



City of Bloomington Common Council

Legislative Packet

Organizational Meeting and Committee of the Whole Discussion

03 January 2006

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.3409

council@bloomington.in.gov



To: Council Members
From: Council Office
Re: Weekly Packet Memo
Date: December 28, 2005

Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Material Related to Action at Organizational Meeting:

List of Council Positions - Officers, Appointments, and Assignments for 2006 (*blank*)

List of Council Positions - Officers, Appointments, and Assignments for 2005

List of Interview Committee Assignments 2005 (*typically kept for the entire term – with occasional changes*)

Council Member Seating Chart for 2003, 2004, 2005 and 2006 (*blank*)

Legislation for Final Action:

None

Ordinances and Background Material for First Reading:

Ord 06-01 To Vacate a Public Parcel - Re: Rights-of-Way Running North /South and East/West between College Avenue and Walnut Street and 14th Street and 15th Street (Cedarwood Development, Petitioner)

- Map of Surrounding Area; Site of Right-of-Ways; Memo to Council from Pat Shay, Development Review Manager; Petition; Application Letter; Letters to and from the Utilities; Staff Report to the BZA; Petitioner's Additional Commitments; Site Plan with Contours; Landscape Plan; Color Site Plan; Letter from Butler Winery

Contact: Pat Shay at 349-3524 or shayp@bloomington.in.gov

Resolutions for Discussion at the Committee of the Whole (Along with the Previous Ordinance):

Res 06-01 To Approve the Interlocal Agreement between the County and City for Sharing Costs for Replacement of Monroe County Bridge Numbers 902 and 917 over Jordan River at Walnut and 1st Street

- Memo from Vickie Renfrow, Assistant City Attorney; Interlocal Agreement; Summary Site Plan

Contact: Vickie Renfrow at 349-3557 or renfrowv@bloomington.in.gov

Minutes from Regular Session:

December 7, 2005

Memo

Chair of Meeting: Rollo

Organizational Meeting and Committee of the Whole on Tuesday, January 3rd at 7:30 p.m.

The Council will hold an Organizational Meeting followed by a Committee of the Whole on Tuesday, January 3, 2006. Please note that final action on the confirming resolution for IMA – East, **Res 06-02**, has been rescheduled for Wednesday, January 18th in order to comply with publication and filing requirements.

Organizational Meeting. Statute requires that the Council meet for an Organizational Meeting on the first Monday of the new year (or Tuesday if Monday is a holiday). This meeting typically includes:

- Election of officers – President, Vice President, and Parliamentarian;
- Assignment of seating for council members by the newly-elected President;
- Appointments of council members to various boards and commissions by vote of the Council; and
- Assignments to Council committees by the newly-elected President.

Please see the attached sheets for:

- Council Officers, Appointments, and Assignments for 2005 and a blank one for 2006;
- Council Interviewing Committees for 2006 – *please note that these rarely change during the 4-year term*; and
- Council Seating for 2002 – 2006.

Once that is done, the Council will introduce an ordinance and then adjourn and reconvene for a Committee of the Whole.

Committee of the Whole. There are two items for discussion at the Committee of the Whole. They can be found in this packet and include **Res 06-01**, which approves an interlocal agreement with the County regarding bridge, storm water, and roadway improvements at and near First and Walnut Streets, and **Ord 06-01**, which vacates the right-of-ways in the 1000 block of North Walnut Street and North College Avenue in order to relocate the CVS Pharmacy.

Res 06-01 – Approving an Interlocal Agreement between the County, USB, and the City for Bridge, Storm water and Roadway Improvements Touching the Intersection of First and Walnut Streets

Res 06-01 approves an interlocal agreement between the City, the Utilities Services Board, and the County for bridge, storm water, and roadway improvements at and near First and Walnut Streets.

As Vickie Renfrow, Assistant City Attorney, explains in her memo, special circumstances brought these three entities together for this project. First, the County, which is responsible for maintaining bridges, had made plans several years ago to pay for the reconstruction of bridge number 902 over the Jordan River as it passes under Walnut and First Streets and, at the same time, to widen the roadway approaches and eliminate bridge number 917. Second, the Utilities Services Board requested and paid for modifications to the design to accommodate a much larger volume of storm water flowing under the roadway and will need to acquire more right-of-way. Third, the City wanted to take this opportunity to redesign, acquire the right-of-way, and modernize the signalized intersection of First and Walnut Street. And fourth, the City obtained Federal Highway Administration funding for \$2.353 million of this \$2.948 million project.

The Agreement

The agreement will last for no more than four years and will terminate upon completion of the project and the payment of all the costs. Under this agreement, the County will act as lead agency in regard to the design, acquisition of right-of-way, and construction. The parties will provide design information and status reports of the project to the County for their review. The County will schedule meetings with the parties, contractor and project engineer on a regular basis and make sure that all change orders are reviewed and signed by the parties before they are submitted to INDOT. The County will also record this agreement with the County Recorder (but each entity is responsible for recording whatever right-of-way they acquire).

The sharing of project costs is set forth in Exhibit A which provides for:

\$2,947,597	Total Project Costs
- <u>\$2,353,567</u>	FHWA Contribution
\$ 594,030	<u>Local Share</u> <i>(Itemized Below)</i>
\$ 168,306.15	County Contribution <i>(not to exceed this amount)</i>
\$ 35,701.30	City Contribution <i>(not to exceed this amount)</i>
\$ 390,023.03	Utility Services Board Contribution <i>(with additional costs for construction and redesign of the project and acquisition of right-of-way being borne by the Utility)</i>
	<hr/>
\$ 594,030.48	

Ord 06-01 – Vacating Alleyways in the Block between North Walnut and North College and 14th and 15th Streets to Relocate a CVS Pharmacy

Ord 06-01 would vacate the existing north/south and east/west alleys in the block between College Avenue and Walnut Street and between 14th and 15th Street at the request of Cedarwood Development for the purpose of relocating the CVS Pharmacy from a property west of Miller-Showers Park.

General Vacation Procedures

Vacations of right-of-ways are governed by specific statutory procedures. Those procedures are found at I.C. 36-7-3-12 et seq. and start with the petitioner filing an application with the Council. The Clerk must assure that owners of property abutting the right-of-way are notified by certified mail of the proposed action and must also advertise the hearing where the public can offer its comments and objections against the ordinance to the Council (January 18, 2006). According to statute, the grounds for remonstrance are limited to questions of access and the orderly development of the area. In the event the ordinance is adopted by the Council, then the Clerk must file a copy with the County Recorder and the County Auditor.

In Bloomington, we begin with a pre-petition application submitted to the Planning Department. Staff review the request and notify all the utility services, emergency services, and the Board of Public Works of the proposed action. After receiving the responses and evaluating the proposal in terms of local criteria, they prepare a report and an ordinance for the Council Office. The City Clerk then assures that an ad is placed in the paper and that abutting property owners have been notified. Please note that a vacation of a right-of-way or an easement extinguishes the City's interest in the property and has the effect of splitting the right-of-way between the adjacent owners.

The following paragraphs summarize the application of the local criteria to these proposals as presented in reports and background material provided by Pat Shay, Development Review Manager.

Petition

Cedarwood Development through its consultant, Smith Neubecker and Associates, Inc., has filed a petition for the City to vacate the alleyways within this block in order to move the CVS Pharmacy currently located just west of the Miller/Showers Park. It received a positive recommendation from the Board of Public Works last Spring, contingent upon support from the Planning Department, and a parking variance from the Board of Zoning Appeals this December.

Cedarwood has acquired the entire CG-zoned block except the Butler Winery on the north west corner and proposes to demolish the five remaining (non-historic) structures and construct a two-story, 13,000 s.f. brick pharmacy. After much discussion, the planning staff were eventually persuaded that the preferred building-forward design was not feasible here due to the need for a drive-through window and the slope of the site. The primary access points for the project will be College, 14th Street, and 15th Street (with the former entrance on Walnut being closed). The BZA granted a variance that reduced the minimum number of parking spaces from 78 to 59 (and perhaps to as low as 51). The Planning memo and report offer these positive features of the project:

- Reinvestment in one of the City's gateway corridors with an enhanced architectural package that will give the appearance of a "multi-tenant" structure with interesting views for passers-by;
- Reduced driveway cuts;
- Pedestrian scale lighting;
- Retaining walls and landscaping that will screen parking and dumpsters; and
- An arts garden.

Concerns of Abutting Property Owner

Jim Butler, owner of the northwest lot in that block, contacted the Council Office last winter about this project and wrote a letter to the Planning Department this November with his concerns regarding traffic and green space (enclosed). First, he thought that the traffic on the primary one-way streets (Walnut and College) discourage pedestrian use of the site and lead to accidents at their intersections with 14th and 15th as motorists attempt to cross the street. He wanted curbs and sidewalks along both sides of 15th Street to alleviate the parking problem (which were offsite improvements the Planning Department did not make part of the conditions for the variance). In the alternative, he proposed that the project move the access from 15th Street to Walnut Street. Second, he requested that the 50' tall blue spruce at 15th and Walnut be preserved as part of the green space plan.

Description of Vacated Property. This ordinance would vacate the existing north/south and east/west alleys in this block described as follows:

A 12-foot wide alley running east to west between lots Ninety (90), Ninety-one (91), One hundred-two (102), One hundred-three (103), and a 12 foot wide alley running north to south between lots Eighty-nine (89), Ninety (90), One hundred-three (103), and one hundred-four (104) in Kenwood Addition to the City of Bloomington, Indiana.

Please note that the legal description of these right-of-ways is set forth in the ordinance and a map is enclosed with the materials.

Current Status - Access to Property.

The staff report indicates that this block is situated within an urban grid of public streets and bordered by two one-way primary arterial roadways. The project will close all current driveway and alley cuts onto Walnut and upgrade access to 15th Street.

Necessity for Growth

Future Status (Utilities) – I.C. 36-7-3-16 protects utilities who occupy or use all or part of the public way from losing their rights upon the vacation of the alley way unless they choose to waive those rights. A number of utility services have services in the alley and want special accommodations, which the petitioner has agreed to

provide (per report). In particular, SBC Ameritech, Cinergy, Insight Communications, and Vectren have either lines or gas mains there and want Cedarwood to grant easements and pay for all relocation costs. The City of Bloomington Utilities also has an abandoned force main that the ITS department would like to use for fiber optic conduit.

Private Utilization - The staff report indicates that this project (described above) will make significant investment in one of our gateway corridors and cannot go forward without the vacation of right-of-way.

Compliance with regulations – The staff report indicates that this project “will not create issues regarding compliance with local regulations” and that the BZA authorized reduction in minimum parking from 78 to 59 spaces.

Relation to City Plans – The staff report indicates that “the proposal is consistent with City plans.” Although not able to provide a building-forward design, the project offers a number of desirable features which further policies of the City and include:

- a pharmacy that will provide services consistent with the Community Activity Center designation;
- an absence of “open areas of asphalt” by reducing overall parking and spreading the spaces in clusters around the building;
- a brick faced building with 2-stories;
- new sidewalks, pedestrian-scale lighting, and landscape buffers and green space with an arts garden; and
- a reduction in driveway cuts unto the two major arterials.

Approvals and Recommendation

The staff report found that the right-of-way is not needed for public access and that its intended use complied with the zoning ordinance, and after actions by the Board of Public Works and the Board of Zoning Appeals, favors the vacation.

**NOTICE AND AGENDA FOR
COMMON COUNCIL
ORGANIZATIONAL MEETING AND COMMITTEE OF THE WHOLE
7:30 P.M., TUESDAY, JANUARY 3, 2006
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 NORTH MORTON**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: December 7, 2005

IV. REPORTS FROM:

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

V. ELECTION OF OFFICERS (The newly-elected President will assign seats to Council members before the Council makes appointments to boards and commissions).

VI. APPOINTMENTS TO BOARDS AND COMMISSIONS

VII. LEGISLATION FOR FINAL ACTION

None

VIII. LEGISLATION FOR FIRST READING

1. Ordinance 06-01 To Vacate a Public Parcel - Re: Rights-of-Way Running North /South and East/West Between College Avenue and Walnut Street and 14th Street and 15th Street (Cedarwood Development, Petitioner)

IX. PRIVILEGE OF THE FLOOR (This section of the *Agenda* is limited to a maximum of 25 minutes. Each speaker is allotted 5 minutes.)

X. ADJOURNMENT

Immediately followed by:

COMMITTEE OF THE WHOLE

Chair: Dave Rollo

1. Resolution 06-01 To Approve the Interlocal Agreement Between the County and City for Sharing Costs for Replacement of Monroe County Bridge Numbers 902 and 917 Over Jordan River at Walnut and 1st Street

Asked to Attend: Vickie Renfrow, Assistant City Attorney

2. Ordinance 06-01 To Vacate a Public Parcel - Re: Rights-of-Way Running North /South and East/West Between College Avenue and Walnut Street and 14th Street and 15th Street (Cedarwood Development, Petitioner)

Asked to Attend: Patrick Shay, Development Review Manager
Representative of Petitioner

City of
Bloomington
Indiana

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



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

To: Council Members
From: Council Office
Re: Calendar for the Week of January 2-6, 2006
Date: December 28, 2005

Monday, January 2, 2005

City Holiday -- Offices Closed

Tuesday, January 3, 2005

1:30 pm Development Review Committee, McCloskey
5:00 pm Redevelopment Commission, McCloskey
7:30 pm Common Council Organizational Meeting *immediately followed by a*
Committee of the Whole Discussion, Council Chambers, 401 N. Morton.

Wednesday, January 4, 2005

12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer
5:00 pm Black History Month Steering Committee, Hooker Room

Thursday, January 5, 2005

5:30 pm Community Development Block Grant Physical Improvements Public Hearing, Council Chambers

Friday, January 6, 2005

No meetings are scheduled for this day

COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS FOR 2006

ACTION BY MOTIONS OF THE COUNCIL

President _____
Vice President _____
Parliamentarian _____

Citizens Advisory Committee - Community Development Block Grants (CDBG)

Social Services _____
Physical Improvements _____

Commission for Bloomington Downtown _____

Economic Development Commission (City) _____

Economic Development Commission (County) _____

Environmental Resource Advisory Committee _____

Metropolitan Planning Organization _____

Plan Commission _____

Solid Waste Management District _____

Board of the Urban Enterprise Association _____

Utilities Service Board _____

Bloomington Economic Development Corporation _____

ACTION BY PRESIDENT

Jack Hopkins Social Services Funding Committee (5 council members)

Council Sidewalk Committee (4 council members)

**Council Interview Committees for Citizen Appointments to Boards and
Commissions (see accompanying list)**

COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS FOR 2005

ACTION BY MOTIONS OF THE COUNCIL

President	Andy Ruff
Vice President	Chris Sturbaum
Parliamentarian	Tim Mayer

Citizens Advisory Committee - Community Development Block Grants (CDBG)

Social Services	Chris Gaal
Physical Improvements	Tim Mayer

Commission for Bloomington Downtown	Mike Diekhoff
--	---------------

Economic Development Commission (City)	Chris Sturbaum
---	----------------

Economic Development Commission (County)	Regina Moore
---	--------------

Environmental Resource Advisory Committee	Chris Gaal
--	------------

Metropolitan Planning Organization	Andy Ruff
---	-----------

Plan Commission	Chris Gaal
------------------------	------------

Solid Waste Management District	Stephen Volan
--	---------------

Board of the Urban Enterprise Association	Chris Sturbaum
--	----------------

Utilities Service Board	Tim Mayer
--------------------------------	-----------

Bloomington Economic Development Corporation	Andy Ruff
---	-----------

ACTION BY PRESIDENT (Through Assignment)

Council Social Services Funding Committee (5 council members)

Gaal, Mayer, Ruff, Rollo & Sabbagh

Council Sidewalk Committee (4 council members)

Mayer, Rollo, Sturbaum & Volan

Council Interview Committees for Citizen Appointments to Boards and Commissions

(See accompanying list)

2004 & 2005 COMMON COUNCIL

BOARD AND COMMISSION INTERVIEW COMMITTEES

<u>Animal Control</u>	<u>Bloomington Community Arts Commission</u>	<u>Bike & Ped Safety Com</u>	<u>CFR</u>
David Rollo	Chris Sturbaum	Chris Sturbaum	Tim Mayer
Stephen Volan	Chris Gaal	David Sabbagh	Stephen Volan
Jason Banach	Andy Ruff	Dave Rollo	David Sabbagh
<u>Environmental</u>	<u>Historic Preservation Commission *</u>	<u>Housing Quality</u>	<u>Housing Trust Fund Board of Directors</u>
Dave Rollo		Tim Mayer	David Sabbagh
Chris Sturbaum		Chris Gaal	Chris Gaal
Chris Gaal		Mike Diekhoff	Dave Rollo
<u>Human Rights</u>	<u>Martin Luther King, Jr. Birthday Commission</u>	<u>Redevelopment</u>	<u>Status of Black Males</u>
Dave Rollo	Andy Ruff	Andy Ruff	Chris Gaal
Chris Gaal	Chris Gaal	Chris Sturbaum	Andy Ruff
Stephen Volan	Mike Diekhoff	Mike Diekhoff	Mike Diekhoff
<u>Traffic</u>	<u>(Public) Transit</u>	<u>Tree Commission</u>	<u>Telecommunications</u>
Mike Diekhoff	Jason Banach	Stephen Volan	David Sabbagh
Andy Ruff	Stephen Volan	Jason Banach	Mike Diekhoff
Chris Sturbaum	Tim Mayer	Chris Gaal	Stephen Volan
<u>USB</u>	<u>Women's Commission</u>	<u>Zoning Appeals</u>	<u>Urban Enterprise Association Board</u>
Stephen Volan	Dave Rollo	Mike Diekhoff	David Sabbagh
Chris Gaal	Chris Gaal	Tim Mayer	Chris Sturbaum
Jason Banach	David Sabbagh	Dave Rollo	Stephen Volan
<u>BDU Advisory Board</u>			
Chris Gaal			
David Sabbagh			
Mike Diekhoff		<u>Notes</u>	
		* The Council appoints 3 advisory members to the HPC and the Mayor appoints 7 voting members with the consent of the Council.	

The President assigns members to interviewing committees according to their preferences (per Standing Committees - BMC 2.04.210) and the assignments generally don't change through the entire term. These committees receive and review applications for appointments to their respective boards/commissions, and then determine whether to interview applicants and, if so, which ones. Typically interviews are set up on Wednesday evenings before a council meeting and the decision, which is typically made that evening, is then forwarded as a recommendation to the full council for the final action. Please note that while the Open Door Law allows the initial review and cut to be done in an Executive Session, decisions regarding the final three applicants must be made at a public meeting (per IC 5-14-1.5-6.1(b)(10)).

Council Member Seating 2002 - 2006

Seating for the Year 2002

Banach	Diekhoff	Ruff	Pizzo	Gaal	Willsey	Cole	Sabbagh	Mayer
			Vice President	President	Parliamentarian			

Seating For the Year 2003

Banach	Cole	Ruff	Diekhoff	Gaal	Pizzo	Willsey / Rollo	Sabbagh	Mayer
			Vice President	President	Parliamentarian			

Seating For the Year 2004

Banach	Sturbaum	Gaal	Ruff	Diekhoff	Mayer	Rollo	Sabbagh	Volan
			Vice President	President	Parliamentarian			

Seating For the Year 2005

Banach	Diekhoff	Gaal	Sturbaum	Ruff	Mayer	Rollo	Sabbagh	Volan
			Vice President	President	Parliamentarian			

Seating For the Year 2006

			Vice President	President	Parliamentarian			

RESOLUTION 06-01

**TO APPROVE THE INTERLOCAL AGREEMENT
BETWEEN THE COUNTY AND CITY
FOR SHARING COSTS FOR REPLACEMENT OF
MONROE COUNTY
BRIDGE NUMBERS 902 AND 917
OVER JORDAN RIVER AT WALNUT AND 1ST STREET**

- WHEREAS, the County of Monroe, Indiana, through its Board of County Commissioners, the City of Bloomington, Indiana, through its Board of Public Works, and the City of Bloomington Utilities Department by and through its Utilities Service Board, wish to cooperate in the design and construction of the bridge described below; and,
- WHEREAS, the County of Monroe desires to construct a new bridge structure and road approaches, over the Jordan River on Walnut Street and 1st Street, known as Monroe County Bridge No. 902, and, as a result, the existing County Bridge No. 917 will be deleted from the County Bridge inventory; and,
- WHEREAS, the City of Bloomington Department Utilities wishes to cooperate with the County on the project so that the new bridge structure will be designed and built in such a way as to accommodate the storm water management needs at this location; and,
- WHEREAS, the City of Bloomington Department of Public Works desires to extend the design, right-of-way acquisition and construction of the project to the intersection of College Avenue and modernize the signalized intersection of Walnut and 1st Streets; and,
- WHEREAS, the County of Monroe and the City Departments of Public Works and Utilities have obtained significant federal funding to pay for this project, however they anticipate that a portion of the cost will be paid from local funds and they have reached an agreement as to how those costs should be shared and, pursuant to IC § 36-1-7-9, have entered into an Interlocal Agreement for cooperation in pursuing this project and paying the costs not covered by federal funding, a copy of said Agreement is attached as Exhibit A; and
- WHEREAS, before such an Interlocal Agreement can take effect it must be approved by the fiscal body of each party, therefore the City of Bloomington Common Council must approve said Interlocal Agreement;

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

SECTION 1. The Common Council hereby approves the Interlocal Agreement between the County of Monroe and the City of Bloomington Departments of Public Works and Utilities for cooperation on the design and construction of Monroe County Bridge No. 902 and deletion of Bridge No. 917, and associated storm water and intersection improvements.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2006.

, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon
this _____ day of _____, 2006.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2006.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution approves an Interlocal Agreement between the County of Monroe and the City of Bloomington Departments of Public Works and Utilities to cooperate on the design and construction of Monroe County Bridge No. 902 and deletion of Bridge No. 917, and associated storm water and intersection improvements, and specifies the sharing of costs to be paid from local funds after federal funding for the project has been exhausted.



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: Members of the City of Bloomington Common Council

FROM: Vickie Renfrow, Assistant City Attorney

RE: Resolution 06-01 approving Interlocal Agreement between City and County for 1st St. Bridge project

DATE: December 28, 2005

Resolution 06-01 has been submitted to the Council to obtain its approval of an Interlocal Agreement between the City of Bloomington Departments of Public Works and Utilities and the County of Monroe. The parties wish to set out their respective obligations in this joint project, and IC § 36-1-7-9 requires that the fiscal body of each political subdivision approve such an agreement before it can be effective.

The project involves replacement of Monroe County bridges numbers 902 and 917, and will result in the elimination of bridge 917. These structures cross the Jordan River near the intersection of S. Walnut St. and 1st Street. The County started the design process for this project some years ago. Shortly thereafter the City created its storm water utility, and representatives from the City Utilities Department contacted the County about designing the new bridge so that it could handle storm water events of the size contemplated by other large storm water utility projects on the Jordan River. It was felt that modifying the design to eliminate a potential bottleneck made sense. The Utilities Department had the existing design work modified in this way, and paid for that modification.

The City Public Works Department also saw this as an opportunity to upgrade the intersection at S. Walnut St. and 1st Street, and the parties worked together to develop a project that would serve all three purposes. They also obtained approximately 80% of the estimated project cost of \$3,000,000 in Federal Highway Administration funding. They have specified in the Interlocal Agreement each party's share of the local costs, with the County to pay no more than \$168,306.15, the City Public Works Department to pay no more than \$35,701.30, and the City Utilities Department to pay the balance of approximately \$400,000 and any additional costs which are incurred. By working together on this project, sharing local costs and obtaining federal funding, each of the parties is accomplishing important and necessary work at a fraction of the cost that each would have incurred individually for the same work. If you have any questions regarding this Resolution please feel free to contact me.

**AN INTERLOCAL AGREEMENT FOR SHARING OF COSTS FOR
REPLACEMENT OF MONROE COUNTY BRIDGE NOS. 902 AND 917
OVER JORDAN RIVER AT WALNUT AND 1ST STREET**

WHEREAS, the County of Monroe, Indiana, through its Board of County Commissioners (hereinafter the COUNTY), the City of Bloomington, Indiana, through its Board of Public Works (hereinafter the CITY), and the City of Bloomington Utilities Department by and through its Utilities Service Board (hereinafter the USB), wish to cooperate in the design and construction of the bridge described below (hereinafter the PROJECT); and,

WHEREAS, the COUNTY desires to construct a new bridge structure and road approaches, over the Jordan River on Walnut Street and 1st Street, known as Monroe County Bridge No. 902, and, as a result, the existing County Bridge No. 917 will be deleted from the County Bridge inventory; and,

WHEREAS, several years ago the COUNTY had the design completed and right-of-way acquired for the project, all of which have been paid for by the COUNTY; and,

WHEREAS, the USB requested that modifications be made to the design of the new bridge structure to accommodate the storm water management needs at this location and had said additional design work completed and paid for said design work; and,

WHEREAS, the USB will need to acquire additional right-of-way to accommodate the new design; and,

WHEREAS, the CITY desires to extend the design, right-of-way acquisition and construction of the project to the intersection of College Avenue and modernize the signalized intersection of Walnut and 1st Streets; and,

WHEREAS, Federal Highway Administration (FHWA) funding of a significant portion of the PROJECT cost has been obtained through the Metropolitan Planning Organization; and,

WHEREAS, the remaining portion of the PROJECT costs must be paid from local funds, and the parties wish to enter into an agreement to share the costs of said PROJECT and coordinate its completion;

NOW, THEREFORE, in consideration of the mutual covenants, herein contained, the parties hereto agree as follows:

1. The COUNTY shall be designated as lead agency in matters dealing with the design, right-of-way acquisition, and construction phases. Meetings between the parties herein and the contractor and project engineer shall be regularly scheduled to keep all informed as to project issues and progress. All change orders will be reviewed and signed by the parties to this Agreement before being submitted to INDOT.

2. The parties hereby agree that design, right-of-way acquisition and construction

costs are expected to total \$2,947,597.48, as indicated on Exhibit A.

3. As set out in Exhibit A, the parties hereby agree that \$2,353,567.00 of that total cost will be covered by federal funds obtained through the Metropolitan Planning Organization, leaving \$594,030.48 to be paid from local funds. The COUNTY agrees to pay \$168,306.15 of the local share, and the CITY agrees to pay \$35,701.30 of the local share.

4. The parties hereby agree that the USB will pay the remaining \$390,023.03 of the local share, and shall pay all additional construction costs, including construction engineering for the redesigned proposed project. In addition, the USB shall pay all costs associated with the additional right-of-way acquisition beyond that originally contemplated by the COUNTY for this project.

5. The duration of this Agreement shall be no more than four (4) years from the date of its approval. Completion of project and final payment of all shared costs will terminate this agreement.

6. The COUNTY shall be responsible for recording this Agreement with the COUNTY Recorder.

7. Each entity shall be responsible for recording of right-of-way documents for right-of-way that each acquires.

8. Basic design information and status of the project is to be provided to the COUNTY Engineer's office for review.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement and caused their seals to be affixed and attested the day and year first written above.

**CITY OF BLOOMINGTON
UTILITIES SERVICE BOARD**

**CITY OF BLOOMINGTON
BOARD OF PUBLIC WORKS**

L. Thomas Swafford, President

Beth Hollingsworth, President

Attest:

Charlotte Zietlow, Vice-President

Lee Jones, Secretary to the Board

Dr. Frank N. Hrisomalos, M.D., Secretary

**MONROE COUNTY, INDIANA
BOARD OF COUNTY COMMISSIONERS**

Joyce Poling, President

Herb Kilmer, Vice-President

Iris Kiesling, Member

ATTEST:

Sandy Newmann, Monroe County Auditor

**MONROE COUNTY, INDIANA
COUNCIL**

Mark Stoops, President

Sophia Travis, Vice President

Marty Hawk, Member

Warren Henegar, Member

Trent Jones, Member

Sue West, Member

Michael Woods, Member

EXHIBIT A

Costs for Replacement of Monroe County Bridge Nos. 902 and 917 Over Jordan River at Walnut and 1st Street

Total Construction Estimate	\$	2,563,128.24	
Total for Construction Engineering (15%)	\$	384,469.24	
Total Project Cost	\$	2,947,597.48	
FHWA	\$	2,353,567.00	
Local Share	\$	594,030.48	
Local Share Distribution			
County	\$	168,306.15	Not To Exceed
City	\$	35,701.30	Not To Exceed
USB	\$	390,023.03	
Local Share Total	\$	594,030.48	

All additional construction costs including construction engineering for the redesigned proposed project shall be borne by the City of Bloomington Utilities. All costs associated with the additional R/W will be borne by the City of Bloomington Utilities.

532

535

Bloomington
Car 542 Wash

After construction this entire
length of drainage structure
will become Bridge No. 902

Rallys
550

Existing roadway
approximately 20' wide

ST

New drainage structure
approximately 30' wide

E 1ST ST

Existing drainage structure
approximately 20' wide

Existing Bridge No. 902

New roadway
approximately 30' wide

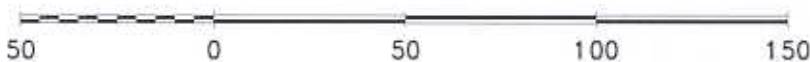
601
106

City of Bloomington



Scale: 1" = 50'

By: renfrow
27 Dec 05



For reference only; map information NOT warranted.

ORDINANCE 06-01

TO VACATE A PUBLIC PARCEL -

**Re: Rights-of-Way Running North /South and East/West between
College Avenue and Walnut Street and 14th Street and 15th Street
(Cedarwood Development, Petitioner)**

WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner, (Cedarwood Development) has filed a petition to vacate two alley rights-of-way more particularly described below;

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

SECTION I. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated.

The property, commonly known as an east/west alley located between N. College and N. Walnut Street and a north/south alley located between W. 15th Street and the first alley south of it, more particularly described as follows:

A 12-foot wide alley running east to west between lots Ninety (90), Ninety-one (91), One hundred-two (102), One hundred-three (103), and a 12-foot wide alley running north to south between lots Eighty-nine (89), Ninety (90), One hundred-three (103), and one hundred-four (104) in Kenwood Addition to the City of Bloomington, Indiana. Being is more particularly described as follows:

Beginning at the northwest corner of lot One hundred-four (104) thence south along the west line of said lot One hundred-four (104) and One hundred-three (103) South 00 degrees 03 minutes 18 seconds East for a distance of 132.02 feet to the intersection of the east line of the north-south alley and the north line of the east-west alley; thence North 89 degrees 05 minutes 27 seconds East along the south line of said lot One hundred-three (103) for a distance of 131.97 feet; thence South 00 degrees 04 minutes 00 seconds East along the west right-of-way of North Walnut Street for a distance of 12.00 feet; thence South 89 degrees 05 minutes 27 seconds West along the North lines of lots Ninety-one (91), One hundred-two (102) for a distance of 275.94 feet; thence North 00 degrees 01 minutes 41 seconds East along the east right-of-way of North College Avenue for a distance of 12.00 feet; thence North 89 degrees 05 minutes 27 seconds East along the south line of said lot Ninety (90) for a distance of 131.76 feet to the intersection of the north line of the east-west alley and the west line of the north-south alley; thence North 00 degrees 05 minutes 20 seconds West along the east line of lots Eighty-nine (89) and Ninety (90) for a distance of 132.20 feet; thence North 89 degrees 01 minutes 14 seconds East along the south right-of-way of 15th Street to the Point of beginning, containing 0.11 acres more or less.

SECTION II. Pursuant to I.C. 36-7-3-16, the following Utilities have submitted letters to the Common Council (attached) indicating that they are occupying or using all or part of this public way and wish to preserve those rights: City of Bloomington Utilities, SBC, Cinergy, Insight Communications, and Vectren.

SECTION III. 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 _____, 2006.

President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____
day of _____, 2006.

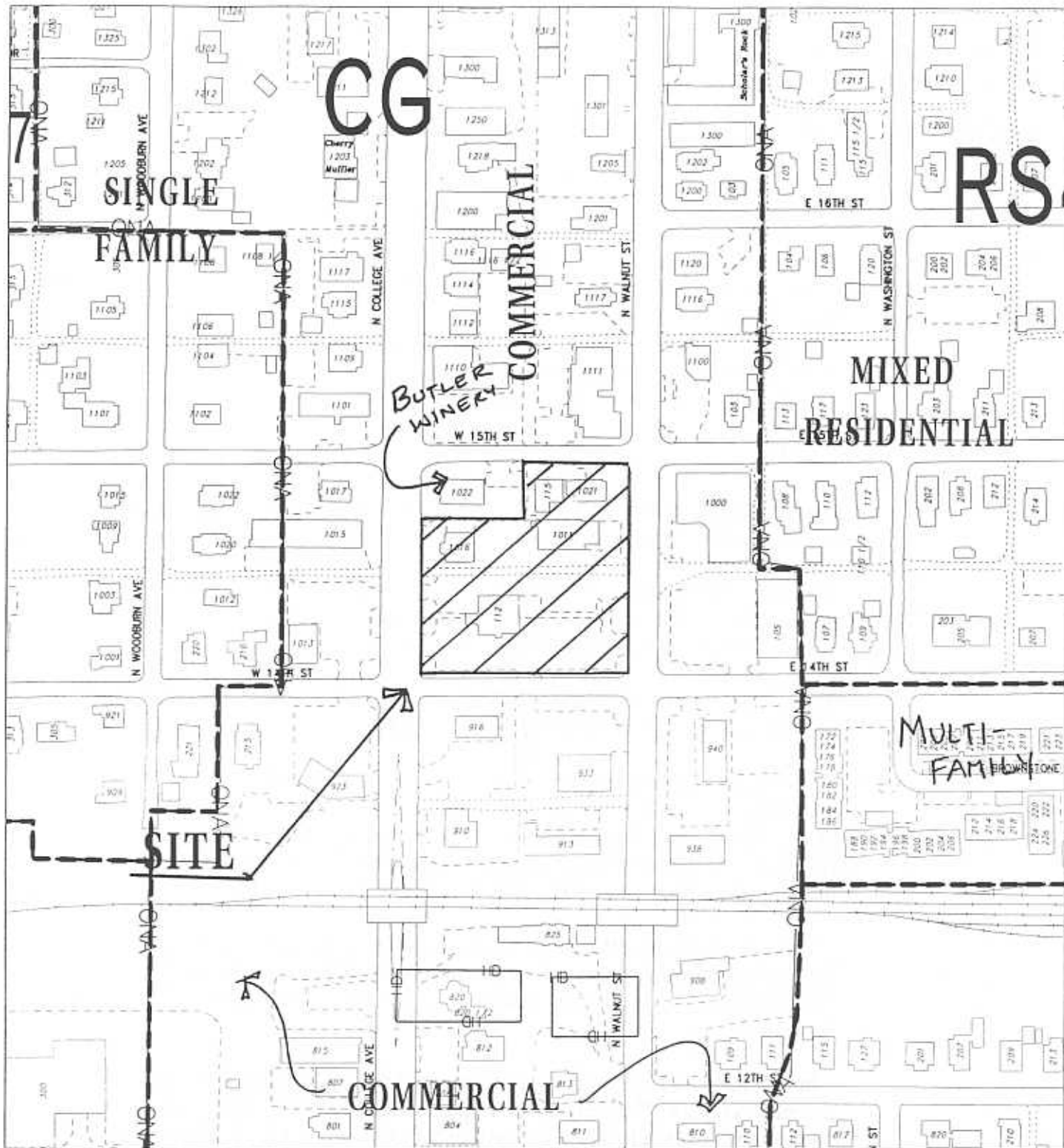
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2006.

MARK KRUZAN, Mayor
City of Bloomington

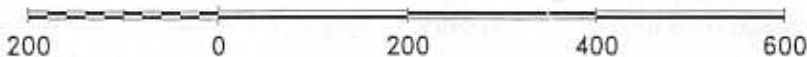
SYNOPSIS

The petitioner, Cedarwood Development, requests vacation of the remaining two alley rights-of-way in 1000 block of North Walnut Street and North College Avenue. One alleyway runs east/west between North College Avenue and North Walnut Street, and the second alleyway runs north/south between 15th Street and the first alley south of it.



V-38-05 CEDARWOOD DEVELOPMENT
 1016 N. COLLEGE, 1011 & 1021 N. WALNUT STREET
 LOCATION/ZONING/LAND USE MAP
 BOARD OF ZONING APPEALS

By: shayp
 9 Dec 05



For reference only; map information NOT warranted.

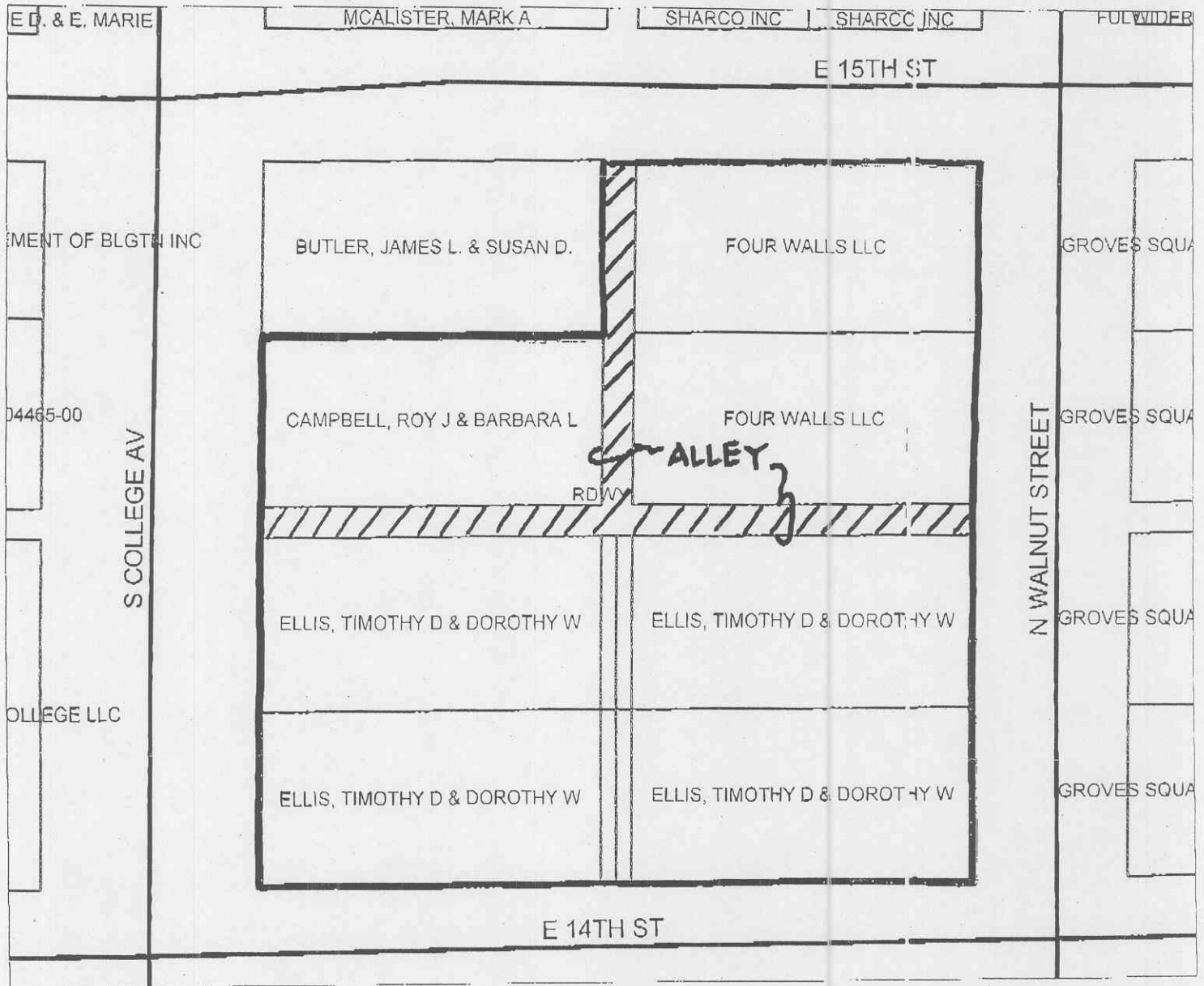
City of Bloomington
 Planning



Scale: 1" = 200'

6

14th and Walnut





**CITY OF BLOOMINGTON
PLANNING DEPARTMENT
MEMORANDUM**

DATE: December 22, 2005
TO: City of Bloomington Common Council Members
FROM: Patrick Shay, Development Review Manager
SUBJECT: Request for vacation of two alley rights-of-way
PETITIONER: Cedarwood Development

LOCATION: There are two subject alley rights-of-way that the petitioner is proposing to be vacated. One alley runs east/west between N. College Avenue and N. Walnut Street. The second alley runs north/south and connects the previous alley with W. 15th Street to the north.

BACKGROUND: The petition site is an entire city block with the exception of the Butler Winery. The remainder of the block is the location of the abandoned Burger King restaurant, as well four other structures including office and residential rental uses. The petitioners have proposed to raze the existing structures and construct a new CVS drug store to replace the old north CVS located within a strip center just west of the Miller Showers Park. In order to construct the proposed structure, the rights-of-way in question necessitate vacations.

The request for vacation was heard by the Board of Public Works (BPW) on June 14th of this year. The BPW voted to recommend vacation of the rights-of-way if all site planning issues could be worked out. Since that time, the petitioner has worked with staff to resolve the planning issues. On December 15th, the Board of Zoning Appeals (BZA) approved a parking variance.

This project site is located within a commercial area that does not have a history of reinvestment. There are several properties in the immediate area that are vacant, some of which have been vacant for many years. This redevelopment project would replace 5 non-historic structures with a new 13,000 square foot commercial pharmacy, CVS. The petitioners have worked with staff to create a design that has incorporated brick construction, a second story, roof detailing, pedestrian scale lighting, an arts garden, and sidewalk improvements.

The proposal has received support of several neighboring property owners. It has also received a variance from the Board of Zoning Appeals to allow a parking reduction that reduces amount of impervious surface on the site. Due to the bisecting nature of the alleys on the property, the proposed vacation is necessary for this redevelopment project to proceed.

UTILITY INTRESTS: The following utility and city service organizations have responded to this request with no objections for the vacation of the existing rights-of-way:

- **Bloomington Public Works Dept.**
- **Bloomington Utilities Dept.**
- **SBC Ameritech**
- **PSI Cinergy**
- **Insight Communications**
- **City of Bloomington Police Department**
- **City of Bloomington Fire Department**
- **Vectren**

SBC, Cinergy, Insight Communications, and Vectren have active lines located within the east/west alley and will require easements as well as relocation costs for any lines that will need to be moved to accommodate the new construction. Cedarwood Development has agreed to the easements and funding the costs of all utility relocation. In addition, the petitioner has agreed to work with the City ITS Department to accommodate and fund the installation of a fiber optic conduit through or around this site.

CRITERIA: The criteria utilized to review a public ROW or easement vacation request are as follows:

1. Current Status - Access to Property.

This site is located within an area that has been constructed with a grid pattern of public streets. There is access to this and all surrounding properties. The southern half of the north/south alley in question has been previously vacated. The property is bounded by four public streets, two of which are primary arterial roadways. As previously stated, both the Fire and Police Departments find that they can adequately serve the area without the rights-of-way in question.

2. Necessity for Growth of the City:

Future Status: No public utilization of these rights-of-way is anticipated by the City. All public services can be served through the remaining rights-of-way in the immediate area.

Proposed Private Ownership Utilization: The vacation of these alleys will allow the petitioner to move forward with their redevelopment project which cannot be constructed without the proposed vacation.. The project makes a significant investment in the area and may encourage additional investment. Further redevelopment of the area would enhance its economic vitality.

Compliance with Regulations: The vacation of this alley will not create any issues regarding compliance with local regulations. The Board of Zoning Appeals did authorize a parking reduction for this project from 78 to 59 spaces.

Relation to Plans: The proposal is consistent with City plans. Although the topography and use of the site do not permit the site plan to utilize a building forward design, the design of the structure and the site have incorporated many desirable elements found in the Growth Policies Plan and are consistent with the property's Community Activity Center designation. The use as a commercial pharmacy falls within the community-serving commercial opportunities envisioned this designation. As guided by the GPP, the site plan has been designed to minimize the "open areas of asphalt" by using a variance to reduce the number of required spaces, and by having smaller parking areas around the building rather than one larger area.

The GPP also calls for development in this area to have "an increased emphasis...on urban design and the creation of a distinctive design style". The proposed structure has been tailored for this location. The

design has incorporated a 2-story façade instead the standard one-story structure, with a portion of the 2nd floor being used for office and storage. The second floor was not utilized by residential units due to the sensitive security issues associated with a drug store.

The site design includes large tree plots, new landscaping, new sidewalks, pedestrian scale lighting, and a reduction of drive cuts from eight to three. The petitioner has also agreed to highlight the northwest intersection of N. Walnut Street and W. 14th Street with an arts garden. In addition to these elements desired by the Growth Policies Plan, the proposal specifically attempts to further the Guiding Principle of Leveraging Public Capital through its redevelopment nature, improvement to the existing pedestrian network, and its extension of conduit for fiber optics.

RECOMMENDATION: Both staff and the Board of Public Works have recommended that the City vacate the alley rights-of-way in question.

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON
COMMON COUNCIL

ORD # 06-01
1st READING
COMMITTEE
FINAL HEARING

January 3rd, 2006
January 3rd, 2006
January 18th, 2006

Office of the Common Council
P.O. Box 100, Showers City Hall
Bloomington, IN 47402
(812) 349-3409

Address of Property: 112 West 14th Street, Bloomington, IN

Description: Existing east/west and north/south alleys between College Avenue and Walnut Street and 14th Street and 15th Street

Applicant's Name: Cedarwood Development (Mitch Ciccarone)

Address: 1765 Merriman Road, Akron, OH Phone: 330-836-9971

Counsel or Consultant: Smith Neubecker & Associates, Inc.

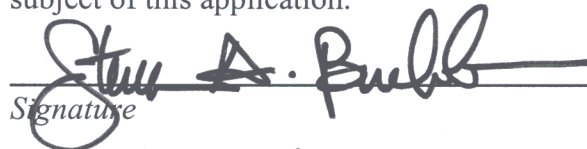
Address: 453 S. Clarizz Boulevard, Bloomington, IN 47407 Phone: 812-336-6536

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all forgoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.


Signature

12.27.05
Date

STEVEN A. BREHOB

Please print name



February 7, 2005

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

Bloomington City Council
401 N. Morton Street
Bloomington, IN. 47404
C/o Eric Greulic
City Planning Staff

RE: Alley Vacation Request

Dear Council Members,

We are beginning design for the redevelopment of the former Burger King site located at the NW corner of 14th Street and Walnut Street. The site will extend west to College Avenue and north to 15th Street. The attached schematic plan shows the site in greater detail. Our client, Cedarwood Development, plans to construct a new 13,000 SF CVS Pharmacy on the site to serve the surrounding neighborhood and downtown area. This new store will replace the existing store on College Avenue.

Redevelopment of this property will encompass several lots within the Bloomington "Kenwood" Addition. Lots included in the project are Lots 90, 91, 92, 101, 102, 103 and 104. The plat map of this area shows an alley running east/west across the site from Walnut Street to College Avenue. The plat also shows an alley running north south across the site from 15th Street to the east/west alley. The plat map, and an ALTA survey prepared by Doug Curry of Bynum Fanyo Associates, Inc. dated December of 2003 shows that the alley crossing the south portion of the project site between Lots 91, 92, 101 and 102 has been vacated.

To redevelop this particular site, we will need to vacate the east/west alley and the portion of the north/south alley not previously vacated. Through contact with the City of Bloomington Utilities Department, we have determined that there are no active lines owned or maintained by the City of Bloomington Utilities Department within the alleys to be vacated. Facilities owned and maintained by Vectren, Cinergy and SBC are located within these alleys, but can be relocated as required, based on discussions with each of the potentially effected utilities.

Re-development of the site for this use is not possible if vacation of the alleys is not permitted. Given the footprint of the proposed building, its functionality and the severe grades across the site from west to east, the site plan cannot be modified to maintain use of the alleys across the site.



Should you have any questions concerning our request for vacation of the alley or the schematic site plan, please contact me.

Sincerely,


Steve A. Brehob
SMITH NEUBECKER & ASSOCIATES, INC.

Attachments

Schematic Plan
Plat Map

Cc: 3486 M-2 file
Mitch Ciccarone

J:\3846\corresp\CityCouncil alley 2-07-05.doc



**City of Bloomington
Planning Department**

DEVELOPMENT REVIEW TRANSMITTAL

Date: February 14, 2005

Type of Request: R.O.W. Vacations

Project Name: Mitch Ciccarone, Cedarwood Development

Location: The rights-of-way in question extend south from 15th Street south to the mid-block where the southern half of the alley has been previously vacated. Also, the right-of way between College Ave. and Walnut Street in the same block is being petitioned for vacation. The alleys are located north of the now vacant Burger King lot.

Proposed Use: The alley rights-of-way in question are located between 14th Street and 15th Street and College Avenue and Walnut Street. One alley runs north/south approximately 65 feet starting at 15th Street and intersects with the existing east/west alley. The east/west running alley is approximately 276 feet in length between College and Walnut. The petitioner is proposing to demolish the vacant restaurant and develop the site with a CVS drugstore.

Required Approval: Common Council approval

TENTATIVE SCHEDULE

****We need your comments by: 30 Days from date of this request****

Preliminary Staff report: ASAP

Final Staff report: ASAP

First Common Council hearing: as scheduled

Second Common Council hearing: as scheduled

Final Common Council hearing: as scheduled

Board of Public Works hearing: as scheduled

SIGNIFICANT ISSUES AND QUESTIONS

Refer to the enclosed site plan, and petitioner's pre-petition review request, and letter.

Please respond in writing concerning the effect this vacation would have upon your provision of service to this area. You may also fax your written response to me at 349-3535 or email at friedmel@bloomington.in.gov.

Reply to: J. Lynne Friedmeyer
Planning Department
City of Bloomington
P.O. Box 100
Bloomington, IN 47402

Friedmeyer, Lynne

From: Mueller, Tim
Sent: Friday, February 25, 2005 3:39 PM
To: Friedmeyer, Lynne
Subject: ciccarone R. O. W. vacation

Lynn,

CBU has no active facilities in the alley proposed for vacation, and we foresee no future need for water, wastewater or storm facilities. However, there is an abandoned force main that runs from 12th and Lincoln north to 17th through the N-S alley. You should check with Richard Routon in ITS to see if the city has any interest in the pipe as a fiber optic route.

Tim Mueller

E-mailed Rick 2-28-05

2/25/2005



2-21-05

Lynne Friedmeyer
Planning Dept.
City of Bloomington
PO Box 100
Bloomington, in 47402

Dear Lynne,

This letter is in regards to the vacation of the North – South and the East – West alleys between College Avenue and Walnut St., between 14th and 15th St.

SBC Ameritech has no objections to the request as long as the petitioning party provides SBC Ameritech with a utility easement of the same dimensions as the proposed vacated right of way or agrees in writing to reimburse SBC Ameritech for expenses incurred in rerouting the existing facilities.

If you have any questions or comments please call me on 812-334-4521.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brent", is written below the word "Sincerely".

Brent McCabe
SBC
OSP Engineer
4517 E. Indiana Bell Ct.
Bloomington, In 47408

Lynne Friedmeyer
Planning Department
City of Bloomington
Post Office Box 100
Bloomington, Indiana 47403

To all concerned parties

The Encroachment of Easement or elimination of Easement that Cederwood Development (Mitch Ciccarone) and/or Smith Neubecker & Associates has requested does and will hinder our operation in this area. We however are not opposed to alternative routing of our facilities if the Developers are willing to re-inburse all of the costs associated with the relocation of said facilities, with the rights to maintain our facilities in case of emergency



Scott Templeton 812.355.7822
District Construction Supervisor
Insight Communication
2450 South Henderson Street
Bloomington Indiana 47401



VECTREN

Not just power. Possibility.

February 22, 2005

205 S. Madison Street
Bloomington, IN 47404
Telephone 812-330-4075

Planning Department City of Bloomington
P.O. Box 100
Bloomington, Indiana 47402

RE: PROPOSED VACATION OF NORTH/SOUTH ALLEY BETWEEN
COLLEGE & WALUNT ST. SOUTH OF 15TH TO MID BLOCK AND
EAST/WEST ALLEY BETWEEN 14TH & 15TH FROM COLLEGE TO
WALNUT STREET IN BLOOMINGTON, INDIANA.

Dear J. Lynne Friedmeyer:

This letter is confirmation that Vectren has received a copy of the Petition for the above referenced proposed vacation of public right of way.

A review of internal records has been completed and it was determined that there is presently a 4" C.I. main that runs north and south in the public right of way between College Ave. and Walnut St.

In view of these findings Vectren has no objection to the proposed Petition to vacate the public right of way provided we are granted an easement to allow the facilities to remain in place or a suitable route and reimbursement to relocate the facilities.

Sincerely,

Raymond E. Wise
Planning Supervisor

cc: Mark Riggs
File



Cinergy / PSI
1100 West Second Street
Bloomington, IN 47403

May 10, 2005

J. Lynne Friedmeyer
City of Bloomington
Planning Department
P. O. Box 100
Bloomington, IN 47402

RECEIVED
MAY 12 2005

BY:.....

Dear Ms. Friedmeyer,

This letter is in regards to the R. O. W. vacation request in the area of 14th St. & College Ave.

Cinergy currently has electric lines in this right of way and will maintain those facilities until the developer pays to have those lines rerouted along the perimeter of the block and also granting a 15' easement for the proposed facilities. When that is done, we will grant the vacation request.

If you have any questions or comments, please contact me at 337-3038.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Gardner".

Tammy Gardner
Customer Project Coordinator

Friedmeyer, Lynne

From: Williamson, Randy
Sent: Wednesday, April 06, 2005 11:42 AM
To: Friedmeyer, Lynne
Cc: Williamson, Randy
Subject: vacation of alley 112 West 14th Street

Lynne,

The request to vacate the alley at 112 West 14th Street for a new CVS Pharmacy is fine with the Police Department. We have no reason to appose the request.

Thanks Randy Williamson

4/6/2005

Friedmeyer, Lynne

From: Smith, Scott
Sent: Monday, April 18, 2005 4:23 PM
To: Friedmeyer, Lynne
Cc: Barlow, Jeffrey; Kerr, Roger
Subject: N. Walnut CVS

Lynne,

After our phone conversation today I followed up with Chief Barlow. We do not see any problems with vacating the right of way between Walnut & College, and 14th & 15th Streets to allow CVS to build in the middle of the block. As you stated, with the possibility of only one house on the corner being left, we will not need the alleys for access. If there are future changes to the planned number of houses that will be left please let me know. Feel free to call if you have questions.

Thanks,

Scott Smith
Deputy Chief of Administration
Bloomington Fire Dept
812-349-3895
smiths@bloomington.in.gov
www.bloomington.in.gov/fire

BOARD OF ZONING APPEALS

CASE #: V-38-05

LOCATION: 1016 N. College Ave., 112 W. 14th St. DATE: Dec. 15, 2005
1011 & 1021 N. Walnut St., 115 W. 15th St.

PETITIONER: Cedarwood Development
1765 Merriman Road, Akron OH

CONSULTANT: Smith Neubecker & Associates Inc
453 S. Clarizz Blvd, Bloomington

REQUEST: The petitioners are requesting variances from standard parking requirements.

BACKGROUND:

Acreage:	1.5 Acres
Current Zoning:	General Commercial (CG)
GPP Designation:	Community Activity Center (CAC)
Existing Land Use:	Vacant, formerly commercial
Proposed Land Use:	Commercial
Surrounding Uses:	North - Commercial South - Commercial East – Commercial, Single Family, Multi-family West – Commercial, Single Family, Multi-family

SUMMARY: The petitioners are representing CVS Pharmacies in an attempt to relocate their north pharmacy currently located west of the Miller/Showers Park. The petitioners have aggregated several existing commercial lots located within a General Commercial Zoning (CG) District. The lots incorporate the city block bounded by N. College Avenue, N. Walnut, W. 14th, and W. 15th Streets with the exception of the Butler Winery building. They are proposing to remove a total of five structures including the former Burger King drive-thru restaurant, two office buildings and two residential rental structures. The structures would be replaced with a two-story structure of approximately 13,000 square feet. The main floor would house a new CVS Pharmacy, while a portion of the second level would be used as office and storage. The former Burger King structure has remained vacant for some time and has become an eyesore along this entry corridor.

The construction of the proposed development requires two public approvals. First, a parking variance has been requested by the petitioners to allow a reduction in the number of required parking spaces from 78 to 59. In addition to the parking variance from the Board, alley vacations for both the north/south and east/west alleys running through the site must be approved by the Common Council.

PARKING: As previously stated, the petitioners' proposal would require the placement of 78 parking spaces for this development. In the recent past, staff and the Board have been receptive to parking reductions for proposals that can demonstrate a lower parking need than strict code requirements in an attempt to reduce the amount of

unnecessary pavement, thus increasing the amount of green space within the City. These goals are readily supported by the City's Growth Policies Plan (GPP).

To demonstrate the actual parking needs of this store, the petitioners have submitted a parking analysis of their newest Bloomington store located at the northeast corner of E. 3rd Street and the SR 45/46 Bypass. This analysis was conducted over several weeks and included all hours of the day. The study revealed that at the subject location, a more vehicular-dependent site, the ratio for parking spaces used per 1000 square feet at peak times was approximately 3.5 spaces per 1000 square feet. This store (10,880 square feet) has 68 parking spaces and never exceeded 56% of the spaces being occupied. This underutilization creates an unnecessarily large amount of pavement on the site.

Utilizing this parking ratio, the proposed 13,000 square foot store would have a "need" of approximately 46 parking spaces. The petitioners have proposed to place 59 parking spaces. Staff finds this number of spaces sufficient to serve the proposed structure. Staff finds that the site could be served with even fewer parking spaces. The site plan shows eight parking spaces located in the northeast corner of the property where construction could be delayed to determine the actual need of the site after construction and an initial sales period.

In working with staff, the petitioners have agreed to delay the construction of these eight parking spaces for a period of 12 months from the opening of the new store. These twelve months would allow the petitioners an opportunity to reassess its parking needs. If the petitioners determine after 12 months that the additional 8 spaces are necessary, they may then install them as shown on the site plan. This "shadow parking" shall remain open/green space for that 12-month period.

DESIGN: The petitioners have gone to great lengths to develop a unique architectural design at this location. They have recognized the importance of this corridor as a major entry point to Bloomington. With the investment by the City in this area (Miller Showers Park), this area has potential for significant reinvestment in the future. The petitioners have agreed to an enhanced architectural package for this store that will hopefully set a high standard for future projects in the area.

The proposed building is different from not only the standard CVS architecture, but from any other CVS that has been constructed. To achieve this, the petitioners have increased the height of the building to two stories, will place faux windows on the second floor to break up blank walls, will utilize brick construction on all four elevations, as well as other architectural details.

In addition to a higher level of architectural design, the petitioners have also included other site planning elements to enhance their overall site plan. Early in the site development of this project, the petitioners attempted to create a more desirable building-forward design for this project. With the drive-thru component of this use, the more than 25 feet of elevation change from the southwest corner to the northeast corner makes a building-forward design infeasible. To that end, the petitioners have made the design more pedestrian in scale. The petitioners have agreed to the

placement of an arts garden in the southeast corner of the property, pedestrian scale lighting throughout the development, architecture that creates a multi-tenant appearance, and large first floor display windows. They have also reduced the number of drive cuts to a total of three points of ingress/egress, one each on College Ave., 14th St., and 15th St.

The significant topography on the site also creates the necessity for retaining walls on much of the perimeter of the site. These block walls will provide for additional screening of the parking areas and for the dumpster enclosure. They have been recessed from the right-of-way to reduce their overall height and to create separation from the adjacent sidewalks to increase safety aspects for pedestrians.

Neighbor's Concerns: Staff has received concerns from the sole other owner on this block, Butler Winery. These concerns center mainly on the vehicular traffic patterns of the area including ingress/egress and lack of on-street curbing. The neighbor would also like to see additional landscaping and tree preservation. While staff appreciates the neighbor's desire to maintain more direct access to College Ave. and Walnut St. and remove access to 15th Street, it has been staff's policy to try to reduce the number of potential vehicular conflict points onto Arterial level streets and utilize adjacent streets to provide safer access via adjacent lower classified streets such as 14th St. and 15th St.

While many of the neighbor's concerns along 15th St. are off-site and would be better addressed through potential City projects, staff finds the desire to preserve the large evergreen tree in the northeast corner to be achievable and desirable.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

20.05.05.00 E. Standards for Variances. The regulations of this zoning ordinance shall not be varied unless findings based on the evidence are made in each specific case that affirm each of the following criteria:

20.05.05.00 E2. Standards for Granting Variances from Development Standards:

A variance from development standards may be approved only upon determination in writing that:

- A. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the variance will relieve practical difficulties.*

STAFF FINDING: Staff finds practical difficulty in requiring the petitioners to meet the strict parking standards of 6 parking spaces per 1000 square feet of gross floor area. Strict compliance would require additional impervious surface to be unnecessarily placed at this location. This situation is peculiar due to the specific parking analysis done by the petitioners at a similar location. Through this analysis, the petitioners have reasonably demonstrated that the true parking need of the proposed use is significantly less than that required by code. Furthermore, strict

compliance would conflict with several goals and policies of the City and the Growth Policies Plan.

- B. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

STAFF FINDING: Staff finds that the use and value of the adjacent area will only be impacted in a positive manner by this proposal. The current site is partially vacant and has become an eyesore. The site is located between two main arterial roadways with a high level of visibility. The petitioners' enhanced architectural package has attempted to incorporate many desirable elements to improve the overall character of the corridor.

- C. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

STAFF FINDING: Staff finds no injury with this request. The reduction of on-site parking spaces will not result in any unsafe conditions. Furthermore, the overall safety of the area will be improved with the reduction of street cuts.

CONCLUSION: Staff finds that the proposed parking reduction is warranted due to the demonstrated need of approximately 3.5 parking spaces per 1000 square feet of gross floor area. The variance will allow greater compliance with the Growth Policies Plan in terms of increasing overall open/green space and reducing unnecessary impervious surface area. The overall design of the building has incorporated many design features that are desired for projects in the near downtown area as well as along gateway corridors. Ultimately, staff finds the proposed parking ratio adequately serves the site and would allow the positive redevelopment of this area.

RECOMMENDATION: Based upon the written findings, staff recommends approval with the following conditions:

1. This approval is contingent upon an alley vacation approval by the Common Council.
2. The eight parking spaces located in the northeast corner of the site may be constructed only after an initial 12-month waiting period from the store opening. This parking area must remain open/green space for that 12-month period.
3. All signage on the property must be externally lit.
4. All external site lighting must be pedestrian scale and downlit. All lighting on the structure must be architecturally compatible. Any street lights within the right-of-way must be approved by the Public Works Department.
5. The gazebo area at the southeast corner of the property must be replaced with a outdoor plaza area and arts garden to be worked out with staff at the permitting stage.
6. Landscaping must be installed and inspected prior to final occupancy permit issuance. The sidewalk along W. 15th Street shall be permitted to meander to allow for additional tree preservation.

Butler Winery
1022 N. College Ave.
Bloomington, In. 47404
(812) 339-7233

BY:

November 9, 2005

To City of Bloomington Planning Department,

This letter is to inform you of my concerns with the Cedarwood Development of a CVS store between Walnut and College and 14th and 15th Streets in Bloomington. I am the owner of the only property in the block mentioned above that will not be included in the development. We have operated Butler Winery at this location for 23 years. Our business at this location is retail only with all wine production at our vineyard on Robinson Road northeast of Bloomington. I have two issues in particular that I believe are important for the future growth and desirability of this area.

Traffic flow

Having reviewed the information on file at the City of Bloomington Planning Office, I have several concerns. The reduction in parking spaces can probably be justified since most trips will be relatively quick in and out stops. I think that the larger issue is the number of car trips to the CVS store. The area between College and Walnut is dominated by intensive automobile use. It is not pedestrian friendly. People do not like to cross the busy north-south arteries on foot. There are no lights or crosswalks. Most apartment dwellers in the neighborhood will drive rather than walk especially in winter when very few people shovel their walks. I have never seen the side walks under the railroad overpass cleared in the winter. Even in good weather there will be little walk-in business from downtown due to the steep hill between downtown and 14th Street. I imagine that 99% of the CVS business will be drive in business.

While Burger King occupied the southern half of the block, the majority of traffic entered and exited directly onto Walnut Street and College Avenue. The traffic exiting Burger king only had to merge into one-way traffic. There were few accidents at these points. The majority of accidents occurred at the four intersections at the corners of the block as cars tried to cross the one-way arteries carrying heavy traffic going north and south. The proposed CVS puts all the incoming and exiting vehicles onto 14th & 15th Streets. I assume that the City of Bloomington and/or CVS have reasons for not locating the entrances and exits on College and Walnut, but I question if 15th Street, in particular, can handle the extra traffic in a safe and convenient manner as currently designed.

There are no curbs on 15th Street. Without curbs people think they can pull over slightly and park which makes 15th Street a one-lane street. With no curbs and sidewalks running the entire length of the block pedestrians often walk in the street. There is a no-parking sign on the north side of the street but beer trucks delivering to Big Red Liquors

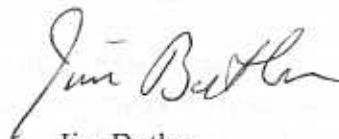
frequently ignore the sign. The sign has been repeatedly knocked down and the city has had to replace it numerous times. Due to its proximity to 17th street and the football stadium the on street parking is filled up and businesses sometimes need to protect their parking lots from game parkers. 15th Street can become grid locked before and after games.

For these reasons, drawn from 23 years of observations, I suggest that 15th have curbs and sidewalks on both sides of the street for the entire length of the block. I would also suggest that the phone booth on the north side of 15th and College be removed or moved away from the corner to increase visibility for drivers entering or crossing College Ave. As an alternative I would suggest that the entrances and exits to the CVS store be maintained on College, Walnut and 14th Street as they were for Burger King with little problem over the years.

Green space

I see no problem with the reduction of parking on the northeast corner of the project and dedication of that area to a green space. There is a blue spruce in that area that is probably 50 feet tall that needs to be saved if a green space is to be developed. It appears to me to be in the middle of the sidewalk proposed for the south side of 15th Street near Walnut Street. It makes a mockery of the idea of green space to cut down a tree of that age and beauty to plant a few saplings and bushes. I hope that the City and Cedarwood will come up with a design that will make that tree the focus of the green space. I have attached several pictures of the tree with this letter.

Sincerely,



Jim Butler









SITE CRITERIA CHECKLIST

PROJECT DATA

TOTAL SITE AREA	1.41 AC.
CVS PHARMACY	BUILDING AREA = 13,000 S.F.
TOTAL PARKING REQUIRED	78
TOTAL PARKING PROVIDED	59
TOT. LOADING REQ'D	
TOT. LOADING PROVIDED	(1) 12'-0" (W) X 60'-0" (L)

LAND INFORMATION

LAND LOT	
BOUNDARY SURVEY	SITE DIMENSIONS WERE DERIVED FROM TAX MAP
TOPOGRAPHICAL SURVEY	ELEVATIONS ARE PER CITY GIS MAP
OFF SITE IMPROVEMENTS	NONE
TRAFFIC STUDY	NOT REQUIRED
PARCEL NUMBER	PORTIONS OF PARCELS: 013-49560-00, 013-05950-00, 013-05960-00, 013-05970-00, 013-05980-00, 013-21360-00, 013-02160-00
OVERLAY DISTRICTS	NONE

ZONING INFORMATION

EXISTING ZONING	CG - GENERAL COMMERCIAL
PROPOSED ZONING	N/A
BUILDING HEIGHT LIMIT	N/A

DOT INFORMATION

CURB CUT PERMIT	YES
MAJOR ROAD JURISDICTION	WALNUT STREET & COLLEGE AVENUE, CITY OF BLOOMINGTON
MINOR ROAD JURISDICTION	14TH STREET & 15TH STREET, CITY OF BLOOMINGTON

LANDSCAPE INFORMATION

SITE LANDSCAPING	DOES THE MUNICIPALITY REQUIRE LANDSCAPING?
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> SHOWN ON PLAN

UTILITY INFORMATION

GAS AVAILABILITY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> SHOWN ON PLAN
ELECTRIC AVAILABILITY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> SHOWN ON PLAN
TELEPHONE AVAIL.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> SHOWN ON PLAN
CABLE AVAILABILITY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> SHOWN ON PLAN
WATER AVAILABILITY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> SHOWN ON PLAN
SEWER AVAILABILITY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> SHOWN ON PLAN
STORM AVAILABILITY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> SHOWN ON PLAN

SITE RISK ASSESSMENT

1. PLAN BASED ON GIS AND AUDITOR'S MAP DATA.

2. PROPERTY LINES SHOWN ARE APPROXIMATE.

3. SETBACK VARIANCE FOR PARKING MAY BE REQUIRED.

4. A VERTICAL COMPACTER WILL BE REQUIRED.

5. GRADES SHOWN BASED ON GIS MAP DATA.

LANDSCAPING / LIGHTING REQUIREMENTS

Site Lighting:
Anticipate being able to use the typical CVS site lighting package for the parking lot.

ESTIMATING INFORMATION

LANDSCAPING / SCREENING / IRRIGATION, SQ. FT.	
WALKS AND PADS, SQ. FT.	
CURBS AND GUTTERS, LIN. FT.	
PARKING LOT, SQ. YDS.	
RETAINING WALLS, LIN. FT.	
EXCAVATION / CUT AND FILL, CU. YDS.	

UTILITIES

AMERITECH
Brent McCabe - (812) 334-4521
4517 E. Indiana Bell Ct.
P.O. Box 56
Bloomington, Indiana 47408
(812) 334-4594 Fax

CINERGY/PSI
Brian Vance (812) 337-3012
P.O. Box 2448
Bloomington, IN 47402
(812) 337-3000 Fax

CITY OF BLOOMINGTON UTILITIES
Mike Bengston (812) 349-3653
1969 S. Henderson
P.O. Box 1216
Bloomington, IN 47402
(812) 349-3683 Fax

VECTREN
Gary Hopkins (812) 330-4031
4324 Middle Road
Columbus, IN 47203
(812) 348-6701 Fax

TCI OF INDIANA, Inc.
Dan McComas (812) 332-6332
1121 W. Second St.
Bloomington, IN 47403
(812) 332-0129 Fax

PROPERTY SIZE:
61552.25 SQ/FT or 1.41 ACRES

BUILDING SIZE
13,000 SQ/FT

PROJECT LOCATION

LOCATION MAP

PART NW. 1/4 OF THE NW 1/4
SEC. 33, T8N, R1W
MONROE COUNTY
BLOOMINGTON, INDIANA

ARCHITECT
OF
RECORD

CEDARWOOD DEVELOPMENT, INC.
1765 MERRIMAN ROAD
AKRON, OHIO 44313
TEL. 330-836-9971
FAX 330-864-8094

CONSULTANT:

Smith Neubecker & Associates, Inc.
453 S. Clarissa Boulevard
Bloomington, Indiana, 47407-5355
Telephone: (812) 336-6536
FAX: (812) 336-0513
www.snainc.com

SEAL:

cvsw/
pharmacy

LEFT HAND

13,000 PROTOTYPE

14TH STREET &
WALNUT STREET
BLOOMINGTON, INDIANA

REVISIONS:

△

△

△

△

LAYOUT COORD:

PLANNING MGR. SAB

DRAWING BY: RGB

DATE: 11/30/04

JOB NUMBER: 3315

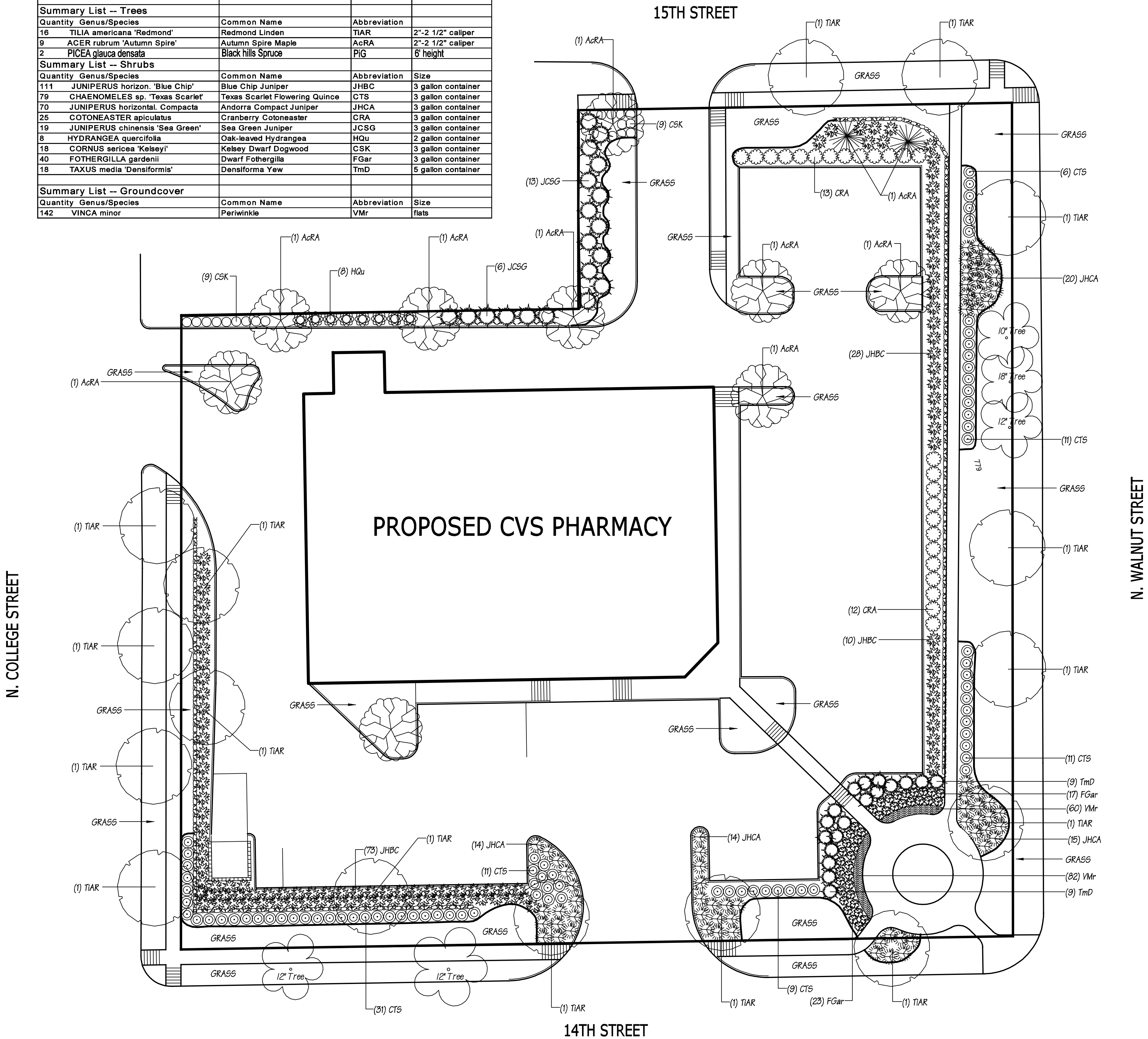
TITLE:
CONCEPTUAL SITE
PLAN

SHEET NUMBER:
SK-1

COMMENTS:
NOT RELEASED FOR CONSTRUCTION
DO NOT SCALE DRAWINGS

PDF created with pdfFactory Pro trial version www.pdffactory.com

PLANT LIST				
Summary List -- Trees				
Quantity	Genus/Species	Common Name	Abbreviation	
16	TILIA americana 'Redmond'	Redmond Linden	TIAR	2'-2 1/2" caliper
9	ACER rubrum 'Autumn Spire'	Autumn Spire Maple	AcRA	2'-2 1/2" caliper
2	PICEA glauca densata	Black hills Spruce	PIG	6' height
Summary List -- Shrubs				
Quantity	Genus/Species	Common Name	Abbreviation	Size
111	JUNIPERUS horizon. 'Blue Chip'	Blue Chip Juniper	JHBC	3 gallon container
79	CHAENOMELES sp. 'Texas Scarlet'	Texas Scarlet Flowering Quince	CTS	3 gallon container
70	JUNIPERUS horizontal. Compacta	Andorra Compact Juniper	JHCA	3 gallon container
25	COTONEASTER apiculatus	Cranberry Cotoneaster	CRA	3 gallon container
19	JUNIPERUS chinensis 'Sea Green'	Sea Green Juniper	JCSG	3 gallon container
8	HYDRANGEA quercifolia	Oak-leaved Hydrangea	HQU	2 gallon container
18	CORNUS sericea 'Kelsey'	Kelsey Dwarf Dogwood	CSK	3 gallon container
40	FOTHERGILLA gardenii	Dwarf Fothergilla	FGar	3 gallon container
18	TAXUS media 'Densiflormis'	Densiformis Yew	TmD	5 gallon container
Summary List -- Groundcover				
Quantity	Genus/Species	Common Name	Abbreviation	Size
142	VINCA minor	Periwinkle	VMr	flats



Butler Winery
1022 N. College Ave.
Bloomington, In. 47404
(812) 339-7233

BY:

November 9, 2005

To City of Bloomington Planning Department,

This letter is to inform you of my concerns with the Cedarwood Development of a CVS store between Walnut and College and 14th and 15th Streets in Bloomington. I am the owner of the only property in the block mentioned above that will not be included in the development. We have operated Butler Winery at this location for 23 years. Our business at this location is retail only with all wine production at our vineyard on Robinson Road northeast of Bloomington. I have two issues in particular that I believe are important for the future growth and desirability of this area.

Traffic flow

Having reviewed the information on file at the City of Bloomington Planning Office, I have several concerns. The reduction in parking spaces can probably be justified since most trips will be relatively quick in and out stops. I think that the larger issue is the number of car trips to the CVS store. The area between College and Walnut is dominated by intensive automobile use. It is not pedestrian friendly. People do not like to cross the busy north-south arteries on foot. There are no lights or crosswalks. Most apartment dwellers in the neighborhood will drive rather than walk especially in winter when very few people shovel their walks. I have never seen the side walks under the railroad overpass cleared in the winter. Even in good weather there will be little walk-in business from downtown due to the steep hill between downtown and 14th Street. I imagine that 99% of the CVS business will be drive in business.

While Burger King occupied the southern half of the block, the majority of traffic entered and exited directly onto Walnut Street and College Avenue. The traffic exiting Burger king only had to merge into one-way traffic. There were few accidents at these points. The majority of accidents occurred at the four intersections at the corners of the block as cars tried to cross the one-way arteries carrying heavy traffic going north and south. The proposed CVS puts all the incoming and exiting vehicles onto 14th & 15th Streets. I assume that the City of Bloomington and/or CVS have reasons for not locating the entrances and exits on College and Walnut, but I question if 15th Street, in particular, can handle the extra traffic in a safe and convenient manner as currently designed.

There are no curbs on 15th Street. Without curbs people think they can pull over slightly and park which makes 15th Street a one-lane street. With no curbs and sidewalks running the entire length of the block pedestrians often walk in the street. There is a no-parking sign on the north side of the street but beer trucks delivering to Big Red Liquors

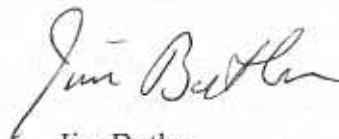
frequently ignore the sign. The sign has been repeatedly knocked down and the city has had to replace it numerous times. Due to its proximity to 17th street and the football stadium the on street parking is filled up and businesses sometimes need to protect their parking lots from game parkers. 15th Street can become grid locked before and after games.

For these reasons, drawn from 23 years of observations, I suggest that 15th have curbs and sidewalks on both sides of the street for the entire length of the block. I would also suggest that the phone booth on the north side of 15th and College be removed or moved away from the corner to increase visibility for drivers entering or crossing College Ave. As an alternative I would suggest that the entrances and exits to the CVS store be maintained on College, Walnut and 14th Street as they were for Burger King with little problem over the years.

Green space

I see no problem with the reduction of parking on the northeast corner of the project and dedication of that area to a green space. There is a blue spruce in that area that is probably 50 feet tall that needs to be saved if a green space is to be developed. It appears to me to be in the middle of the sidewalk proposed for the south side of 15th Street near Walnut Street. It makes a mockery of the idea of green space to cut down a tree of that age and beauty to plant a few saplings and bushes. I hope that the City and Cedarwood will come up with a design that will make that tree the focus of the green space. I have attached several pictures of the tree with this letter.

Sincerely,



Jim Butler

In the Council Chambers of the Showers City Hall on Wednesday, December 7, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 7, 2005

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Mayer
Absent: Sabbagh

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Chris Sturbaum said he was going to do two things this Christmas that would make him feel good. He said he would be doing all his Christmas shopping downtown to support local businesses as he had done since he was about 10 years old, and the other was to give \$100 to Martha's House, the local shelter for persons who have no home. He said the shelter needed support at this time of year, and that half of one's donation would be available for state tax credits. He urged support for them.

REPORTS:

▪ COUNCILMEMBERS

Jason Banach noted that one's gift to Martha's House could also be used as a deduction on federal taxes. He said this was a great cause and urged support.

Dave Rollo said he agreed with Sturbaum's statement about buying local and shopping downtown.

Tim Mayer said he would support Martha's House as well, and noted that he and his wife shopped downtown just the night before. He noted with particular delight the canopy of lights and thanked people involved in decorating the square with all nineteen miles of lights.

Andy Ruff welcomed students who were present in the council chambers, and hoped that they would find the meeting interesting, informative and enlightening.

Maren McGrane introduced Nate Nickel, Senior Long Rang Planner, from the Planning Department. Nickel explained the newly unveiled Prospect Hill Neighborhood Plan which had been released at public meeting the night before that was hosted by the Planning and Housing and Neighborhood Development departments. He said this was the third plan the city had developed and was available to the public in the planning department, on line or at local copy shops. He said that the neighborhood was chosen for the study by application process, that public meetings were held with workshops to determine the strengths, weaknesses, threats and opportunities for the area. He said a volunteer steering committee oversaw the development of the plan which identified goals, objectives, and action strategies for achieving the goals.

▪ MAYOR and CITY
OFFICES

Volan said he was pleased to hear of the plan and asked about the timing of the next plan. Nickel said it would be sometime next year. Nickel said that the application process would be fine tuned.

Mayer thanked those who were instrumental in the project and asked that the planning department consider a neighborhood on the other side of town since the three plans were for Broadview, McDoel and Prospect Hill, all on the near west side of town.

Ruff asked if neighborhoods were lined up for this process, to which

Nickel said Elm Heights had submitted a plan, and that five neighborhoods had submitted applications for the last round.

Sturbaum noted that the sub-area plans were envisioned in the 1991 Growth Policies Plan, and said that neighbors were looking at smaller portions of the areas to do planning on a micro level. He thanked the new administration for their emphasis on this process. He thanked the Planning Department for the great work on the Prospect Hill Plan.

Mayer noted that the Miller Drive plan had been developed right after the Growth Policies Plan was passed and therefore there were really four plans in play.

There were no reports from council committees at this meeting.

Lucille Bertuccio, President of the Center for Sustainable Living, said that the Center's organization had been in existence since 1991. She introduced four students from Richard Wilkes class on Global Consumer Culture at Indiana University. Katherin Chi, Mike Harpring, Mallory Quigley and Emily Roberts presented a study on Commercial Food Waste Diversion by Creating a Zero-Waste Community.

There were no appointments at this meeting.

It was moved and seconded that Ordinance 05-30 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and seconded that Ordinance 05-30 be adopted.

Nancy Hiestand, Program Manager for Housing and Neighborhood Development and staff member for the Historic Preservation Commission presented the details of this proposal for designation. She said that this structure was a remnant of the old affluent historic corridor that existed on North College in the early part of the twentieth century. She said that the Maple Heights neighborhood just west of the property was interested in creating a historic district in the area. She added that the Historic Preservation Commission voted unanimously in favor of this designation and found it worthy on architectural grounds.

Hiestand explained that the owner intended to restore some elements of the house and the limestone retaining wall in the front of the house. She noted that the Queen Anne house was different because it was of limestone instead of the usual frame construction of that style. She noted that the owner had developed adjacent properties and buildings with the historic guidance of this home in question. She showed pictures of the property in its day and noted that salvaged limestone was used for the property. She said that the stone retaining wall was a fixture that could be lost in time, and the owner intended to use a \$10,000 Bloomington Urban Enterprise Grant to help with restorations.

Travis Vencel, property owner, said that Hiestand explained his intentions well and he asked for the council support for the designation. Vencel responded to a question from Sturbaum and said he and his brother were in agreement with the designation.

There were no comments from the public on this designation.

Banach noted he was pleased to whole heartedly support the historic designation.

▪ COUNCIL COMMITTEES

▪ PUBLIC INPUT

BOARD AND COMMISSION
APPOINTMENTS
LEGISLATION FOR SECOND
READING

Ordinance 05-30 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: 1115 North College (Vencel Properties, Inc., Petitioner)

Sturbaum thanked Vencel, stating that when an owner put a property under historic protection it was a gift to the community. He said that it would be here for another 100 years to set an architectural example. He said that with the help the community would be giving Vencel on his restoration, it was truly a win-win situation.

Mayer thanked Vencel for re-investing in the community.

Sturbaum noted that only one category was needed for a property to be eligible for historic designation, and that this was a historic house and important because of its architecture.

Rollo thanked Hiestand for her presentation calling it enjoyable and thorough.

Ordinance 05-30 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Appropriations Ordinance 05-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and seconded that Appropriations Ordinance 05-08 be adopted.

Susan Clark, City Controller, noted that this was the year end appropriation ordinance and that many of the items were transfers from one major category to another thus requiring council approval. She itemized the transfers and the additional moneys that were required for the departments. She noted that the Police Department had received a grant of \$7500 from the Indiana Criminal Justice Institute that needed to be appropriated into the budget.

She noted that with the unexpected rise in fuel costs in the past few months, the Fleet Maintenance fund budget was not adequate for the year.

Sturbaum asked if the fleet drove more miles than last year, and Clark said it really was all about cost. In answering a question from Banach from the committee meeting, Clark noted that the 2005 budget allowed for \$1.60 per gallon for fuel, and in 2006 the budget included \$1.95 for unleaded and \$2.05 for diesel fuel.

Banach asked about taxes on fuel to which Clark said that the city did not pay the federal tax of 18.5 cents per gallon.

Sturbaum asked how costs were going, to which Clark noted fluctuating prices. She added that costs were on a downward trend, but that there might still be a need for transfers and additional appropriations at the end of next year. She said that the last fuel invoice showed prices of \$1.72 for unleaded and \$2.72 for biodiesel. Clark advised the council to note that there would be reversions from other budget lines not fully used that will cover the amount of appropriations in this ordinance.

There were no comments from the public on this item.

Council comments included a statement from Rollo. He said we could expect more volatility in the markets over the next year. He said it would be constructive to form a plan for higher costs of liquid fuels, and that the increases this year would seem modest in the coming years. He added that we should ascertain the fuel efficiency of city vehicles, consolidate use of city vehicles, and he then invited council members to work with him and the mayor in creating such a plan.

Ordinance 05-30 (cont'd)

Appropriations Ordinance 05-08 To Specially Appropriate from the General Fund, Fleet Maintenance Fund, Parks & Recreation Fund, and Sanitation Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund for Animal Care & Control, Clerk's Office, Common Council, Community & Family Resources, Housing & Neighborhood Development, Planning, and Police Departments; Appropriating Transfers of Funds within the Parks & Recreation General Fund and within the Sanitation Fund; and Appropriating Funds from the Fleet Maintenance Fund, the General Fund – Fire Department, and for Fuel)

Diekhoff noted that many departments had already cut back on fuel use when the prices rose this year. He said that there had been serious thought about vehicle use at that time.

Appropriations Ordinance 05-08
(cont'd)

Gaal thanked Rollo for his comments and the theme of peak oil that he has spoken about all year. He said this was the type of forward thinking that the council should be engaging in.

Appropriations Ordinance 05-08 received a roll call vote of Ayes: 8, Nays: 0.

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

LEGISLATION FOR FIRST
READING

Ordinance 05-33 To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” - Re: Extensive Amendments which Delete Chapter 7.12 (Licensing) and Make Changes to All the Other Chapters in the Title

Ordinance 05-33

Ordinance 05-34 To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Wastewater Rate Adjustment)

Ordinance 05-34

Ordinance 05-35 An Ordinance To Authorize Issuance of Sewage Works Revenue Bonds (For Wastewater and Storm Water Projects)

Ordinance 05-35

There were no comments from public at the meeting.

PUBLIC INPUT

The meeting was adjourned at 8:37 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington