



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Final Action:

Ord 05-08 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” (Adopting Chapter 2.28 entitled “City of Bloomington Living Wage Ordinance”)

- Memo Explaining Councilmember Mayer Amendments (Council Office 1 - 4); Memo Explaining Councilmember Ruff Amendments (Council Office 5 – 9; Memo from Deputy Mayor Explaining Mayoral Amendments; Mayor’s Office (Omega 2) Amendments 1 – 17 (*Please note that Councilmember Ruff and the Mayor’s Office Intend to Combine Their Changes into One Amendment*)

Contact: Councilmember Ruff at 349-3409 or ruffa@bloomington.in.gov
or Council Office at 349-3409 or council@bloomington.in.gov

Legislation and Background Material for First Reading:

Ord 05-09 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection ” to Establish a Historic District - Re: Brick Streets in University Courts (Bloomington Historic Preservation Commission, Petitioner)

- Map of District; Map of Brick Streets; Report from the Historic Preservation Commission; Photos of Houses and Street Surfaces; Minutes from October 19, 2004 Meeting of the Board of Public Works; BMC 17.08.080 (1)

Contact: Nancy Hiestand at 349-3507 or hiestann@bloomington.in.gov

Minutes from Regular Session:

None

Memo

Living Wage Ordinance Ready for Final Action and One Historic Designation Ready for First Reading at the Regular Session on Wednesday, March 23rd

You are scheduled to wrap-up your discussion of **Ord 05-08** (Living Wage) and introduce **Ord 05-09** (historic designation of the brick streets in University Courts) next Wednesday. The rest of this memo prepares you for discussion of the living wage ordinance and summarizes the designation of those brick streets.

Ord 05-08 – Final Action on the Living Wage Ordinance – Limiting Debate and Considering Amendments

Before discussing possible amendments to **Ord 05-08** I would like to remind you that a motion to limit debate must precede deliberation of this (or any other legislative item) if you intend to limit public comment. Please let Dan or Stacy Jane know if you wish to limit debate and on what terms, so that we can prepare a motion (or motions) for that evening.

There are a number of possible changes to this ordinance that were prepared earlier by the Council Office on behalf of Councilmember Mayer (who mentioned them at the Committee of the Whole meeting), prepared this week by the Council Office on behalf of Councilmember Ruff, or prepared this week by the Mayor's Office on behalf of Mayor Kruzan. The background material includes a summary of Councilmember Mayer's amendments prepared by the Council Office, a summary and the wording for Councilmember Ruff's changes prepared by the Council Office, and a summary and the wording of the Mayor's Office changes prepared by James McNamara. ***Please note that Councilmember Ruff and the Mayor are in agreement on their package of changes and intend to bundle them into one document which will be made available early next week.***

The following paragraphs summarize each proposed change in the order they appear in the ordinance.

Proposed Changes to the Living Wage Ordinance By Section and Sponsor

Section 3 – Definitions

“Applicable Department” – A series of changes would delete this definition and assign these duties to the “City Legal Department” throughout the ordinance. It

would also replace the term “City Attorney” with “Corporation Counsel or his or her designee” throughout the ordinance. And, in a few instances it replaces reference to the Controller to either of the other designees. Please note that these changes will not be mentioned again under each affected section.

Note: This amendment identifies the department or position performing administrative and enforcement duties under the ordinance.

Mayor’s Office Amendments 1, 6 (in part), 7, 8, 9, 10, 11 (in part), 12, 13, 14, 15, 16, and 17 (in part)

“Assistance”

(b) This change would raise the monetary threshold for application of the living wage to not-for-profits receiving CDBG or Jack Hopkins Social Services Funds from \$25,000 to \$35,000

Note: Councilmember Mayer asked that a “suite” of amendments be prepared to address the funding constraints facing social services agencies. This is the second of three possible alternatives.

Council Office Amendment 2 (Mayer)

(c) This change would insert a new provision that excludes Interlocal Agreements as a form of Assistance that is subject to the Living Wage.

Note: This amendment was intended to clarify that interlocals were not subject to the ordinance. These agreements were excluded because they involve other governmental entities which are independently answerable to the public regarding a living wage policy. They also offer community-wide benefits that would not occur with other parties to a municipal contract.

Council Office Amendment 5 (Ruff)

“Beneficiary”

This change adds a sentence to the definition of “Beneficiary” that would exclude not-for-profits receiving funding from one or both of the CDBG or Jack Hopkins Social Services programs from the ordinance.

Note: Councilmember Mayer asked that a “suite” of amendments be prepared to address the funding constraints facing social services agencies. This is the first of three possible alternatives.

Council Office Amendment 1 (Mayer)

“Covered Employer”

(b) This change would raise the staffing threshold for for-profit entities from 10 to 15 employees.

Note: Councilmember Mayer requested this amendment in order to make the staffing thresholds for-profits match those of not-for-profits.

Council Office Amendment 4 (Mayer)

Section 4 – Amount of the Living Wage

(a) and (c) – This change would reword the definition of Living Wage.

Note: The Mayor’s Office offered this amendment in order to make it easier to understand and apply. It sets the living wage at \$10 per hour and then allows 15% of it to be offset by health insurance. These changes appear in sections defining the initial amount of the living wage and the annual inflation adjustment.

Mayor’s Office Amendments 2 and 3

(d) – This change would replace the term “award” with “Assistance” in the “Phase-In” provision.

Note: This change clarifies that the two-year phase-in period for not-for-profits applies only in years when the not-for-profit receives an award or awards equal or exceeding the monetary threshold of \$25,000.

Council Office Amendment 6 (Ruff)

Section 6 – Obligations of Covered Employers

(a) Applications and contracts for Assistance, parts (2) and (3)

The amendment would remove the Covered Employer’s obligation to provide a “workforce profile.”

Mayor’s Office Amendment 4 and 5

(b) Record Keeping. (1) and (2)

This amendment would replace all of the record keeping requirements under Section 6 (Obligations of the Covered Employer) in favor of a form that would indicate employee’s job title, whether the job title was paid at least a living wage, and if not the amount of health insurance that was or would have been made available to the employee (had the employee opted for health insurance coverage). The Covered Employer would file the form in the first quarter of the year after the Assistance had been awarded and attest that the information is true and complete.

Mayor’s Office Amendment 6

Note on these three amendments. The Mayor’s Office offered these amendments in order to deal with issues relating to medical privacy, employee confidentiality, and employer proprietary information. As the Deputy Mayor states in his memo, the amendments: continue to allow the City to determine compliance with the ordinance and gather useful program information for the annual report, while keeping proprietary information out of our (public) records and minimizing administrative burdens.

Section 7 – Enforcement

(a) Monitoring

This amendment would remove reference to the City conducting “routine reviews, spot checks, and investigations” and replace it with the following language “The City Legal Department may request that the Covered Employers allow it to verify their compliance with the provisions of this Chapter.”

Note: This amendment removes language about “spot checks” in favor of more general language authorizing the City to ask Covered Employers information in order to verify their compliance with the ordinance.

Mayor’s Office Amendment 11

Section 8 – Waivers

(e) Hardship Waivers for Recipients of Tax Abatements.

This amendment would replace the term “actual benefits” with “the eventual tax deductions available to the recipient.”

Note: This amendment is intended to clarify that a tax abatement recipient may not argue hardship because he or she fails to seek the tax deduction in the latter years of the abatement.

Council Office Amendment 8 (Ruff)

Section 9 – Annual Reporting

Parts (a) – (d)

This amendment shortens the information that must be reported annually to the Council. In particular, it doesn’t require the City to report uncollected revenues, nor the net increase or decrease in jobs associated with the award.

Note: This amendment shortens what must be reported to the Council every year. It removes information that was not well-defined or for other reasons difficult to ascertain. It also conforms to changes in Section (Obligations of Covered Employers).

Mayor’s Office Amendment 17

Section 10 – Effective Date

This change would make the Effective Date for the entire ordinance January 1, 2006

Note: This amendment makes the ordinance effective on January 1, 2006 in its entirety (not merely the Assistance). This would mean that the living wage for the first year it applied would be \$10 per hour.

Council Office Amendment 9 (Ruff)

Another change to this section would delay the effective date for application of this ordinance to not-for-profits receiving CDBG or Jack Hopkins Social Services Funds to January 1, 2008

Note: Councilmember Mayer asked that a “suite” of amendments be prepared to address the funding constraints facing social services agencies. This is the third of three possible alternatives.

Council Office Amendment 3 (Mayer)

First Readings

Amending Title 8 (Historic Preservation and Protection) by Designating the Brick Streets in University Courts (Ord 05-09) as Historic Structures

Ord 05-09 amends Title 8 of the BMC by designating the brick streets in the University Courts neighborhood as historic structures. Please note that it was pursued by the Historic Preservation Commission and without opposition of the property owner (Board of Public Works).

Historic Preservation Ordinances

Before describing this proposed designation, the next few paragraphs provide a brief overview of the Title 8 regarding Historic Preservation and Protection. The provisions of that title conform to state law (I.C. 36-7-11 et seq.) and are intended to protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the city or serve as visible reminders of our historic heritage. These provisions are intended to:

- insure the harmonious and orderly growth and development of the City;
- maintain established, but endangered neighborhoods;
- enhance property values and attract new residents; and
- ensure the viability of the traditional downtown area and to enhance tourism.

The Historic Preservation Commission (Commission) is authorized to make recommendations to the Council regarding the establishment of historic districts. Once those districts are established, the Commission promulgates rules and procedures for reviewing changes to the external appearance of these properties. The review takes the form of either granting or denying certificates of appropriateness for the proposed changes.

The code provides for various levels of historic designations, areas, and ratings which largely correspond to various levels of protection. There are two forms of designations. The first form is the conservation district, which is a less intrusive and

occasional, interim designation (initially for three years), and the second is the full historic district. Within each district, properties may be divided into primary or less-regulated secondary areas. Each property within a district may be rated as either outstanding, notable, contributing, or noncontributing, according to its significance.

According to the code, the Historic Preservation Commission must hold a public hearing and submit a map and report to the Council. The map identifies the district and the report explains the designation in terms of the criteria set forth in the ordinance. The criteria address the historic or architectural importance of the property. Along with the recommendation, the Commission may impose interim protection on the district that remains in effect until the Council acts on the designation and protects the property from exterior alteration.

Ord 05-09 – Brick Streets in University Courts

Ord 05-09 would designate the brick streets within the University Courts historic district as historic and rate them as “notable” structures. The Board of Public Works serves as the owner of the streets and, after hearing from staff about past and current efforts to preserve the bricks, did not oppose the designation. (See discussion below).

The University Courts district lies north of Dunn Meadow and is bounded by 10th Street on the north, Woodlawn Avenue on the east, 7th Street on the south, and Indiana Avenue on the west. It was platted in three phases between 1911 and 1913, primarily contains residential buildings constructed between 1911 and 1938, has been deemed eligible for listing on the National Register, and was placed on the state registry in 1993. The brick streets are the sole remaining ones in the City and were listed as contributing structures for the state register.

As noted in the report, the Commission found that the streets deserved designation under the following historic and architectural criteria. They:

- have significant character as part of the development of the City and are associated with persons who played a significant role in local history;
- exemplify the cultural, economic, and social heritage of the community;
- embody distinguishing characteristics of an architectural type;
- contain an architectural detail that is in danger of being lost; and
- represent an established and familiar feature of a neighborhood of the City.

Efforts to Preserve the Brick Streets

The bricks were originally of the same size and color and were probably produced in Brazil, Indiana. Various repairs from street cuttings have left a patch-work of brick, coatings, and concrete in a number of areas. In 1987 the City amended the code to specify standards for patching these streets (BMC 17.08.080 - enclosed) and ten years later the City sought ISTE A grant to preserve the streets. Part of the unsuccessful application summarized efforts to preserve the streets. It appears that weak communication, enforcement, and oversight have led to a continued deterioration of these brick streets. The Board of Public Works discussed the preservation of these streets and their designation on October 19, 2004 (excerpts of minutes enclosed). The board agreed to review methods of enforcing the ordinance through fines or stop work orders and, although not taking a formal position as a board, the members individually voiced support for the designation. The minutes and staff report also note that \$10,000 has been set aside this year to address the repair of those streets.

The staff report ends with a “summary of city concerns” which indicates a consensus within the city staff that the designation “in and of itself will not further the cause of street restoration ...and there is concern that this is not widely understood.” The City Legal Department was also concerned that the wide group of “interested persons” who, under the statute and local code, can challenge the City for alleged violations of the designation ordinance, will expose the City to future law suits. Even with all these concerns, the City did not oppose the designation.

**NOTICE AND AGENDA FOR
COMMON COUNCIL, REGULAR SESSION
7:30 P.M., WEDNESDAY, MARCH 23, 2005
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 NORTH MORTON**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: None

IV. REPORTS FROM:

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

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING

1. Ordinance 05-08 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” (Adopting Chapter 2.28 Entitled “City of Bloomington Living Wage Ordinance”)

Committee Recommendation: Do Pass 4 – 2 – 3

Note: Amendments have been prepared for introduction this evening.

VII. LEGISLATION FOR FIRST READING

2. Ordinance 05-09 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection ” To Establish a Historic District – Re: Brick Streets in University Courts (Bloomington Historic Preservation Commission, Petitioner)

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

IX. ADJOURNMENT

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 March 21- March 25, 2005
Date: March 18, 2005

Monday, March 21, 2005

3:30 pm Smokefree Policy Committee, Hooker Room
4:00 pm Community Accessibility, McCloskey
4:00 pm Community and Family Resources Commission, Dunlap
5:00 pm Farmer's Market Advisory Council, Parks
5:00 pm Utilities Service Board, IU Research Park
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room

Tuesday, March 22, 2005

4:00 pm Board of Park Commissioners, Council Chambers
5:30 pm Board of Public Works, Council Chambers
5:30 pm Public Transportation Corporation, Public Transportation Center, 130 W. Grimes
6:00 pm Homebuyer's Club, Hooker Room

Wednesday, March 23, 2005

12:00 pm Council of Neighborhood Associations, Kelly
6:30 pm Metropolitan Planning Organization, Citizen's Advisory Committee, McCloskey
7:30 pm Common Council, Regular Session, Council Chambers

Thursday, March 24, 2005

9:30 am Non-Profit Alliance Steering Committee, Hooker Room
12:00 pm Economic Development Commission, Mayor's Office, Hooker Room
1:00 pm Traveling Office of Evan Bayh, McCloskey
3:00 pm Steering Committee for the Draft Zoning Ordinance, McCloskey
5:30 pm Board of Zoning Appeals, Council Chambers
7:00 pm Environmental Commission, McCloskey

Friday, March 25, 2005

Holiday: Good Friday – City offices closed.

Ord 05-08 (Amendments to Living Wage Ordinance Proposed by Councilmember Mayer)

Common Council (CCL) – Amendments CCL 1 – CCL 4 Were Prepared by the Council Office at the Request of Councilmember Mayer. These amendments were distributed (but not introduced) at the Committee of the Whole meeting on March 9, 2005.

Amendments 1 – 3 Offer a “Suite” of Alternatives

Amendments 1 through 3 attempt to exclude, lessen, or delay the effects of the living wage on not-for-Profit social service agencies. Councilmember Mayer considers them a suite of amendments - where if Am 1 succeeds the other two are moot, but if Am 1 fails, then the other two should be considered in descending order.

- Am 1 – excludes not-for-profit social service entities who receive CDBG or JHSSF funds. Note: It operates by declaring that the social service entities are not “Beneficiaries” and not by excluding those funding sources in their entirety.
- Am 2 – increases the threshold for social services agency program funds (e.g. the combination of CDBG and JHSSF) from \$25,000 to an amount exceeding \$35,000. *Please note that this threshold has been lowered from Councilmember Mayer’s previous proposal of \$50,000.*
- Am 3 – This amendment would move the start date for not-for-profits from January 1, 2006 to January 1, 2008.

Amendment 4 – Stands as a Separate Amendment

Am 4 (equalizing staffing levels for not-for-profits and for-profits) should be considered as a separate amendment.

- Am 4 - establishes the staffing threshold for Covered Employers at 15 employees and treats for-profits (currently at 10 employees) the same as not-for-profits (currently at 15 employees).

Ord 05-08 (Amendments to Living Wage Ordinance Proposed by Councilmember Ruff)

**Common Council (CCL) – Amendments CCL 5 – CCL 8 Were
Prepared by the Council Office at the Request of Councilmember Ruff.**

Interlocal Agreements

CCL 5. The definition of “Assistance” under Section 3 (Definitions) shall be amended by adding part (c) which shall read as follows:

(c) Exclusions. The term “Assistance” shall not apply to interlocal cooperation agreements between the City of Bloomington and other governmental entities that are enabled by I.C. 36-1-7.

Synopsis

This amendment clarifies that interlocal agreements between the City and other governmental entities are excluded from the ordinance. Councilmember Ruff did not intend to include them because these agreements involve other governmental entities which are independently answerable to the public regarding a living wage policy. These agreements also offer community-wide benefits that would not occur with other parties to a municipal contract.

Fiscal Year of Jack Hopkins Social Services Funding Program

CCL 6 Section 3 (Definitions), Assistance, (b) Subsidies, part (6), shall be amended by striking the last sentence which reads as follows: “For purposes of this chapter, the fiscal year for the Jack Hopkins Social Service Funding Program runs from June 1st to May 31st.”

Synopsis

*This amendment removes reference to the June 1st – May 31st fiscal year for the Jack Hopkins Social Services Funding program. The fiscal year for this program will be determined by the Jack Hopkins Social Services Funding Committee.
Note: the fiscal year helps determine the time period that a social services agency would be obligated to pay a living wage.*

Correcting the term “award” in the “Phase-In’ Provision

CCL 7. Section 4 (Amount of the Living Wage), Part (d) (Phase-in for Not-for-Profits) shall be amended by striking the numeral (1) at the beginning of the first sentence and by replacing the words “an award” with “Assistance” as they appear in the latter part of the first sentence so that the first sentence shall read as follows:

A non-profit Covered Employer shall not be obligated to pay a living wage in the first two years it receives Assistance from the City after December 31, 2005.

Synopsis

This amendment clarifies that the two-year phase-in period for not-for-profits applies only in years when the not-for-profit receives an award or awards equal or exceeding the monetary threshold of \$25,000.

Correcting the reference to actual benefits in the Hardship Waivers for Tax Abatement Recipients

CCL 8. Section 8 (Waivers), Part (e) (Hardship Waiver for Recipients of Tax Abatements), Subpart (1) shall be amended by replacing it with the following:

(1) The estimated tax deductions associated with the award are significantly higher than the eventual tax deductions available to the recipient; and

Synopsis

This amendment clarifies that the waiver for tax abatement recipients applies when the estimated value of the tax deduction is significantly higher than the tax deduction the recipient is eligible to receive (rather than actually receives).

Changing the Effective Date

CCL 9. Section 10 (Effective Date) shall be amended by deleting the current language and replacing it with the following:

Section 10. Effective Date. This ordinance shall go into effect on January 1, 2006.

Synopsis

This amendment makes the ordinance effective on January 1, 2006 in its entirety (not merely the Assistance).

TO: Councilmembers

FROM: James McNamara

SUBJ: LWO amendments

DATE: March 18, 2005

CC: Mark Kruzan, Kevin Robling, Trish Bernens, Barbara McKinney, Daniel Grundmann, Ron Walker, Danise Alano, Dan Sherman, Stacy Rhoads, Regina Moore

These proposed amendments to Ordinance 05-08 come to you as the result of a collaborative effort by Councilmember Ruff, the Council Office, the Legal Department and the Office of the Mayor. I have been gratified by the desire of Councilmember Ruff to work with the City Executive to address concerns that have arisen since the introduction of the Ordinance and to improve it accordingly. Shouts to the combined and cooperative efforts of Dan Sherman, Trish Bernens and Barbara McKinney — a troika of legal knowledge, skill and wisdom we are fortunate to have in our employ.

Due to the relatively complex nature of the Ordinance, and the resulting division of labors that occurred since its introduction for efficiency's sake, today you have separate amendment documents coming from me and Dan Sherman. In the interest of facilitating our discussion Wednesday night, Councilmember Ruff and the mayor would like to see these merged into a combined amendment for your consideration at the Council meeting. Dan and I will work over the weekend to present you with this as soon as possible. The Council, of course, retains its authority to "divide questions" as it may choose. In the meantime we all wanted to get the attached information to you as quickly as possible; thus this memo and what I've come to call The Omega Amendment. You will receive a similar but separate and smaller set of amendment provisions from Dan Sherman. I will only address The Omega Amendment here.

It may first useful to state broadly what these changes would NOT do. They would not modify who would be covered by the Ordinance or any thresholds for its applicability. Nor would they modify the living wage rate itself or its indexing.

Rather, these amendments can be viewed as falling into three categories: administration, clarification and information requirements. The Omega Amendment itself tracks the sequence of the introduced Ordinance. But its sections can be broken down topically as follows:

ADMINISTRATION

Sections 1, 7, 8, 9 10, 12, 13, 14, 15 and 16 of the Omega Amendment deal only with the consolidation of the City's administrative and enforcement responsibilities under the City Legal Department rather than dispersing those responsibilities across the City's "applicable departments". References to the "City Attorney" are changed to the "Corporation Counsel, or his or her designee".

CLARIFICATION

Sections 2 and 3 clarify the definition of "The Living Wage" and its relationship to the potential provision of health insurance by a Covered Employer.

INFORMATION REQUIREMENTS

Sections 4, 5, 6, 11 and 17 deal with the information that a Covered Employer will be required to provide in order to receive “Assistance” and comply with The Living Wage Ordinance. The provisions do not preclude other information requirements that may be a part of other funding processes, such as applications for tax abatements or social service funding. The goals with these amendment sections are to:

1. request only that information related to compliance with the Ordinance;
2. to avoid where possible requests for the provision of proprietary information that would become public record;
3. to minimize the administrative burden on both the Covered Employers and the City with regard to compliance with the Ordinance;
4. ensure consistency of the information requirements at different stages of the process (Application for Assistance, Recordkeeping, Enforcement and Reporting.)

Specifically, these sections of the amendment require a listing of Covered Employees by job title and assurance by the Covered Employer that each Covered Employee will earn at least the Living Wage, rather than specifying the actual wage rate paid to each individual.

Again, I expect the final *structure* of The Omega Amendment to change before your meeting Wednesday night. Please let me know if you have any questions about any of its provisions. You can reach me on my mobile phone weekends and evenings at 345-2539.

AMENDMENT Ω2

1. Section 3 of Ordinance 05-08 shall be amended to delete the following definition:

‘Applicable Department’ – means the City of Bloomington department or agency responsible for administering the living wage component of a contract for Assistance.

STRIKEOUT VERSION:

~~‘Applicable Department’ – means the City of Bloomington department or agency responsible for administering the living wage component of a contract for Assistance.~~

2. Section 4 Amount of Living Wage of Ordinance 05-08 shall be amended by deleting what was to be inserted into Bloomington Municipal Code 2.28.030(a) and replacing it with the following:

Section 2.28.030 Amount of Living Wage

(a) For all Covered Employees, except Tipped Employees, the Living Wage shall begin at \$10 per hour, of which up to 15% may be in the form of the Covered Employer's contribution to health insurance available to Covered Employees, regardless of whether the Covered Employee elects to receive the employer's health insurance. For purposes of this chapter, health insurance shall not include disability insurance and shall be valued at the average amount the employer paid per hour for each employee for health insurance in the previous year or other more accurate measure of such benefit.

STRIKEOUT VERSION:

Section 2.28.030 Amount of Living Wage

(a) For all Covered Employees, except Tipped Employees, the Living Wage shall begin at \$10.00 per hour ~~minus an amount not to exceed \$1.50 per hour and which equals the hourly equivalent of the employer's contribution to the employee's health insurance,~~ **of which up to 15% may be in the form of the Covered Employer's contribution to health insurance available to Covered Employees, regardless of whether the Covered Employee elects to receive the employer's health insurance.** For purposes of this chapter, health insurance shall not include disability insurance and shall be valued at the average amount the employer paid per hour for each employee for health insurance in the previous year or other more accurate measure of such benefit. ~~The Living Wage for Covered Employees who elect not to receive the employer's health insurance shall include the per hour value of the health insurance.~~

3. Section 4 Amount of Living Wage of Ordinance 05-08 shall be amended by deleting what was to be inserted into Bloomington Municipal Code 2.28.030(c) and replacing it with the following:

Section 2.28.030 Amount of Living Wage

(c) Inflation Adjustment. The Living Wage shall be increased at the beginning of each calendar year by the same percentage that the Consumer Price Index for All Urban Consumers increases during the year ending the previous June 30.

STRIKEOUT VERSION:

(c) Inflation adjustment. ~~The \$8.50 per hour component of t~~The Living Wage shall be increased at the beginning of each calendar year by the same percentage that the Consumer Price Index for All Urban Consumers increases during the year ending the previous June 30. ~~The same rule applies to the base \$1.50 per hour for health insurance.~~

4. Section 6 Obligations of Covered Employers of Ordinance 05-08 shall be amended by deleting the following from what is to be inserted into Bloomington Municipal Code 2.28.050(a)(2):

“, and a current workforce profile for the Beneficiary”

STRIKEOUT VERSION:

(2) The identity of the program under which Assistance would be awarded, a contact name, the address and phone number for the Beneficiary, ~~and a current workforce profile for the Beneficiary;~~

5. Section 6 Obligations of Covered Employers of Ordinance 05-08 shall be amended by deleting what was to be inserted into Bloomington Municipal Code 2.28.050(a)(3) and replacing it with the following:

(3) Projected employment needs under the anticipated award, projected net increase or decrease in jobs for Covered Employees by job title that will result from awarding the Assistance, and the smallest hourly wage to be earned by each of these Covered Employees or an indication that the Covered Employee will earn at least the Living Wage.

STRIKEOUT VERSION:

(3) ~~Projected wage levels for all Covered Employees, p~~Projected employment needs under the anticipated award, ~~and projected net increase or decrease in jobs~~ **for Covered Employees** by job ~~classification~~ **title** and wage rates that will result from awarding the Assistance, ~~and the smallest hourly wage to be earned by each of these Covered Employees or an indication that the Covered Employee will earn at least the Living Wage.~~

6. Section 6 Obligations of Covered Employers of Ordinance 05-08 shall be amended by deleting what is to be inserted into Bloomington Municipal Code 2.28.050(b) and replacing it with the following:

(b) Record keeping

A Covered Employer shall provide the City Legal Department with a statement in the first quarter of the year following that in which these provisions of this Chapter apply. That statement shall be provided in a format provided by the City Legal Department and shall include:

- 1) a list for the applicable year of each Covered Employee that includes
 - A. the employee's job title;
 - B. the smallest hourly wage earned by the employee in the year the provisions of this Chapter apply or an indication that the Covered Employee earns at least the Living Wage;
 - C. if the smallest hourly wage earned by the employee in the year the provisions of this Chapter apply is less than the Living Wage, then an indication of whether the Covered Employee had access to a health insurance plan sponsored by the Covered Employer
 - D. If the smallest hourly wage earned by the employee in the year the provisions of this Chapter apply is less than the Living Wage and the Covered Employee had access to a health insurance plan sponsored by the Covered Employer:
 1. what the hourly equivalent value of the Covered Employer's contribution to that health insurance plan on behalf of the Covered Employee (= annual contribution divided by 2,080) either was, or
 2. if the Covered Employee elected not to participate in the health insurance plan, but could have done so, then what the hourly equivalent value of the Covered Employer's contribution to that health insurance plan (= annual contribution divided by 2,080) would have been
- 2) A signed attestation by an officer of the Covered Employer that the information provided in the statement is truthful and accurate, and that the officer is aware of the provisions of this Chapter.

STRIKEOUT VERSION:

(b) Record keeping

~~(1) Each Covered Employer shall maintain payrolls for all Covered Employees and basic records relating thereto and shall preserve them for a period of three years. The records shall contain the name and address of each employee, the job title and classification, the number of hours worked each day, gross wages, deductions made and net wages, Social Security records and evidence of payment, employer contribution toward health care, and other data as may be required by the Applicable Department from time to time.~~

~~(2) Covered Employers shall on request provide these records and all related payroll records, including payroll tax filings and tax returns, for inspection by the Applicable Department.~~

A Covered Employer shall provide the City Legal Department with a statement in the first quarter of the year following that in which these provisions apply. That statement shall be provided in a format provided by the City Legal Department and shall include:

- 1) a list for the applicable year of each Covered Employee that includes**
 - A. the employee's job title;**
 - B. the smallest hourly wage earned by the employee in the year the provisions of this Chapter apply or an indication that the Covered Employee earns at least the Living Wage;**
 - C. if the smallest hourly wage earned by the employee in the year the provisions of this Chapter apply is less than the Living Wage, then an indication of whether the Covered Employee had access to a health insurance plan sponsored by the Covered Employer**
 - D. If the smallest hourly wage earned by the employee in the year the provisions of this Chapter apply is less than the Living Wage and the Covered Employee had access to a health insurance plan sponsored by the Covered Employer:**
 - 1. what the hourly equivalent value of the Covered Employer's contribution to that health insurance plan on behalf of the Covered Employee (= annual contribution divided by 2,080) either was, or**
 - 2. if the Covered Employee elected not to participate in the health insurance plan, but could have done so, then what the hourly equivalent value of the Covered Employer's contribution to that health insurance plan (= annual contribution divided by 2,080) would have been**

- 2) **A signed attestation by an officer of the Covered Employer that the information provided in the statement is truthful and accurate, and that the officer is aware of the provisions of this Chapter.**

7. Section 6 of Ordinance 05-08 shall be amended to delete the word “Applicable” from what is to be inserted into Bloomington Municipal Code Section 2.28.050 (c) Notification and replace it with the phrase “City Legal”.

STRIKEOUT VERSION:

(c) Notification. Covered Employers shall provide notice to Covered Employees of this Ordinance. The notice shall be provided by the ~~Applicable~~ **City Legal** Department and distributed by the Covered Employer to all Covered Employees and to be posted conspicuously in areas of the workplace frequented by Covered Employees.

8. Section 6 of Ordinance 05-08 shall be amended to delete the word “Applicable” from what is to be inserted into Bloomington Municipal Code Section 2.28.050 (d) and replace it with the phrase “City Legal”.

STRIKEOUT VERSION:

(d) Contract Terms. Covered Employers shall include in all contracts subject to this ordinance a provision approved the ~~Applicable~~ **City Legal** Department which refers the parties to this ordinance and the obligations it imposes upon them.

9. Section 6 of Ordinance 05-08 shall be amended to delete the phrase “City Attorney” from what is to be inserted into Bloomington Municipal Code Section 2.28.050 (e) and replace it with the phrase “Corporation Counsel, or his or her designee,”.

STRIKEOUT VERSION:

(e) Retaliation Prohibited. The Covered Employer shall not discriminate in any manner against any employee for making a complaint, participating in the complaint proceedings, or using civil, statutory or collective bargaining remedies to advance their interests under the Ordinance. The ~~City Attorney~~ **Corporation Counsel, or his or her designee**, shall investigate allegations of retaliation or discrimination, ordering appropriate relief if they are found to be true.

10. Section 7 of Ordinance 05-08 shall be amended to delete the phrase “Applicable Department(s)” from what is to be inserted into the beginning of Bloomington Municipal Code Section 2.28.050 (d) and replace it with the phrase “the City Legal Department”.

STRIKEOUT VERSION:

Section 2.28.060 Enforcement.

Enforcement of the Ordinance may be based on complaints by Covered Employee complaints of noncompliance or on monitoring for compliance by ~~Applicable Department(s)~~ **the City Legal Department**.

11. Section 7 Enforcement of Ordinance 05-08 shall be amended by deleting what was to be inserted into Bloomington Municipal Code 2.28.060(a) Monitoring and replacing it with the following the preceding section:

(a) Monitoring

(1) The City Legal Department may develop rules to review contract documents to ensure that relevant language and information are included in City request for proposals, agreements and other relevant documents.

(2) The City Legal Department may request that Covered Employers allow it to verify their compliance with the provisions of this Chapter.

STRIKEOUT VERSION:

(a) Monitoring

(1) The ~~Applicable Department(s)~~ **City Legal Department** may develop rules to review contract documents to ensure that relevant language and information are included in City request for proposals, agreements and other relevant documents.

(2) The ~~Applicable~~ **City Legal** Department may ~~conduct routine reviews, spot checks and investigations of~~ **request that** Covered Employers ~~to ensure~~ **allow it to verify their** compliance **with the provisions of this Chapter**.

12. Section 7 of Ordinance 05-08 shall be amended to delete what is to be inserted into Bloomington Municipal Code Section 2.28.060 (b)(1) and replace it with the following:

(b) Complaint process

(1) Any Covered Employee who believes his or her employer is not complying with the Ordinance may file a complaint in writing with the City Legal Department within a year after the alleged violation.

STRIKEOUT VERSION:

(b) Complaint process

(1) Any Covered Employee who believes his or her employer is not complying with the Ordinance may file a complaint in writing with the ~~Applicable Department or with the City Controller~~ **City Legal Department** within a year after the alleged violation.

13. Section 7 of Ordinance 05-08 shall be amended to delete the word “Applicable” from what is to be inserted into Bloomington Municipal Code Section 2.28.060 (b)(2) and replace it with the phrase “City Legal”.

STRIKEOUT VERSION:

(2) The ~~Applicable~~ **City Legal** Department shall conduct an investigation of the complaint, during which it may require from the Covered Employer evidence such as may be required to determine whether the Covered Employer has been compliant, and shall make a finding of compliance or noncompliance within a reasonable time after receiving the complaint.

14. Section 7 of Ordinance 05-08 shall be amended to replace the word “Applicable” with the phrase “City Legal”, and to replace the phrase “City Attorney” with the phrase “Corporation Counsel or his or her designee” wherever they shall appear in what is to be inserted into Bloomington Municipal Code Section 2.28.060 (b)(3) .

STRIKEOUT VERSION:

(3) Prior to ordering any penalty, the ~~Applicable~~ **City Legal** Department shall give notice to the Covered Employer. The Covered Employer may dispute a finding of noncompliance by requesting a hearing from the ~~City Attorney~~ **Corporation Counsel, or his or her designee**, within 30 days of the finding. The ~~City Attorney~~ **Corporation Counsel, or his or her designee**, shall appoint a Hearing Officer, who shall affirm or reverse the finding based on evidence presented by the ~~Applicable~~ **City Legal** Department and the Covered Employer.

If at any time during these proceedings, the Covered Employer voluntarily makes restitution of the wages not paid to the Covered Employee, or otherwise remedies the violation alleged, then the ~~Applicable~~ **City Legal** Department shall thereafter dismiss the complaint against the employer.

15. Section 7 of Ordinance 05-08 shall be amended to replace the word “Applicable” with the phrase “City Legal”, and to replace the phrase “City Attorney” with the phrase “Corporation Counsel or his or her designee” wherever they shall appear in what is to be inserted into Bloomington Municipal Code Section 2.28.060 (c).

STRIKEOUT VERSION:

(c) Remedies

(1) If, after notice of finding and hearing, a Covered Employer is found to be noncompliant, the Covered Employer shall correct violations and make restitution of wages retroactively to the beginning of the contract term within 15 days, unless otherwise extended by way of agreement between the Covered Employer and ~~Applicable~~ **City Legal** Department.

(2) If violations are not corrected within 15 days or within the timeframe otherwise agreed upon between the ~~Applicable~~ **City Legal** Department and Covered Employer, the ~~City Attorney~~ **Corporation Counsel, or his or her designee**, may do one or more of the following:

(A) freeze the Covered Employer’s Assistance, until the ~~Applicable~~ **City Legal** Department determines that the violations have been corrected;

16. Section 8 of Ordinance 05-08 shall be amended to replace the word “Applicable” with the phrase “City Legal” wherever it shall appear.

STRIKEOUT VERSION:

Section 8. Waivers. Section 2.28.070 shall be inserted into the Bloomington Municipal Code and shall read as follows:

Section 2.28.070 Waivers.

(a) A Covered Employer may request that the Mayor propose that the Common Council grant a partial or whole waiver to the requirements of this Chapter.

(b) General Waiver. Waivers may be granted where application of this chapter to a particular form of Assistance is found by Corporation Counsel to violate a specific state or federal statutory, regulatory, or constitutional provision or provisions and where the City Council approves the waiver on that basis. A General Waiver request shall be submitted to the ~~Applicable~~ **City Legal** Department which, if endorsed by the Mayor, shall be forwarded to the Common Council for action in the form of a resolution.

(c) Special Waiver. The Mayor may apply for a Special Waiver where payment of the Living Wage by a Covered Employer will: substantially curtail the services provided by the Covered Employer; have an adverse financial impact on the City; or is not in the best interests of the City. The Common Council must find that the costs of paying the Living Wage outweigh the benefits. All Special Waiver requests shall be submitted to the ~~Applicable~~ **City Legal** Department which, if endorsed by the Mayor, shall be forwarded to the Common Council for action in the form of a resolution. All Special Waivers shall include the following:

- (1) The nature of the contract or subsidy;
- (2) An explanation of why payment of the Living Wage will have one or more of the adverse influences outlined above in 8(c); and
- (3) A statement of lower wages paid by the Covered Employer.

(d) Hardship Waiver for Not-for-Profits. A Not-for-Profit Covered Employer may apply for a Hardship Waiver with the ~~Applicable~~ **City Legal** Department where payment of the Living Wage would cause a demonstrated harm to services and the Common Council finds that said harm outweighs the benefits of this Chapter. All requests for Hardship Waivers for Not-for-Profits shall be submitted to the ~~Applicable~~ **City Legal** Department which, if endorsed by the Mayor, shall be forwarded to the Common Council for action in the form of a resolution. All Hardship Waiver requests shall include the following:

- (1) The award to which this Chapter applies;

- (2) An explanation of how the payment of the Living Wage will cause undue hardship;
- (3) A statement of lower wage paid by the Covered Employer; and
- (4) A written plan to fully comply with this Chapter within a reasonable period of time, not to exceed three years.

(e) Hardship Waiver for Recipients of Tax Abatements. A Covered Employer receiving a tax abatement award may apply for a waiver when:

- (1) The estimated benefits far exceed the actual benefits of the award; and
- (2) This disparity results in undue hardship.

(f) When an emergency has been declared by the Mayor or Common Council, waivers shall be granted without the need for consideration by the Common Council when said services are required by the emergency. In the event the emergency waiver is triggered by mayoral declaration, the Mayor shall submit a report to the Common Council at its next regular session explaining the emergency and reason(s) for the waiver.

17. Section 9 of Ordinance 05-08 shall be amended to read as follows:

Section 9. Annual Reporting. Section 2.28.080 shall be inserted into the Bloomington Municipal Code and shall read as follows

Section 2.28.080 Annual Reporting.

Each year the City Legal Department shall forward a City Assistance report to the City Council, indicating for each contract for Assistance during the previous year:

- (a) The contract's purpose when awarded;
- (b) Its cost to the City in terms of expenditures; and
- (c) The number of jobs associated with the contract broken down by job title, and the wage rate for each or an indication for each that the Covered Employee earns at least the Living Wage.

STRIKEOUT VERSION:

Section 9. Annual Reporting. Section 2.28.080 shall be inserted into the Bloomington Municipal Code and shall read as follows

Section 2.28.080 Annual Reporting.

~~Each Applicable~~ **year the City Legal** Department shall ~~file~~ forward a City Assistance report ~~with the City Controller at the end of each fiscal year, to be forwarded to the City Council, indicating for each contract for Assistance during the~~ **previous** year ~~just ending~~:

- (a) The contract's purpose when awarded;
- (b) Its cost to the City in terms of ~~both expenditures by the City for services and revenues not collected by it; and~~
- (c) The number of jobs associated with the contract broken down by job title, and **the wage rate for each or an indication for each that the Covered Employee earns at least the Living Wage;** ~~and .~~
- (d) ~~The net increase or decrease in jobs associated with the contract broken down in the same way.~~

ORDINANCE 05-09

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED
“HISTORIC PRESERVATION AND PROTECTION ”
TO ESTABLISH A HISTORIC DISTRICT
Re: Brick Streets in University Courts
(Bloomington Historic Preservation Commission, Petitioner)**

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

WHEREAS, the Historic Preservation Commission held a public hearing on October 14, 2004 and November 4, 2004 for the purpose of allowing discussion and public comment on the proposed historic district designation of the brick streets lying in the public right-of-way in the area known as University Courts; and

WHEREAS, at the November 4, 2004 meeting the Historic Preservation Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and

WHEREAS, the Commission has prepared a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in BMC 8.08.10; and

WHEREAS, the Commission voted to submit the map and report to the Common Council which recommend local historic designation of said brick streets;

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

SECTION I. The map setting forth the proposed historic district for the site is hereby approved and said historic district is hereby established. A copy of the map and report submitted by the Historic Preservation Commission is attached to this ordinance and incorporated herein by reference and two copies of the map are on file in the Office of City Clerk for public inspection. The legal description of this property is further described as:

The brick streets located in the public right-of-way bounded by 10th Street on the north, 7th Street on the south, Indiana Avenue on the west, and Woodlawn Avenue on east, including Fess Avenue, Park Avenue, 8th Street and 9th Street.

SECTION II. The brick streets in University Courts shall be classified as “notable.”

SECTION III. Chapter 8.20 of the Bloomington Municipal Code, entitled “A List of Designated Historic Districts,” is hereby amended to insert a line regarding the “The Brick Streets in University Courts” which shall read as follows:

The brick streets in
University Courts

The brick streets located in the public right-of-way
bounded by 10th Street on the north, 7th Street on the south,
Indiana Avenue on the west, and Woodlawn Avenue on
east, including Fess Avenue, Park Avenue, 8th Street and
9th Street.

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

SECTION V. 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 _____, 2005.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2005.

REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this ____ day of _____, 2005.

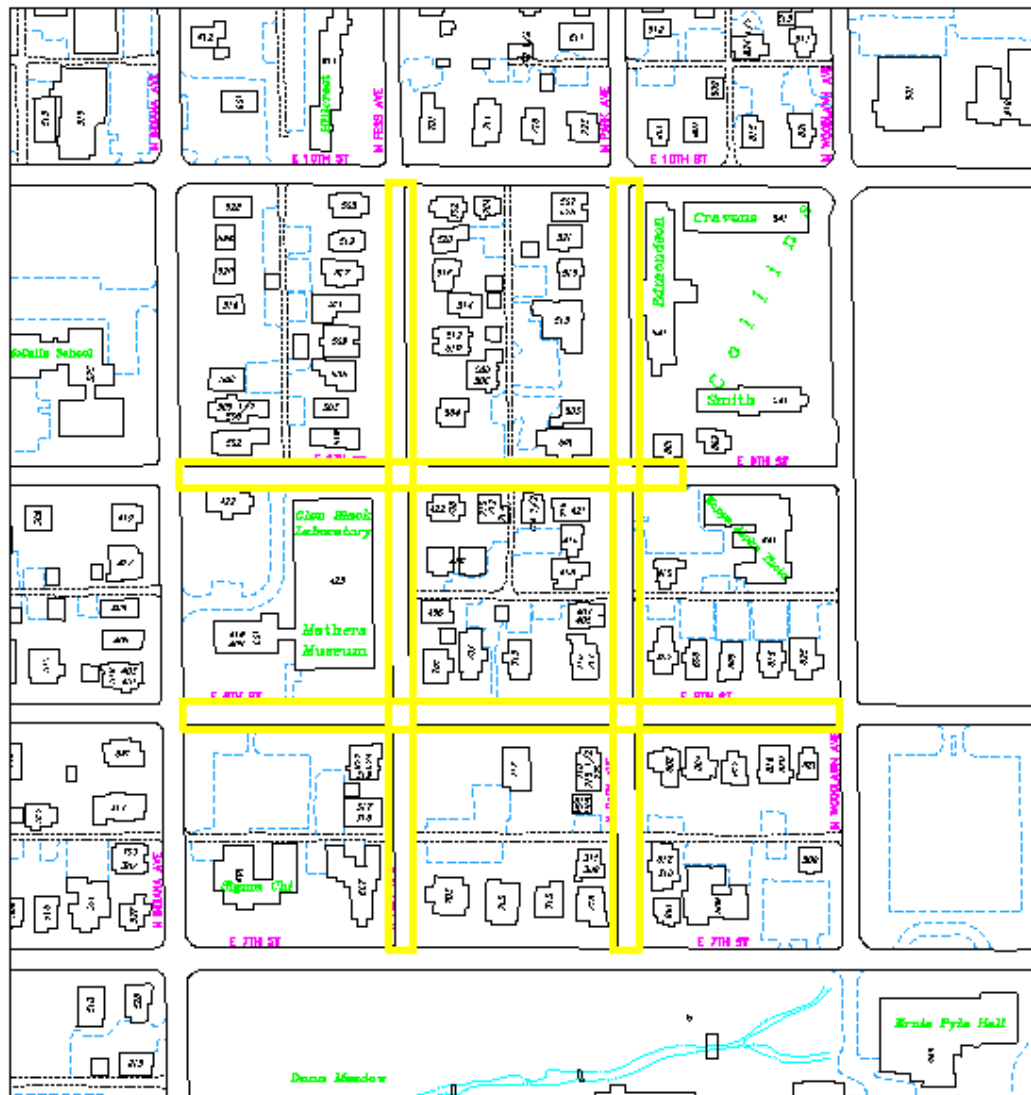
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to designate the brick streets in the University Courts area as a historic district and rate them as “notable” structures. The Bloomington Historic Preservation Commission sought this designation and, after two public hearings, recommended these actions to the Common Council based upon historic and architectural criteria set forth in Title 8 (Historic Preservation and Protection). In particular, it found them to be unique features within the City and an intrinsic part of the overall design of University Courts, one of the City’s most intact ‘planned’ historic neighborhoods. Once this ordinance has been adopted, the property will be regulated by the requirements that apply to all historic and architecturally worthy districts so designated by the Common Council. These regulations preserve and protect the property from demolition and include the review of exterior modification.



HD-02-04



Location of Brick Streets in University Courts District

HD-2-04

Brick Streets in University Courts

Staff Report:

Bloomington Historic Preservation Commission

The brick paved streets in the city of Bloomington, Monroe County, Indiana, lying between 10th Street on the north boundary and 7th Street on the south boundary, Indiana Avenue on the west boundary and Woodlawn Avenue on the east boundary, including Fess Avenue, Park Avenue, 8th and 9th Streets.

The streets qualify for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code (1) a and c and (2) a, e and f:

(1) Historic:

- a. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
- b. Is the site of an historic event; or
- c. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

(2) Architecturally worthy:

- a. Embodies distinguishing characteristics of an architectural or engineering type; or
- b. Is the work of a designer whose individual work has significantly influenced the development of the community; or
- c. Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
- d. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
- e. Contains any architectural style, detail, or other element in danger of being lost; or
- f. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood of the city or
- g. Exemplifies the built environment in an era of history characterized by a distinctive architectural style

The district now known as University Courts was deemed eligible for the National Register and placed upon the state register in January of 1993. According to the nomination, the district illustrates a number of Revival Styles popular between 1911 and 1938. Key among its resources are the thematic use of brick streets which comprise the only remaining brick streets in the city. The district is exceptional in the number of brick and limestone retaining walls. The streets themselves, including Park, Fess, 8th and 9th Streets were counted as four contributing “structures” in the nomination.

The district contains several early sorority and fraternity houses and a Church, but is primarily

composed of residential buildings including “twins,” flats, apartment buildings and single family homes. The first subdivision of the area was recorded in 1911. The streets were laid after that date. There are three subdivisions in University Courts that include brick streets: University Courts 1, 2nd and 3rd Additions. Each of these subdivisions stretches from 7th Street north of Dunn Meadow to 10th Street. The last one was platted in 1913 when the area was sold to Elvet and Cora Rhodes, who, along with the German American Trust Company, platted the first University Courts addition in 1911. The adjoining parcel was platted as the second addition by Thomas and Nettie Sare who also platted the third addition, which was developed as housing by the University Courts Realty Company. The streets must have been built after these plats were recorded because the intersecting brick streets cross subdivision lines.

The nomination also cites the significance of University Courts’ contribution to community planning. Several builders and land developers lived in the area including: Thomas Sare (725 East 7th) and (719 East 7th) and Louis Hughes (703 East 7th) and (710-712 East 9th). The use of courtyards, and designed streetscapes that contain masonry walls, mature trees and brick streets is unique among the inventory of historic resources in Bloomington.

The streets were originally paved with a uniform size and color brick paver. We believe the original bricks were made in Brazil Indiana. Inappropriately colored brick patches, coatings and concrete infill have created a patchwork of repairs. A city ordinance intended to guide workers dealing with the brick, which is still active, was passed in 1987. It provides the required construction specifications for patches. In 1997, HAND in cooperation with the Planning Department and with the support of the university applied for Indiana Transportation Enhancement Grant. The repairs were to be implemented in three phases, with the first concentrating on three intersections and three blocks along 8th. Staff has enclosed part of the narrative for the ISTEAG Grant. It summarizes the efforts of the past 20 years to preserve the streets.

Commissioner Burchart has provided photographs that document existing conditions. Her report is attached. A map with the location of photographs included. Staff has also invited Justin Wykoff to the October 14th meeting, in order to convey the progress of the new plan for the streets’ restoration. Briefly, acknowledging municipal budgetary constraints, this would be a set aside program to ensure that a certain amount of work to repair the streets would occur every year.

The streets have been protected by municipal ordinance since 1987, but the problem has been communication, enforcement and oversight during changing personnel and administrations. On October 19th the Board of Public Works will discuss a budget that will dedicate a percent of the asphalt budget each year to go toward restoration of the brick streets. They will also review their methods of fining and issuing stop work orders for working without a permit. \$10,000 has already been earmarked for this effort in the 2005 budget. Staff would like to give the BPW time to discuss and analyze this problem.

Report as of 10/26

The Board of Public Works heard a presentation by BPW staff concerning the designation of the

streets and other issues surrounding their repair. The recommendation of staff was for no action, however the BPW voted to support preservation of the brick streets and encouraged City Council to “favorably consider the request for local historical designation.” A copy of the minutes of the November 19th meeting is attached to this report.

Summary of City Concerns:

The consensus of opinion in the city is that designation, in and of itself, will not further the cause of street restoration and preservation and that there is concern that this is not widely understood. The legal department continues to think that the “the interested party” provision of Title 8. will place the city at a disadvantage by increasing the possibility of future law suits. Acknowledging these concerns, the city does not oppose designation

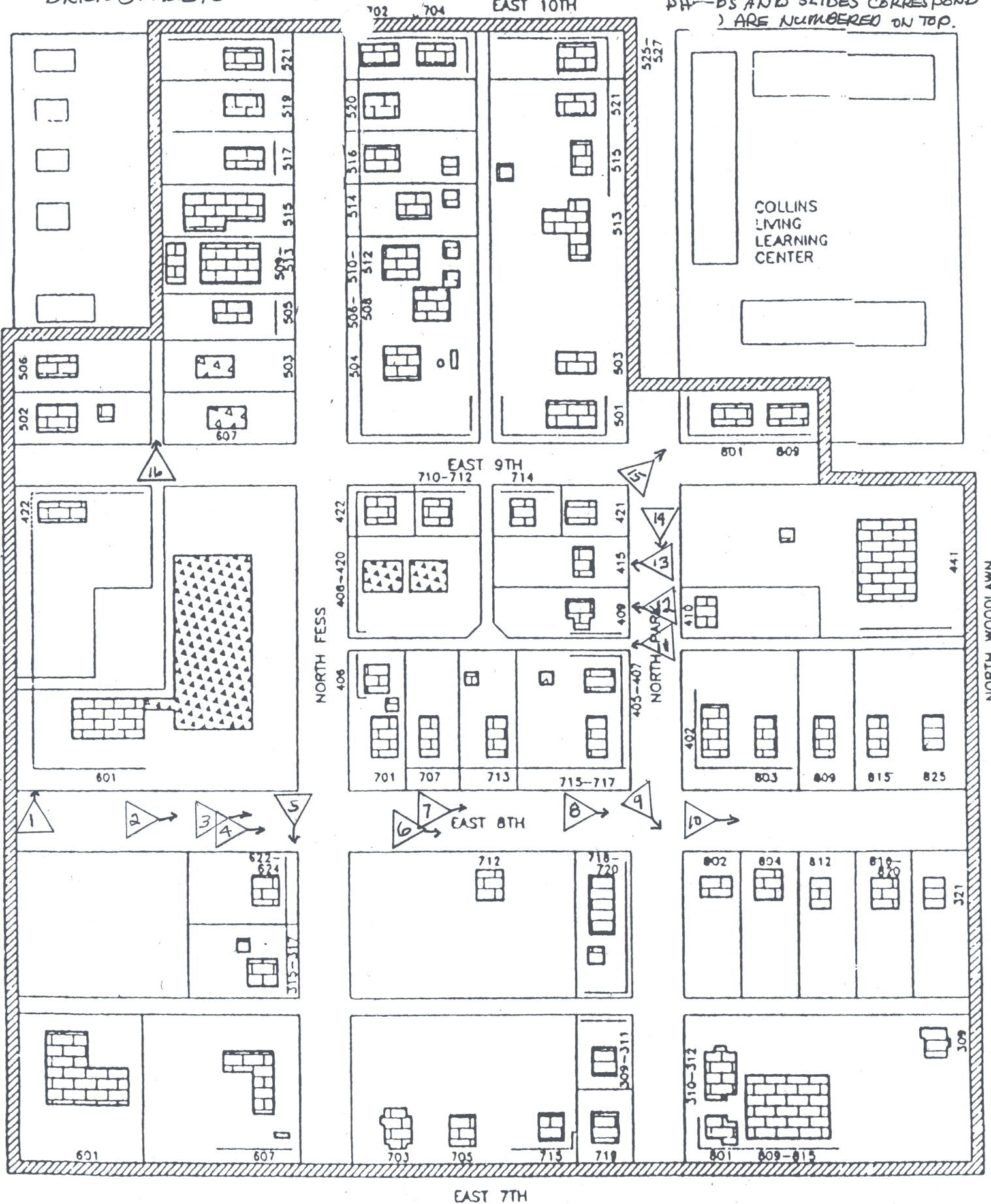
Staff recommends approval

BRICK STREETS SLIDES AND BLACK AND WHITES. SHOWING LOCATION.

EAST 10TH

PHOTOS AND SLIDES CORRESPOND
ARE NUMBERED ON TOP.

NORTH INDIANA



UNIVERSITY COURTS HISTORIC DISTRICT

BLOOMINGTON INDIANA





8th and Park



Apartments North Fess



North Fess



Eighth and Woodlawn



Location number 1 Eighth Street



Location number 2 Eighth Street



Location number 3 Eighth Street



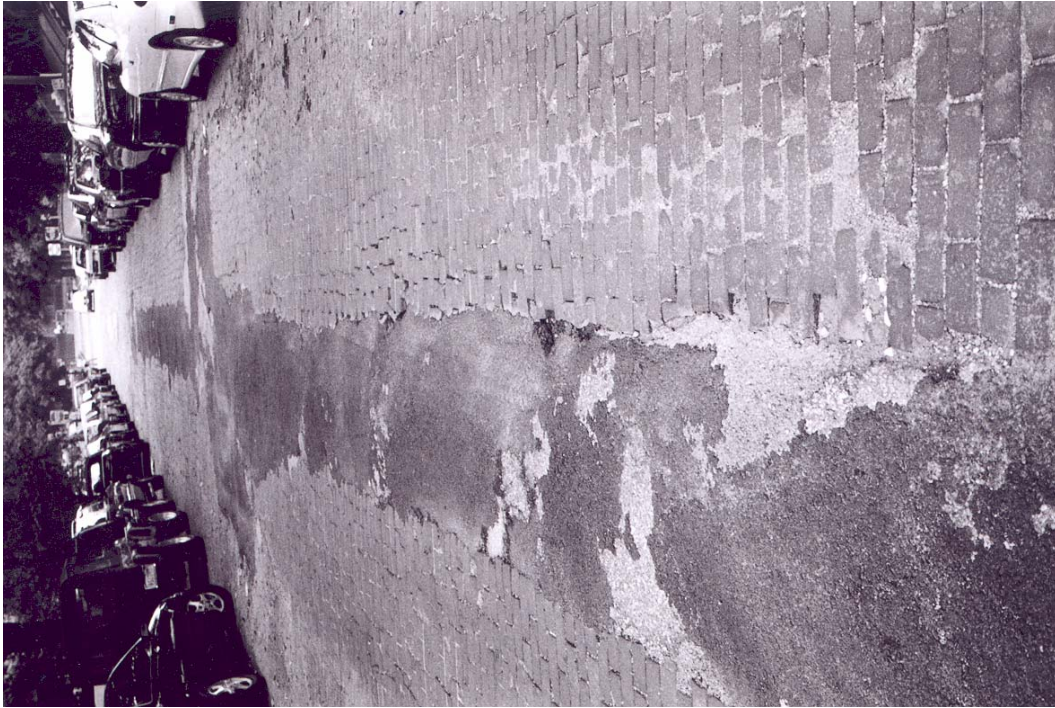
Location number 5 Eighth Street



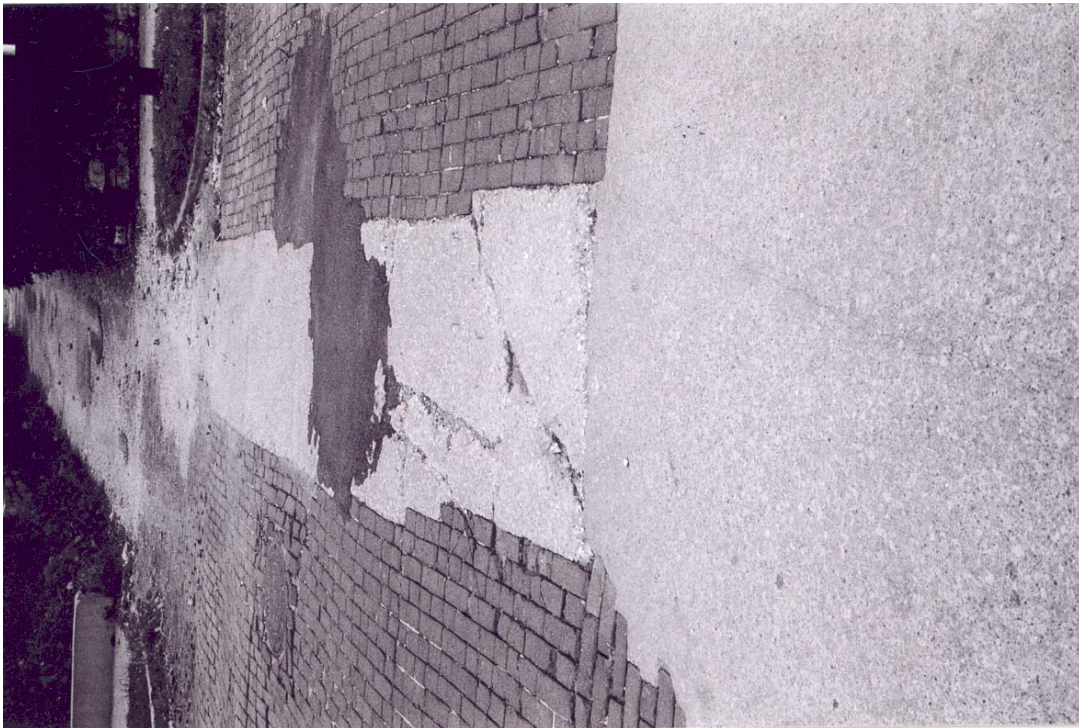
Location number 8 Eighth Street



Location number 9 intersection of Park and Eighth Streets



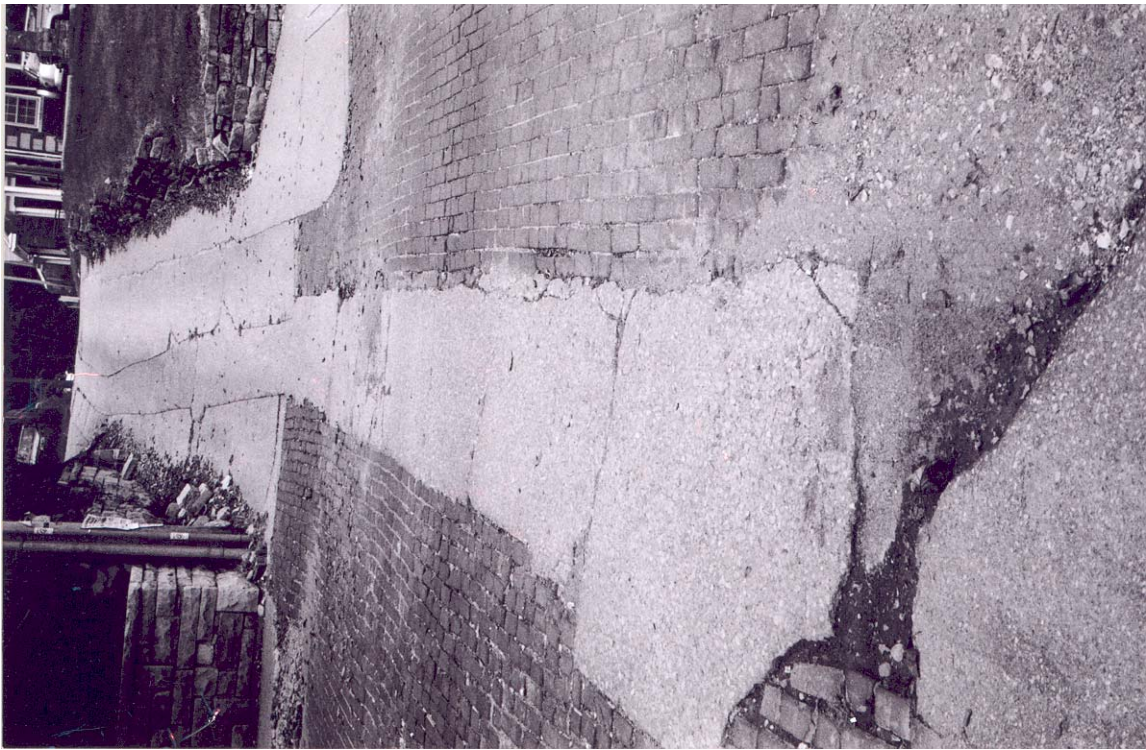
Location number 10 Eighth Street



Location number 11 North Park



Location number 15 intersection Park and Ninth Street



Location number 16 alley on Ninth Street

in the parking lot at 4th and Washington Streets on November 9th, 10th and 11th, and to block a portion of the east / west alley and in addition they are requesting to utilize the parking in front of the Theatre on November 10th and 11th. Mr. Alonso stated that the staff is working with the Mayor's office notifying all of the businesses in the area and Arts and Entertainment network will compensate the City for the loss of revenue from the meter spaces. Charlotte Zietlow made the motion to approve the request to reserve parking for a special event at the Buskirk Chumley Theatre on November 9th, 10th and 11th. Dr. Frank Hrisomalos seconded the motion and the motion carried.

OCTOBER 19, 2004 BPW MINUTES

Julio Alonso, Director of Public Works, reported that there is information from the Bloomington Historic Preservation Commission notifying the Board of a meeting to consider local historic designation of the brick streets in the area bound by 10th Street, 7th Street, Indiana Avenue and Woodlawn Avenue. Mr. Alonso stated that the Board is being notified as the property owner in this case. Mr. Alonso stated that the Commission's first meeting was scheduled before the Board had an opportunity to consider this request, so they agreed to postpone their consideration until their next meeting. Mr. Alonso stated that staff has some concerns regarding the legal implications and potential litigation regarding the maintenance of these streets. Mr. Alonso stated that staff is not convinced that the designation is in the best interest of the City at this time. Mr. Alonso stated that staff recognizes the historical importance of these streets and Mayor Kruzan has made a commitment to work to maintain these streets. Mr. Alonso stated that the City has budgeted \$10,000 in the 2005 budget for repairs to the brick streets. Mr. Alonso stated that staff recommends that the Board take no action to approve or to oppose the designation and allow the City Council to make this decision. Justin Wykoff, Manager of Engineering Services, reported on that there are issues with repairs that have not been made properly according to City Code. Mr. Wykoff stated that according to City Code all brick pavement street cut repairs shall consist of a minimum six inch 4000 PSI concrete base with the original or similar paving bricks placed on and bonded to the concrete with an all-weather adhesive material and the joints between the paving brick shall be filled by brushing dry Portland concrete cement into the joints and wetted. Mr. Wykoff presented pictures of several repairs that were not completed in accordance with the City Code. Mr. Wykoff reported on the cost of repairs for brick streets. Mr.

**Notification & Discussion
of Historic Designation of
Brick Streets bound by
10th Street, 7th Street,
Indiana Avenue and
Woodlawn Avenue**

Wykoff reported that the bricks and installation will cost approximately \$12.85 per square foot. Mr. Wykoff stated that the City has budgeted \$10,000 in the 2005 budget for repairs to the brick streets and plans to invest at least that amount annually toward the repair and restoration of the brick streets. Mr. Wykoff reported that the City is committed to improve coordination of street / right of way excavation permitting system to identify street cuts on these streets and to look at code revisions that would enable cost savings to the repair and restoration of brick streets. Mr. Wykoff reported that the City would most likely contract out the repairs to the brick streets. Mr. Wykoff introduced Sandy Cole to the Board. Ms. Cole stated that she lives in this area and she thanked staff for their interest in the restoration of the brick streets, but given the fact that administrations will change in the future, this designation is necessary for the brick streets to be maintained for future generations to enjoy. Mr. Wykoff introduced Jeannine Butler to the Board. Ms. Butler stated that the brick streets were installed in 1913 and that there have been concerns as the streets have been neglected for a long time and the Historic Preservation Commission wants to see that these streets are maintained and restored properly. Charlotte Zietlow made the motion that individually the Board members expressed favorable support for the preservation of the brick streets in the area bound by 7th Street, 10th Street, Indiana Avenue, and Woodlawn Avenue, but the Board will take no formal action to officially approve or oppose the historic designation and encouraged the City Council to favorably consider the request for local historical designation. Dr. Frank Hrisomalos seconded the motion and the motion carried.

Penny Myers, Assistant Director of Public Works, reported that the next regular Board meeting is on Election Day and at this time there is no pressing business. Charlotte Zietlow made the motion to cancel the next regular meeting. Dr. Frank Hrisomalos seconded the motion and the motion carried.

**Discussion regarding the
Next Meeting Date**

STAFF REPORTS

Julio Alonso, Director of Public Works, stated that he is pleased to report that Larry Barker has accepted the Sanitation Director position. Mr. Alonso also reported that City crews will soon begin

Public Works Update

17.08.080 Special plumbing regulations.

(l) Street Cuts. Street cuts shall be permanently repaired within forty-eight hours of completion of arterial street and within five days on all other after all subgrade work has been completed. Until subgrade work is completed, temporary repairs to the satisfaction of the City Engineer shall be made to the street daily in order that traffic may proceed across the cut after hours. Street cut repairs shall conform to the following standards: All bituminous street cut repairs shall consist of a minimum of nine inches of 4000 PSI concrete with a 1.5 inch compacted hot bituminous surface, sealed along all cut edges with a bituminous sealer. All concrete street cut repairs shall consist of ten inches of 4000 PSI concrete with a broomed finished surface. *All brick pavement street cut repairs shall consist of a minimum six-inch 4000 PSI concrete base with the original or similar paving bricks placed on and bonded to the concrete with an all-weather adhesive material. The joints between the paving bricks shall be filled by brushing dry portland cement into the joints and wetted.* The Engineering Department shall be notified twenty-four hours in advance of placement of a permanent patch so that an inspector may be present at the time of its placement. Any settlement that occurs within one year of completion of the cut shall be repaired to the satisfaction of the City Engineer at the applicant's expense. Failure to repair shall result in suit being filed against the contractor's bond.