⁷ Citizens was to supply 10 million gallons of water per day by 2027 to the LEAP district, “of which 1.35 million gallons as recoupment supply for the (Lebanon) Utility.”³⁸ With Lebanon providing its own local water resources to Eli Lilly, this may indicate that Lebanon's water supply may be stressed, if additional supply is not provided by Citizens or another Central Indiana utility.

³² Verified Direct Testimony of Craig L. Jackson (June 29, 2023), https://iurc.portal.in.gov/entity/sharepointdocumentlocation/00b9e7d7-4017-ee11-8f6d-001dd8084f05/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=45896_CRW%20et%20al_Exhibit%202_Clean_Jackson_062923.pdf

³³ Verified Direct Testimony of Craig L. Jackson (June 29, 2023), https://iurc.portal.in.gov/entity/sharepointdocumentlocation/00b9e7d7-4017-ee11-8f6d-001dd8084f05/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=45896_CRW%20et%20al_Exhibit%202_Clean_Jackson_062923.pdf

³⁴ Joint Petitioners' Notice of Voluntary Dismissal Without Prejudice (Oct. 5, 2023), https://iurc.portal.in.gov/entity/sharepointdocumentlocation/a1d35e1d-9663-ee11-be6e-001dd80bf130/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=45896%20%20crw%20et%20al%20%20notice%20%206_10052023.pdf

³⁵ <https://www.ijb.com/articles/business-scores-some-sizable-legislative-wins>

³⁶ [https://indianacapitalchronicle.com/briefs/abundant-water-in-wabash-aquifer-for-leap-district-say-early-iedc-findings/#:~:text=\(IEDC\)%20announced%20Thursday.,could%20jeopardize%20their%20water%20supply.](https://indianacapitalchronicle.com/briefs/abundant-water-in-wabash-aquifer-for-leap-district-say-early-iedc-findings/#:~:text=(IEDC)%20announced%20Thursday.,could%20jeopardize%20their%20water%20supply.)

³⁷ <https://www.wthr.com/article/news/investigations/13-investigates/indiana-spends-millions-lafayette-lebanon-pipeline-plan-wabash-river-boone-county/531-7537884e-3f88-418c-a539-5d944a3dba90>

³⁸ Verified Direct Testimony of Craig L. Jackson (June 29, 2023), https://iurc.portal.in.gov/entity/sharepointdocumentlocation/00b9e7d7-4017-ee11-8f6d-001dd8084f05/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=45896_CRW%20et%20al_Exhibit%202_Clean_Jackson_062923.pdf

In other words – and similar to water supply for the microchip campus and data center – IEDC pushed LEAP without a solid commitment from Citizens that, to its credit, emphasized many times in its memorandum of understanding with the IEDC and in its testimony before the IURC that it wanted to hold its ratepayers harmless for this endeavor.

However, Citizens still left wiggle room to charge its customers for costs incurred by its proposed Central Indiana subsidiary if the utility could not properly assign those costs to Lebanon. And Citizens still expresses continued support for the project and interest in building out water infrastructure to support LEAP, including serving customers “in the City of Indianapolis and other Central Indiana communities...”³⁹

The IEDC remained silent for much of its LEAP planning and negotiation process:

- WTHR news (channel 13) in Indianapolis was unable to secure a meeting with an IEDC official after months of requests.⁴⁰
- Information gathered from public information requests has been highly redacted.⁴¹
- A farmer reported that attorneys hired by IEDC who approached him to purchase land refused to disclose who they worked for or the reason behind the land purchase.⁴²

IEDC’s subterfuge does not end there. Lebanon officials, not IEDC, disclosed that IEDC was planning a large development in the area in March 2022 but only after months of inquiry.⁴³ And IEDC did not disclose that it planned on transferring water from the Lafayette area to the LEAP District until late July 2023, despite repeated inquiries.⁴⁴

LEAP becoming a financial quagmire – for taxpayers and ratepayers

There are other cost and logistical issues outstanding for LEAP.

³⁹ <https://www.ibj.com/articles/citizens-energy-seeks-to-withdraw-application-to-supply-water-to-leap-district>

⁴⁰ <https://www.wthr.com/article/news/investigations/13-investigates/initial-tests-lafayette-lebanon-water-pipeline-show-exciting-results/531-e978b71e-b968-49fb-8d5f-012e808155cc>

⁴¹ <https://www.wthr.com/article/news/investigations/13-investigates/initial-tests-lafayette-lebanon-water-pipeline-show-exciting-results/531-e978b71e-b968-49fb-8d5f-012e808155cc>

⁴² <https://www.insideindianabusiness.com/articles/wabash-river-could-be-solution-to-boone-countys-development-needs>

⁴³ <https://www.wrtv.com/news/local-news/boone-county-commissioners-confirm-mystery-development-but-state-provides-no-details>

⁴⁴ <https://indianahousedemocrats.org/news-media/campbell-reacts-to-the-transfer-of-water-from-tippecanoe-county-to-lebanon>

There has been no discussion of:

- How the purported \$2 billion for two pipelines from the Wabash basin to Lebanon will be paid for or who is going to manage it⁴⁵ – although CAC believes that it will be water ratepayers, most likely the ratepayers of Indiana American Water that owns the West Lafayette water utility and utilities in Hamilton County.
- How the thousands of tons of hazardous waste per year generated by the LEAP district, most notably the microchip campus, will be treated and disposed of. Microchip fabs are notorious for large volumes of hazardous waste generation, which “consists of heavy metals, solvents, and corrosive compounds in both solid and liquid forms.”⁴⁶ A single fab at the sprawling Ocotillo, AZ facility mentioned above generates about 36,000 tons of hazardous waste annually.⁴⁷
- Where the tens of millions of gallons of daily wastewater from the LEAP district will be sent. Microchip fabs pre-treat their water to remove as many toxics as possible.⁴⁸ That water is sent to local wastewater treatment plants. A portion could also be reused by the facility – although it must be highly purified for microchip assembly.⁴⁹

Initially, the thought was to send the wastewater to Eagle Creek reservoir, which means the water would be lost from the Wabash River entirely – transferred out of the basin.⁵⁰ It could also end up back in the Wabash as surface water, not returned to the aquifer, which would eventually degrade the aquifer.⁵¹ If not sent to Eagle Creek reservoir, a Purdue University expert suggested it could be sent down Sugar Creek, which enters the Wabash about 30 miles north of Terre Haute.⁵²

Given the limited capacity of creeks around Lebanon,⁵³ such volumes of wastewater could require more pipelines -- an additional, potentially high cost that has yet to be identified or addressed.

⁴⁵ <https://www.basedinlafayette.com/p/leap-pipeline-funding-decisions-on#:~:text=water%20pipeline%20concept%20estimated%20at,scheduled%20to%20start%20in%20January.>

⁴⁶ <https://blog.veolianorthamerica.com/chips-act-balancing-manufacturing-capacity-waste-generation#:~:text=Electronics%20manufacturing%20in%20general%2C%20and,both%20solid%20and%20liquid%20forms>

⁴⁷ <https://www.theguardian.com/environment/2021/sep/18/semiconductor-silicon-chips-carbon-footprint-climate>

⁴⁸ <https://www.nytimes.com/2022/04/08/technology/intel-chip-shortage.html>

⁴⁹ <https://www.nytimes.com/2022/04/08/technology/intel-chip-shortage.html>

⁵⁰ <https://secure.in.gov/apps/iedc/transparencyportal/viewtaxgrantloancontract/5ac468f49792ed11aad1001dd806af48>

⁵¹ <https://news.yahoo.com/look-potential-impact-transferring-water-091700441.html>

⁵² [https://en.wikipedia.org/wiki/Sugar_Creek_\(Wabash_River_tributary\)](https://en.wikipedia.org/wiki/Sugar_Creek_(Wabash_River_tributary))

⁵³ <https://news.yahoo.com/look-potential-impact-transferring-water-091700441.html>

In addition, microchip fabs consume enormous amounts of power. A single fab at the Ocotillo facility mentioned above demands 2,244,000 megawatt-hours annually,⁵⁴ enough to power 200,000 average Hoosier homes.⁵⁵ The population of Lebanon is about 18,000.

Using the Ocotillo example above, a microchip manufacturing campus with 4 fabricators could require almost 9 million megawatt-hours per year; and a 5-fab facility at more than 11 million megawatt-hours per year. This is the equivalent of 26 percent and 32 percent, respectively, of all residential electric utility customers in the state.⁵⁶

The high electric demand would certainly substantially add to a large microchip campus's water demand, as Indiana relies heavily on water-cooled power plants, such as coal and combined cycle natural gas plants. As to who would pay for the power and the infrastructure to deliver the power to LEAP, that has yet to be determined. Power would also have to be provided to Eli Lilly and the data center, which have substantial energy demands.

In addition to the high electric demand, these heavy industries will likely require natural gas for their facilities and industrial processes. Providing that gas to the LEAP district will also require substantial investments. As to who would pay for the gas infrastructure, that also has yet to be determined.

Thanks to the Indiana General Assembly's passage of the Transmission, Distribution, and Storage System Improvement Charges ("TDSIC") law⁵⁷, the IEDC was granted the authority to approve costs associated with a utility's TDSIC plan as a "targeted economic development project,"⁵⁸ forcing ratepayers to assume the burden of those costs. CAC suspects that it will be Hoosier electric and gas ratepayers that will get stuck with the tab for the infrastructure costs related to delivering gas and power to LEAP.

We need look no further than StarPlus Energy Project in Kokomo to support CAC's conclusion. This project is the joint venture between Samsung and Stellantis to build a \$2.5 billion electric-vehicle battery manufacturing facility in Kokomo.⁵⁹ NIPSCO gas ratepayers⁶⁰ and Duke Electric ratepayers⁶¹ throughout Indiana will both realize rate increases to subsidize this project.

⁵⁴ <https://www.theguardian.com/environment/2021/sep/18/semiconductor-silicon-chips-carbon-footprint-climate>

⁵⁵ https://www.eia.gov/electricity/sales_revenue_price/pdf/table5_a.pdf
(<https://www.eia.gov/electricity/data.php#sales>)

⁵⁶ https://www.eia.gov/electricity/sales_revenue_price/pdf/table_5A.pdf

⁵⁷ TDSIC was initially passed in 2013 through [SEA560](#), and then amended in 2019 through [HEA1470](#)

⁵⁸ <https://iga.in.gov/laws/2023/ic/titles/8#8-1-39-11>

⁵⁹ <https://www.insideindianabusiness.com/articles/stellantis-plans-2-5b-ev-battery-plant-1400-jobs-in-kokomo>

⁶⁰ https://iurc.portal.in.gov/_entity/sharepointdocumentlocation/36b55900-1956-ed11-bba2-001dd8070a7e/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=45330TDSIC5S1_NIPSCO_Submission%20of%20IEDC%20Approval_10272022.pdf

⁶¹ PETITIONER'S ATTACHMENT 1-B (ES) IURC Cause No. 45647 TDSIC-2 S1,
https://iurc.portal.in.gov/_entity/sharepointdocumentlocation/4704188b-2e82-ee11-8178-001dd8065be9/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=45647%20TDSIC%20%20S1_DEI_Direct%20Testimony%20of%20Erin%20Schneider_111023.pdf

Central Indiana water ratepayers have reason for concern

A big problem for IEDC is that now that Citizens has dropped out, at least for now, it needs to find another partner or renegotiate with Citizens to provide water for Eli Lilly. That other partner, CAC believes, would likely be Indiana American Water (IAW) that owns utilities in Hamilton and Tippecanoe Counties. IAW ratepayers should be concerned. Much of the estimated \$200 million cost for the pipelines to Lebanon for purposes of serving Eli Lilly could be shifted to them, since IEDC appears to be running short of funds. And that cost, as noted, could be double the \$200 million estimate at \$400 million.

As noted, Citizens remains interested in providing infrastructure and water to LEAP, which may put its ratepayers at risk for substantial rate increases as well.

CAC believes there are four undesirable alternatives that are likely being considered, all of which result in higher monthly water bills for Citizens or IAW ratepayers:

- IAW will finance the water infrastructure, imposing another substantial rate increase on its customers, with Citizens selling the water wholesale to IAW, or another utility, which could benefit Indianapolis ratepayers financially by applying the additional revenue to bill credits or reducing rates.
- IAW seeks rate increases on its customers in Central Indiana to finance the water infrastructure and uses its wellfields in Noblesville to supply water to LEAP, which would stress groundwater supplies in Hamilton County and possibly water supply in Indianapolis. (see below)
- IEDC provides a portion of funding to assist Citizens with paying for the water infrastructure to Lebanon, but Citizens imposes rate increases on its Indianapolis customers to pay for the rest.
- Similar to the authority granted the IEDC for electric and gas infrastructure projects, the legislature grants authority to the IEDC to approve utility water projects as “targeted economic development projects,” forcing ratepayers to assume the costs.

Of note, IAW ratepayers may also be on the hook for some or most of the \$2 billion estimated cost of water pipelines from Lafayette to Lebanon regardless. But IEDC has not disclosed who would pay for those pipelines – taxpayers, ratepayers, LEAP district businesses, or a combination.

Long-term water availability could be threatened in Central Indiana

Then the question becomes: Where will the Central Indiana water come from?

For the four undesirable alternatives above, the water would come from either Hamilton or Marion County for the LEAP district. In the case of water from Hamilton County, IAW uses water from its wellfields near Noblesville, which pull water from the aquifer upstream of Indianapolis along the White River, the very aquifer on which Indianapolis relies on heavily as a water source.

But this could stress water supplies in Hamilton and Marion Counties.

Hamilton County is the fastest growing county in the state.⁶² Population is expected to increase, and there is significant business development planned for the US Highway 31 corridor.⁶³ And the county historically has relied heavily on groundwater. The problem is that Central Indiana – the 9-county area consisting of Marion and surrounding counties – is known for limited groundwater supplies and low-flows in the White River.⁶⁴

IAW has conducted tests to determine the full capacity of its current wells and its test well. It is also running tests in its largest wellfield on the north side of Noblesville but has not disclosed results of those

tests. In reviewing its currently available data,⁶⁵ it appears that IAW can withdraw about 10.3 million gallons per day more than it did in 2020 from current wells and the test well for which it provided data (Figure 3). The

Figure 3. Estimated Available Water Capacity of Indiana American Water Wells

Location	Well	GPM	Available	GPM Total	GPM Available	GPD Available
Allisonville	1	1400	28.9%	1,969	569	819,443
Allisonville	2	800	33.3%	1,199	399	575,136
Riverwood	7	280	26.2%	379	99	143,141
Riverwood	8	370	52.8%	784	414	596,014
Forest Park	2	350	56.0%	795	445	641,455
Forest Park	4	600	3.9%	624	24	35,063
Forest Park	5	700	35.2%	1,080	380	547,556
White River North	1	2000	35.0%	3,077	1,077	1,550,769
White River North	9	2000	50.3%	4,024	2,024	2,914,769
White River Christian Church	TEST	1718	100.0%	1,718	1,718	2,473,920
Total					7,151	10,297,266

Source: Cause No. 45870, Attachment MHH-24, pp. 118-122 of 173 (2022 Capacity Evaluation)

⁶² <https://cbs4indy.com/news/these-are-the-fastest-growing-counties-in-indiana/>

⁶³ https://www.stats.indiana.edu/profiles/profiles.asp?scope_choice=a&county_changer=18057; [https://www.hamiltoncounty.in.gov/Archive/ViewFile/Item/215;](https://www.hamiltoncounty.in.gov/Archive/ViewFile/Item/215) and <https://readthereporter.com/hamilton-county-breaks-ground-on-regional-utility-district/>

⁶⁴ <https://www.indianachamber.com/wp-content/uploads/2017/09/WaterStudyReport2014LoRes.pdf>

⁶⁵ Direct Testimony of Mathew H. Hobbs II, Attachment MHH - 16 Part 5 of 6: [https://iurc.portal.in.gov/entity/sharepointdocumentlocation/2fd68668-09d0-ed11-b596-001dd8070a7e/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=45870 Indiana%20American%20Water%20Company Petitioner%27s%20Exhibit%203%20Direct%20Testimony%20of%20Matthew%20H.%20Hobbs%20Part%206%20of%206_033123.pdf](https://iurc.portal.in.gov/entity/sharepointdocumentlocation/2fd68668-09d0-ed11-b596-001dd8070a7e/bb9c6bba-fd52-45ad-8e64-a444aef13c39?file=45870%20Indiana%20American%20Water%20Company%20Petitioner%27s%20Exhibit%203%20Direct%20Testimony%20of%20Matthew%20H.%20Hobbs%20Part%206%20of%206_033123.pdf)

10 million gallons per day for the Eli Lilly manufacturing facilities at LEAP district would essentially consume that entire volume of water.

As Marion County is the second-fastest growing county in the state,⁶⁶ sending large volumes of water from Indianapolis to Lebanon may eventually threaten the city's water supply over the long-term.

Importantly, the Indiana Chamber of Commerce noted in its 2014 report, "The expected growth could push both Hamilton County and Marion County into the highest (>1) category of potentially unsustainable withdrawal."⁶⁷

Indeed, Citizens says its recently built reservoir in Fishers will provide sufficient water supply for the region for only 15 years.⁶⁸

Water wars and good policy alternatives ignored

The state is viewing water solely as an economic development tool. This is short-sighted and opportunistic as it assumes that water can be shipped wherever and whenever needed, regardless of the near- and long-term interests of or impacts on communities and costs to taxpayers or ratepayers.

Indeed, the state set the stage for water wars through its own policy. In 2012, the Indiana General Assembly passed legislation removing groundwater from local control.⁶⁹ Whoever owns the land above the aquifer can take as much water as they want. There is no process, as shown by the LEAP project, to include local officials and the public about planning and water resource capacity. There is no water policy that would ensure water availability into the future and affordability for ratepayers.

Disconcertingly, the state is ignoring its own water studies led by the IURC and IFA at the direction of the General Assembly that provided guidance to achieve water sustainability and water bill affordability.

In its 2013 report, the IURC places emphasis on the concept of integrated water resources management (IWRM), noting that, typically, water management often focuses only on additional supply of water.⁷⁰ On the other hand, IURC states:⁷¹

⁶⁶ <https://cbs4indy.com/news/these-are-the-fastest-growing-counties-in-indiana/>

⁶⁷ <https://www.indianachamber.com/wp-content/uploads/2017/09/WaterStudyReport2014LoRes.pdf>

⁶⁸ <https://2545024.fs1.hubspotusercontent-na1.net/hubfs/2545024/site/reports/Sustainability%20Reports/Sustainability-Report-2021.pdf>

⁶⁹ <https://mckinneylaw.iu.edu/ilr/pdf/vol49p181.pdf>

⁷⁰ <https://www.in.gov/iurc/files/IURC-2013-Water-Utility-Resource-Report.pdf>

⁷¹ <https://www.in.gov/iurc/files/IURC-2013-Water-Utility-Resource-Report.pdf>

IWRM expands water utilities' options for securing adequate supplies. Instead of just installing a new well or surface water intake to meet new demands, *IWRM can be used* to determine whether water conservation, an aggressive leak detection program, or water reuse is cost effective and can supply the additional needed water. Unlike traditional groundwater and surface water supplies, these alternative options are not affected by climate variability and have minimal environmental impact. (Emphasis added).

Comprehensive water conservation measures and reducing leaks actually have profound, positive impacts on cost and water availability. For instance, due to the Massachusetts Water Resources Authority's "Long-Range Water Supply Program" implemented in 1987 that prioritized conservation and reducing leaks,⁷² the City of Boston used about the same amount of water in 2014 as it did in 1900.⁷³

Similarly, Las Vegas, has implemented conservation programs and water recycling (Las Vegas recycles all of its wastewater, treating it to near potable levels), achieving a 40% reduction in water use from 1989 to 2014, a drop in in water use of 29 billion gallons annually, even though from 2002 to 2012, population increased by 400,000, hotel rooms by 25,000, and tourists by 5 million.⁷⁴ By one estimate, leak detection efforts (Las Vegas has its own water lab) save "hundreds of millions of gallons each year."⁷⁵

Unfortunately, the Indiana Finance Authority and the State Chamber of Commerce water report in 2014 gives short shrift to water conservation, characterizing it solely as getting folks to reduce lawn watering during times of drought.⁷⁶

The IFA, in its 2016 report, does propose funding upgrades in water pipelines, estimating an initial cost, at the time, of \$2.3 billion.⁷⁷ Notably, the legislature appropriated about half that amount to the IEDC last session. The report also estimates that Indiana loses about 50 billion gallons annually due to leaks in pipelines, inaccurate meters, or stolen water⁷⁸ – although IFA says that most of the water mains in the state are at the end or nearly at the end of their lifetimes, which indicates that most of the water losses are from leaks from the water mains. IFA says that leak rates in Indiana range from 19-24% for all water utilities.⁷⁹

⁷² <https://www.mwra.com/comsupport/waterconservationmain.htm>

⁷³ <http://northendregionalreview.com/2015/05/28/bostonians-used-same-amount-of-water-in-2014-as-in-1900/>

⁷⁴ <https://www.hcn.org/issues/46.1/the-vegas-paradox>

⁷⁵ <https://www.hcn.org/issues/46.1/the-vegas-paradox>

⁷⁶ <https://www.in.gov/iurc/files/IFA-Report-October-2015-Evaluation-of-Water-Utility-Planning-in-IN.pdf> and <https://www.indianachamber.com/wp-content/uploads/2017/09/WaterStudyReport2014ExecSummary.pdf>

⁷⁷ <https://www.in.gov/ifa/files/IFA-Evaluation-of-Indianas-Water-Utilities-Report-11-18-2016.pdf>

⁷⁸ <https://www.in.gov/ifa/files/IFA-Evaluation-of-Indianas-Water-Utilities-Report-11-18-2016.pdf>

⁷⁹ <https://www.in.gov/ifa/files/IFA-Evaluation-of-Indianas-Water-Utilities-Report-11-18-2016.pdf>

If that is the case and with the understanding that Central Indiana withdraws about 132.8 billion gallons annually,⁸⁰ the region loses from about 25 billion to 32 billion gallons annually, or about 69 million gallons to more than 87 million gallons per day. IFA says additional withdrawals along the White River corridor could produce an additional 50 million gallons per day.⁸¹ But reducing leaks to 5-6%, like Las Vegas, would displace or substantially displace that amount.

In addition, the IURC warns that the state has no policy to prohibit interbasin transfers of water and urges caution and a systematic approach to ensure that such transfers does not pit one basin against another.⁸² The IURC states: “Without a procedure in place to proactively assess the impacts of withdrawals on stream flows and groundwater levels, the *water resources cannot be sustainably managed nor can the occurrence of water-use conflicts be minimized*, especially during droughts.”⁸³ (Emphasis added). The State Chamber of Commerce makes the point that water infrastructure buildouts should be “[s]trategic, not [o]ppportunistic,” in that impacts on water supply should be taken into account.⁸⁴

But the state has done nothing to create such policies and regulations, hence the growing conflict between Lafayette and Lebanon, caused by the IEDC’s “opportunistic” economic development model that includes creating more water supply in one county by removing it from another county.

This violates the important concept of regionalization brought up in IFA’s 2015 report.⁸⁵ IFA explains regionalization as a cooperative effort between utilities. IFA and others have found, such as the nonprofit Rural Community Assistance Project, that cooperation between smaller water utilities or purchase by nearby larger utilities (e.g. municipal utilities) would reduce costs and enhance financial capacity to deal with pipeline infrastructure. Also, sharing water resources and joint water infrastructure funding (such as for wastewater treatment) accomplishes these goals.

A follow-up IFA study in 2016 found that “*collaborative planning* has already begun among *neighboring* utilities in some areas of the state.”⁸⁶ (Emphasis added). The operative terms are “collaborative” and “neighboring,” not the way IEDC has apparently redefined the term as planning interbasin transfers of water for tens of miles without notifying and requesting the support of local officials and the public first.

Another important integrated water resources management (IWRM) concept is public participation. The idea of true public participation was jettisoned after the 2013 IURC report.

⁸⁰ <https://www.in.gov/ifa/regional-water-studies/central-indiana-water-study/>

⁸¹ <https://www.in.gov/ifa/regional-water-studies/central-indiana-water-study/>

⁸² <https://www.in.gov/iurc/files/IURC-2013-Water-Utility-Resource-Report.pdf>

⁸³ <https://www.in.gov/iurc/files/IURC-2013-Water-Utility-Resource-Report.pdf>

⁸⁴ <https://www.indianachamber.com/wp-content/uploads/2017/09/WaterStudyReport2014LoRes.pdf>

⁸⁵ <https://www.in.gov/iurc/files/IFA-Report-October-2015-Evaluation-of-Water-Utility-Planning-in-IN.pdf>

⁸⁶ <https://www.in.gov/iurc/files/IFA-Report-October-2015-Evaluation-of-Water-Utility-Planning-in-IN.pdf>

The IFA emphasizes educating the public about the importance of “water resources and infrastructure,”⁸⁷ which the response in Lafayette to the LEAP project indicates the public already understands. The public does not like to be presented with a *fait accompli* with respect to decisions about their water. The public expects the state to consider their concerns, a more than reasonable expectation. The public wants to and should be involved upfront in water resource and policy decisions.

It is unclear whether handing IFA the responsibility for overseeing the LEAP water studies instead of IEDC, will set the state on a course of securing water resources into the future while ensuring affordable water rates and public involvement in those decisions – or if water availability will remain strictly a near-term economic development consideration.

Conclusions and Recommendations

The saga of the LEAP project reveals many troublesome issues with respect to state economic development and water policy.

Water policy has become a subset of economic development policy, not treated as an essential resource that must be available and whose service costs must be affordable.

Ignoring previous studies with respect to the limitation on water resources and sound proposals for developing a rational water policy, the IEDC has embarked on a purely supply-side approach. This has created a water resource shell-game that will ultimately diminish water resources, increase costs to ratepayers, and foment water wars between communities and regions.

Ultimately, with the IEDC driving the water policy ship, water management policy is being discussed and formulated in secret with no public input. There is no forum or mechanism to allow for a detailed, systematic, rational discussion open to the public about water policy, which is critical for many applications – not just near-term, speculative opportunities for economic development.

Also, it appears that IEDC is angling to shift some or a substantial portion of the costs to ratepayers for the water infrastructure to supply the LEAP district from Indianapolis or Hamilton County, while remaining silent on how the costs of the pipelines from Lafayette to Lebanon will be paid for. Given the enormous cost of the project, the IEDC may seek additional funding in future legislative sessions, in addition to the real possibility of utility ratepayers subsidizing the LEAP project.

⁸⁷ <https://www.in.gov/iurc/files/IFA-Report-October-2015-Evaluation-of-Water-Utility-Planning-in-IN.pdf>

We recommend the following:

- The LEAP project should be put on hold indefinitely or proceed only with the Eli Lilly facilities if transparent, reliable studies show transferring water from Hamilton or Marion County will not impair water availability in those counties into the future.
- If the Eli Lilly facilities move forward, Eli Lilly should pay for the portion of water infrastructure and water supply required for its facilities.
- The state, with meaningful opportunities for public involvement, should adopt integrated water resource management (IWRM) principles and formulate strong policies around those.
- Part of developing sustainable water policy should include determining how to approach utility rate design coupled with comprehensive conservation measures, in a balanced approach that protects the interests of customers, addresses the acute bill affordability challenges faced by low-income customers, and allows utilities to maintain financial stability.
- As an initial step, the General Assembly should adopt the concept behind the legislation proposed by area Lafayette legislators to impose a modicum of structure to large water withdrawals.
- As an additional initial step, the General Assembly should return groundwater resources to local control in order to foster cooperation between neighboring utilities (regionalization) and stem water wars between communities and regions.
- Funding for water infrastructure should come from taxpayers, not utility ratepayers, if the infrastructure envisioned is shown to benefit the public. That way, utilities do not earn a profit off these public projects. This is what was proposed by IFA and what was envisioned in the initial agreement between Citizens Water and IEDC.
- The General Assembly should either replace the IEDC with a transparent department of commerce or significantly reform the IEDC to inject transparency and public participation upfront, without compromising sensitive negotiations. In either case, the state must engage the public early on about economic development and water usage. Having those discussions and disclosing the type of business, scale, and cost of the development to taxpayers and/or ratepayers would not divulge the specifics of the negotiations.
- The state should begin the process of reviewing current production systems in agriculture, manufacturing, and power generation, prioritizing economically efficient means of reducing or eliminating pollution of surface water and groundwater (whether that pollution is airborne, landfilled, or directly discharged into water ways) and reducing overall water usage to ensure future availability and enhance public health efforts.