



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

Agenda for Plan Commission Meeting on Monday, October 6th in the Council Chambers at 5:30 p.m.

Legislation for Final Action:

None

Legislation and Background Material for First Reading at Regular Session as well as Discussion at the Committee of the Whole - Listed in the Order Items Will be Discussed at the Committee of the Whole:

Res 03-27 To Approve a Statement of Benefits - Re: 1000 West Kirkwood (Richard Groomer, Petitioner)

- Memo from Maren McGrane, Director of Economic Development; Memo from Tom Micuda, Director of Planning; Application; Statement of Benefits; Tax Calculations; Site Plan and Elevations; Land Use Maps; *(A copy of the BZA materials is available in the Council Office)*

Contact: Maren McGrane at 349-3406 or mcgranem@city.bloomington.in.us

Ord 03-28 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Certain Stop, Yield, and Signalized Intersections, Restricted Turns at a Red Light, Parking Zones, and Cross Walks

- Memo from Justin Wykoff, Manager of Engineering Services; Maps; Am 01 (Sponsored by Councilmember Sabbagh) and Accompanying Map

Contact: Justin Wykoff at 349-3593 or wykoffj@city.bloomington.in.us

Ord 03-29 To Amend Ordinance 96-31 which Established a Telecommunications Non-Reverting Fund (Telecom Fund) - (Allowing the Infrastructure Portion of the Fund to be Used for the Maintenance and Repair of the City's Telecommunications Infrastructure)

- Memo from Greg Volan, CIO; Text of Ord 96-31 Indicating Previous and Proposed Amendments

Contact: Greg Volan at 349-3485 or volang@city.bloomington.in.us

App Ord 03-10 To Specially Appropriate from the Telecommunications Non-Reverting Fund (Infrastructure) Expenditures Not Otherwise Appropriated (Appropriating Funds for Maintenance and Repair of the City's Fiber Optic Assets)

- Memo from Greg Volan, CIO; Balance Sheet for Telecom Fund

Contact: *Greg Volan at 349-3485 or volang@city.bloomington.in.us*

Res 03-28 To Adopt Policies for the Bloomington Digital Underground

- Memo from Greg Volan, CIO; Policies

Contact: *Greg Volan at 349-3485 or volang@city.bloomington.in.us*

Minutes from Regular Session:

None

Memo

Chair of Committee Meeting: Banach

Regular Session Immediately Followed by Committee of the Whole on Wednesday, October 8th

Three Items to be Introduced at the Regular Session which Will be Joined by Two Resolutions at the Committee of the Whole

The Council will hold two meetings on Wednesday, October 8th. The first will be a Regular Session where three items will be introduced and the second will be a Committee of the Whole where those items will be discussed along with two resolutions. These five items are summarized below and appear in this packet in the order they will be discussed at the Committee of the Whole Agenda.

Items on the Committee of the Whole Agenda

Item 1 - Res 03-27 - Approving a Statement of Benefits for the Construction of a Hair Salon at 1000 West Kirkwood (Richard Groomer, Petitioner)

Res 03-27 brings forward the third request for a tax abatement along the stretch of West Kirkwood that we addressed early last year. At that time the Council approved a package of legislation for the eight blocks of West Kirkwood running from Rogers Street to Adams Street.

The legislation approved a land use plan and some unique economic development incentives to implement it. The land use legislation (Res 02-04) approved an

amendment to the Growth Policies Plan known as The Plan for West Kirkwood. This plan proposed detailed restrictions on the design of buildings and reduced parking requirements to moderate the effect of the more intense development it recommended for this largely residential area. To read The Plan please visit:

<http://www.city.bloomington.in.us/planning/lr/kirkwood/index.html>

The economic development legislation was innovative in many ways. First, it tied the receipt of tax abatements to development that conforms to the land use plan. In that regard, the legislation set up a procedure where applications for tax abatement would come to the Council only after all the variances had been approved and the Director of Economic Development and Planning Director had determined that the development complied with the plan. Second, the legislation predesignated the entire corridor as both an Economic Revitalization Area (ERA - see [Res 02-05](#) and [Res 02-06](#)) and an Economic Development Target Area (EDTA - see [Ord 02-03](#)). The ERA is required for all tax abatements and is based upon your conclusion that the underlying real estate is not susceptible to normal growth and development. The EDTA is an additional designation that allows property owners to receive tax abatement for retail and residential uses not otherwise available to them. Third, it pre-approved eligible projects for a 10-year tax abatement.

When taken together, these innovations made the consideration of tax abatements along this corridor both quicker and more predictable than tax abatements elsewhere in the City. These innovations shorten Council deliberations by two weeks and narrow your consideration to whether or not to approve the Statement of Benefits. One reason for creating an expedited process here and not elsewhere is that the development expected along this corridor will entail smaller, less expensive or involved projects, with correspondingly smaller tax benefits.

The petitioner, Richard Groomer, is seeking a tax abatement for a property (1000 West Kirkwood) that is within the ERA and EDTA along the West Kirkwood corridor. The resolution approves the Statement of Benefits and authorizes a 10-year period of abatement. Please note that in order to approve the Statement of Benefits, you must find that the benefits being proposed are reasonable, probable, and worthwhile results of the project. Also please note that the resolution also requires the owners to commence the project within 12 months, and develop and use the property in compliance with the West Kirkwood Plan and local code.

Conformance with the Plan for West Kirkwood. The application and memo from Tom Micuda, Director of Planning, indicate that the project is consistent with the

Plan for West Kirkwood. According to this material, the petitioner received a use variance from the BZA to construct a one-story, 2,100 s.f. hair salon on the vacant lot at the northwest corner of Kirkwood and Elm Street. The lot is currently zone RS4.5, but is designated as Traditional Conditional - 1 (TC-1) under the Plan for West Kirkwood, which provides for "neighborhood serving retail uses, as well as offices and multifamily residential." The building will be built close to the street, include a wrap-around porch, and otherwise comply with the design requirements for structures within corridor. The site improvements will include off-street parking accessed from the alleyway, a new sidewalk, tree plot, curbs and parking places on Elm Street, and landscaping along both Kirkwood and Elm.

The BZA concluded that a reduction in the parking requirement from 19 off-street spaces to 9 off-street spaces (including some stacked parking), 4 new on-street spaces on Elm Street, and the current on-street parking on West Kirkwood was appropriate. It also authorized a reduction in the sight-triangle at the corner (due to the covered porch) and a reduction in the landscaping requirements (limiting trees to the tree plots).

The proposed benefits include improvements that:

- conform with the Plan for West Kirkwood (see site plan and elevations);
- add \$60,000 to the assessed valuation of the site (currently \$7,600); and
- add opportunities for 5 hair stylists to rent booths at the new facility.

According to the tax calculations provided by McGrane, the petitioners should pay about \$6,602 and forego about \$6,471 in property taxes over the 10-year abatement.

Please note that the City Clerk has filed the statement of benefits with the various taxing entities and placed an ad announcing that the Council will be holding a public hearing (i.e. the public comment portion of our agenda) on October 15th to hear comments and objections regarding this action.

Item 2 - Ord 03 - 28 Amending Title 15

Ord 03-28 amends Title 15 entitled "Vehicles and Traffic" to change certain stop, yield, and signalized intersections, add a restricted right turn on a red light, alter certain parking zones, and add a cross walk. These changes and the reasons for them are covered in Justin Wykoff's memos and maps and briefly noted below:

Location	Change in Regulation
Stop Intersections	
10 th Street and Morton Avenue (Maps #2 & #4)	<p>Converts a 2-Way Stop into a 4-Way Stop (Traffic on 10th Street currently stops for traffic on Morton Avenue).</p> <p>Rationale: Changes to the intersection and additional parking reduce the line-of-sight and, therefore, justify the stop signs.</p>
5 th Street and Hillsdale Drive (Map #3)	<p>Converts a yield into a stop intersection (Traffic on 5th Street currently yields to traffic on Hillsdale)</p> <p>Rationale: Motorists on 5th Street do not have a good view of cars on Hillsdale</p>
Roosevelt Street and 5 th Street (Map #3)	<p>Same as above (Here traffic on Roosevelt Street currently yields to traffic on 5th Street)</p> <p>Rationale: Same as above</p>
Signalized Intersections	
3 rd Street at Hillsdale/Woodscrest (Map #1)	<p>Adds Hillsdale as a cross street for this signalized intersection.</p> <p>(Please note the ordinance also deletes an outdated reference to a stop sign at Hillsdale and East 3rd Street.)</p>
6 th Street at College Avenue (eastbound traffic) (Map #5)	<p>Prohibits a right turn on the red light for eastbound traffic on 6th Street turning onto College Avenue</p> <p>Rationale: A combination of a poor view of cars going south on College, conflicts with cars going west on 6th, and conflicts with pedestrians crossing College all support this change.</p>
No Parking	
Ninth Street from Fairview to the first alley on the east (south side). (Map #6)	<p>Allow parking</p> <p>Rationale: Parking had been prohibited in order to allow large vehicles to enter the site to the north now occupied by Aurora School. This is no longer necessary.</p>
Canada Drive from The Stands to 364 feet to the east (south side) (Map #8)	<p>Remove parking near the entrance to Olcott Park</p> <p>Rationale: Users of Olcott Park park their cars on the street during certain events, which would make it difficult for emergency vehicles to enter the park. Note: there are unused parking lots at the other end of the park.</p>
Olive Street from Thorton to	Remove parking on the west side

Miller Drive (west side) (Map #7)	(parking is already prohibited on the east side). Rationale: Neighbors requested removal of parking on this narrow street.
Varsity Lane from 20 th Street to Dunn Street (south and east side of this winding street) (Map #9)	Prohibit parking. Rationale: This street was owned by the University and this side of it was considered a fire lane. The street now belongs to the City and the Police department recommended that this side be a no parking zone.
Limited Parking	
College Avenue - from 4 th Street to 67 feet north of 4 th Street (west side) (Map #10)	Converts from 2-hour to 30-minute parking Rationale: The nearby merchants wanted more turnover parking.
4 th Street - one space east of Walnut Street (north side) (Map #12)	Converts from 15-minute to 2-hour parking. Rationale: The Director of Parking Enforcement noticed that this space was not being used and the Traffic Commission recommended the change after hearing that nearby merchant didn't object.
Pedestrian Crossing	
2120 South Highland Avenue and Winslow Woods Park (Map #11)	Adds pedestrian crossing between YMCA and the Park across the street. Rationale: One of the childcare centers needed a place for children to cross the street.

Amendment Sponsored by Sabbagh

Councilmember Sabbagh is requesting that the Council amend this ordinance in order to convert the "T" intersection at Bainbridge and Elliston from a 1-way to a 3-way stop. Traffic on Elliston, which leads to Sherwood Oaks Park, now stops for traffic on Bainbridge. Residents on both of these streets requested that the Traffic Commission recommend a 3-way stop here because children get on and off the school bus at this intersection and the cars speed along Bainbridge. They also saw a high level of vehicular and pedestrian traffic going to and from the park. The Engineering Department found that the level and speed of traffic (573 per day northbound - 85% going 29 mph /720 per day southbound - 85% going 34 mph) and number of accidents per year (2) did not warrant the stop sign. After talking about the inappropriate use of stop signs to slow traffic and the possibility of installing traffic calming in this area, the Traffic Commission took no action on this request. (Minutes are available in the Council Office).

Item 3 - Ord 03-29 Amending Ord 96-31 which Created the Telecom Fund in Order to Allow Monies in the Infrastructure Account to be Used for Repairs and Maintenance of the BDU

Ord 03-29 is one of three pieces of legislation coming forward regarding the City's telecommunications infrastructure (i.e. fiber optic conduit and cable network) otherwise known as the Bloomington Digital Underground (BDU). It would amend **Ord 96-31** which created the Telecommunications Non-Reverting Fund (Telecom Fund) in order to allow monies in the Infrastructure portion of the Fund to be used for the repair and maintenance of the BDU.

As Greg Volan covers in his memo, the City created the Telecom Fund in 1996 with revenues it receives from cable franchise fees. Sixty percent of these revenues were set aside for telecommunications services, which fund the cable casting of our meetings and improvements to the audio-visual equipment in the Council Chambers. The other forty percent of the cable revenues and a certain amount of the money generated by the telecommunications infrastructure (see **Ord 00-45**) were set aside for planning, design, development and construction of telecommunications infrastructure. In the years since the Fund was created, the City began installing conduit and fiber optic cable in various loops that now connect some city facilities and is known as the BDU. This new infrastructure will need occasional maintenance and repair and the ordinance would allow monies in the telecommunications infrastructure account to be used for that purpose.

Item 4 - App Ord 03-10 - Appropriating \$15,500 for the Repair and Maintenance of the BDU

App Ord 03-10 follows upon the last ordinance and appropriates \$15,500 for the repair and maintenance of the Bloomington Digital Underground. According to the memo from Greg Volan, \$1,000 will be used for the first two months (November and December) of a new maintenance contract that would assure that competent and appropriately equipped personnel will arrive at the scene of a break in the BDU in a short period of time (2 - 4 hours). This contract covers the quick response, but does not cover the actual cost of the repair. The other \$14,500 would be used to reimburse the City for the cost of a break last spring (\$4,523) and to reserve funds (\$10,000) in the event of damage to the BDU before the end of the year. Please note that any funds that are not spent this year would revert to the Telecom Fund, and that the ITS Department anticipates requesting an appropriation early next year to continue this contract into 2004 and reserve monies in the event of future repairs. Also please note

that balance sheet provided by Susan Clark indicates that there is approximately \$156,900 available in the Infrastructure account as of September 30th.

Item 5 - Res 03-28 - Approving Policies for the Use of the City-Owned Fiber Optic Network by Non-City Entities

Res 03-28 is the last of the three items relating to the BDU and approves policies for the use, operations, and management of this City asset. The memo from Greg Volan, CIO, indicates that these policies were initially drafted by himself and our consultant, InfoComm Systems, and then refined through a series of meetings with the BDU Advisory Group (including Councilmembers Diekhoff and Sabbagh) after input from a broader group of participants. These participants represented telecommunications providers, potential non-profit and governmental users of this asset, economic development professionals, and Indiana University.

The policies are attached to the resolution and address the offering of the City's fiber optic network to non-City entities. In his memo, Greg notes that all but two of the issues were unanimously agreed upon by the advisory groups. These two items are noted in asterisks under the following brief summary of the policies.

Summary of Policies for the Use, Operation, and Management of the BDU

Section 1 - General Principles

The goals of the program are to:

- provide for the City's telecommunications needs;
- protect the City's investment in and the visual attractiveness of its rights-of-way; and
- lower barriers of entry for telecommunications providers and to this end the policies:
 - restrict the City from offering the BDU directly to almost all end-users (see Section 4 - Usage); and
 - require the City to strive to maintain a neutral playing field for competing providers of telecommunications services.

(Note this last goal recognizes the wide availability of some form of internet services to the community and assumes that competition will

encourage public benefits like the low price and high quality of services).

**** One of the two controversial issues mentioned by Greg Volan concerned whether the City should offer the conduit alone or the conduit and fiber to non-city entities. After hearing that the latter would not discourage private investment in telecommunications infrastructure, almost all of the participants recommended that the City offer both conduit and fiber to non-city entities.***

Section 2 - Definitions - *(Please see the policies)*

Section 3 - Governance

- The Board of Public Works will manage this asset, the CIO will handle the day-to-day operations, and the Engineering department will oversee construction projects where the fiber optic assets are being installed or connected to city facilities;
- The Board of Public Works will create a standing advisory committee to give it advice and recommendations on the usage, pricing, and management of these assets. This committee will be comprised of seven members from the business, technology, economic development, and Indiana University communities;

**** The second controversial issue mentioned by Greg Volan concerned the status of the advisory committee. The Administration has likened this committee to the advisory boards that serve the Board of Parks Commissioners. Some councilmembers, however, are not sure whether, given the significance of the underlying policies, those boards are a good model for the BDU. Also, Councilmember Sabbagh, who favors the overall policies, has indicated that he wants a group with a higher profile in order to attract the high caliber of participants he believes are needed for this task and one with less dependence upon the Mayor's Office to inspire more "buy-in" from the community.***

- The CIO and Controller will ascertain the capital costs, income and expenses relating to this program. In accordance with the enabling legislation, income up to 125% of the amount appropriated from the Telecom Fund for this asset will be returned to the Telecom Fund. Most, but not necessarily all (see Section 3.4)

of the money for the program will be appropriated directly by the Common Council.

Section 4 - Usage

- This asset is primarily for the City's own internal fiber network and the City must reserve a reasonable amount of this asset to meet future needs;
- The Board of Public Works will determine the amount of this asset to be made available to other entities based upon the recommendation of the CIO and on the following conditions:
 - Those entities must be providers of telecommunications or dark fiber and must not be end-users, except in the case of public entities, governmental units, and non-profits groups serving public, educational, or charitable interests;
 - In allocating this asset, the Board must consider the scarcity of the City's asset and the lessee's immediate need for it, and set up other measures to assure that this program does not undermine competition among the other providers;
 - The conduit and fiber will only be offered on an indefeasible right to use (IRU) lease basis (i.e. the City continues to own the asset);
 - Contracts will be approved by the Board.

Section 5 - Pricing

- The rates for leasing the conduit and fiber as well as the charges for all one-time services shall be set by the Board and approved by the Council;
- These rates should account for market price of this asset and allow the City to:
 - Receive a return on the capital investment which can be in the form of indirect benefits such as those flowing from economic growth (e.g. the City could offer this asset at lower cost if justified by some public good); and
 - Recover operating expenses.

Section 6 - Expansion

- The City will look for opportunities to install conduit and fiber with City construction projects (but is not called upon to work with the other providers to expand the City's asset).

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION AND COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, OCTOBER 8, 2003
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON**

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. APPROVAL OF MINUTES FOR:** None
- IV. REPORTS FROM:**
 - 1. Councilmembers**
 - 2. The Mayor and City Offices**
 - 3. Council Committees**
 - 4. Public**
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**
None
- VII. LEGISLATION FOR FIRST READING**

- 1. Appropriation Ordinance 03-10 To Specially Appropriate from the Telecommunications Non-Reverting Fund (infrastructure) Expenditures Not Otherwise Appropriated (Appropriating funds for maintenance and repair of the City's fiber optic assets)
- 2. Ordinance 03-28 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Certain Stop, Yield, and Signalized Intersections, Restricted Turns on a Red Light, Parking Zones, and Cross Walks
- 3. Ordinance 03-29 To Amend Ordinance 96-31 Which Established a Telecommunications Non-Reverting Fund (Telecom Fund) (Allowing the Infrastructure Portion of the Fund to Be Used For the Maintenance and Repair of the City's Telecommunications Infrastructure)

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

IX. ADJOURNMENT (and immediately reconvene for the following meeting)

COMMITTEE OF THE WHOLE

Chair: Jason Banach

- 1. Resolution 03-27 To Approve a Statement of Benefits – Re: 1000 W. Kirkwood Avenue (Richard Groomer, Petitioner)
 - Asked to Attend: Maren McGrane, Economic Development Coordinator, Mayor's Office
Representative of Petitioner
- 2. Ordinance 03-28 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Certain Stop, Yield, and Signalized Intersections, Restricted Turns on a Red Light, Parking Zones, and Cross Walks
 - Asked to Attend: Justin Wykoff, Manager of Engineering Services, Public Works
- 3. Ordinance 03-29 To Amend Ordinance 96-31 Which Established a Telecommunications Non-Reverting Fund (Telecom Fund) (Allowing the Infrastructure Portion of the Fund to Be Used For the Maintenance and Repair of the City's Telecommunications Infrastructure)
 - Asked to Attend: Gregory Volan, Chief Information Officer, ITS
- 4. Appropriation Ordinance 03-10 To Specially Appropriate from the Telecommunications Non-Reverting Fund (infrastructure) Expenditures Not Otherwise Appropriated (Appropriating funds for maintenance and repair of the City's fiber optic assets)
 - Asked to Attend: Susan Clark, Budget and Research Manager, Controller's Office
- 5. Resolution 03-28 To Adopt Policies for the Bloomington Digital Underground
 - Asked to Attend: Gregory Volan, Chief Information Officer, ITS

City of
Bloomington
Indiana

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Fax: (812) 349-3570
e-mail: council@city.bloomington.in.us

To: Council Members
From: Council Office
Re: Calendar for the Week of
October 6, 2003 – October 11, 2003
Date: October 3, 2003

Monday, October 6, 2003

5:00 pm Redevelopment Commission, McCloskey
5:00 pm Utilities Service Board, Service Center – 1969 South Henderson Street
5:30 pm Bicycle and Pedestrian Safety Commission – Work Session, Hooker Room
5:30 pm Plan Commission, Council Chambers

Tuesday, October 7, 2003

5:30 pm Board of Public Works, Council Chambers
7:30 pm Telecommunications Council, Council Chambers

Wednesday, October 8, 2003

2:00 pm Hearing Officer, Hooker Room
4:00 pm Board of Housing Quality Appeals, McCloskey
7:30 pm Common Council – Regular Session immediately followed by Committee of the Whole, Council Chambers

Thursday, October 9, 2003

10:30 am McDoel Switchyard – Public Meeting, Council Chambers
3:30 am Bloomington Historic Preservation Commission, McCloskey
4:00 pm Solid Waste Management Department, SWM Facilities – 3400 Old SR 37

Friday, October 10, 2003

12:00 pm Bloomington Industrial Development Advisory Committee, Hooker Room
1:00 pm Metropolitan Planning Organization – Technical Advisory Committee, McCloskey

Saturday, October 11, 2003

7:00 am Bloomington Community Farmers' Market, Showers Commons

**CITY OF BLOOMINGTON
PLAN COMMISSION AGENDA**

October 6, 2003 at 5:30 p.m.

❖ City Hall Council Chambers, #115

ROLL CALL

MINUTES TO BE APPROVED: August 11, 2003

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITION WITHDRAWN:

PUD-38-03 **Canada Station/Running Creek, LLC**
 3681 S. Sare Rd.
 Preliminary plan amendment to allow a mixed-use development
 including commercial, retail and multi-family uses for Parcel E & F of
 Canada Park PUD

PETITION CONTINUED TO 11/10/03:

PUD-43-03 **Randy Lloyd**
 405-407 W. Patterson
 Rezone & PUD amendment to construct a 2-story mixed-use building

.....
PETITIONS:

* **PUD-35-03** **Southern Indiana Medical Park II, LLC**
 2401 W. Tapp Rd.
 Preliminary plan approval for a PUD to allow development of a medical
 office Park.

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*** PUD-36-03**

**L & M Rentals
3421 S. Sare Rd.**

Preliminary plan amendment & preliminary plat amendment to change the approved unit mix within a Planned Unit Development.

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PUD-32-03

**Richland Construction
1200 S. Smith Rd.**

Final plan and preliminary plat approval of a 105-unit development on Parcel H of the Rogers Farm PUD.

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** Items which will come to the Common Council.*

****Next Plan Commission hearing scheduled for November 10, 2003.*

RESOLUTION 03-27
TO APPROVE A STATEMENT OF BENEFITS
Re: 1000 W. Kirkwood Avenue
(Richard Groomer, Petitioner)

- WHEREAS, in Resolution 02-04 the Common Council approved an amendment to the City of Bloomington's Comprehensive Plan that adopted a Subarea plan for the West Kirkwood Corridor known as "The Plan for West Kirkwood" (hereinafter the "Plan"); and
- WHEREAS, in Resolution 02-05 the Common Council designated an area described therein as the "West Kirkwood Corridor" as an Economic Revitalization Area (ERA), which includes the property at 1000 W. Kirkwood; and
- WHEREAS, in Ordinance 02-03 the Common Council designated the West Kirkwood Corridor as an Economic Development Target Area (EDTA) pursuant to IC 6-1.1-12-7(a); and
- WHEREAS, Petitioner has filed an application for property tax abatement for the property located at 1000 West Kirkwood (the "Project"); and
- WHEREAS, the Project will consist of construction of a one story building that complies with the Plan and will contain a hair salon business; and
- WHEREAS, Resolution 02-05 set forth the procedures whereby a property owner whose project met the criteria of the Plan could receive tax abatement on the project after approval of a Statement of Benefits by the Common Council, which are that the Economic Development Director and Planning Director must determine that the Project complies with the Plan and all necessary variances to bring the Project into compliance with Plan have been obtained; and
- WHEREAS, the Planning Director and Economic Development Director have determined that the Project complies with the Plan and that all variances necessary to make it comply with the Plan have been obtained; and
- WHEREAS, Petitioners who obtain a tax abatement must submit to the Common Council a Statement of Benefits and must, prior to March 1st of each year, provide the Monroe County Auditor and the Common council with information showing the extent to which there has been compliance with the Statement of Benefits; and
- WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached hereto and made a part hereof, and found the following:
- A. the estimate of the cost of the Project is reasonable;
 - B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project;
 - C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the Project;
 - D. any other benefits about which information was requested are benefits that can be reasonably expected to result from the Project; and
 - E. the totality of the benefits is sufficient to justify the deduction; and
- WHEREAS, Resolution 02-05 provides that projects that comply with the Plan shall be eligible for a ten-year tax abatement;

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

1. The Common Council hereby approves the Statement of Benefits submitted for the property located at 1000 West Kirkwood and declares that the Project is eligible for abatement of property taxes as provided in IC 6-1.1-12.1-1 et. seq. for a period of ten (10) years.
2. In granting this deduction, the Council also expressly exercises the power set forth in IC 6-1.1-12.1-2 (I)(5) to impose additional, reasonable conditions on the rehabilitation or redevelopment beyond those listed in the Statement of Benefits. Failure of the property owner to make reasonable efforts to comply with these conditions are reasons for the Council to rescind this designation and deduction:
 - a. the improvements described in the application shall be commenced (defined as construction of the buildings) within twelve months of the date of this designation and
 - b. the land and improvements shall be developed and used in a manner that complies with the Plan for West Kirkwood as well as other provisions of the local code.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

CHRIS GAAL, 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 _____, 2003.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

Petitioner (Richard Groomer) has filed an application for approval of its Statement of Benefits for the property located at 1000 West Kirkwood. This property is within the Economic Revitalization Area designated by Resolution 02-05 and the Economic Development Target Area designated by Ordinance 02-03 and is eligible for consideration of a ten-year property tax abatement as long as it complies with the Subarea Plan known as The Plan for West Kirkwood.

Memorandum

To: Common Council Members

From: Maren McGrane, Executive Assistant for Economic Development – Mayor's Office

Date: September 29, 2003

Re: Resolution 03-27

The Plan for West Kirkwood was created to enhance the West Kirkwood corridor through promoting compatible, traditional-style development that supports mixed uses, small business opportunity, and neighborhood coherence. Instead of requiring several pieces of legislation to approve a Statement of Benefits, the process for West Kirkwood requires the following: 1) the Planning Director and Director of Economic Development must review the plan, ensuring that it fits within the guidelines; 2) the property owners must receive approval for any necessary zoning variances; and 3) approval by the Common Council. The first two steps of this process have been completed for Resolution 03-27.

Resolution 03-27 approves the Statement of Benefits for the vacant property located at 1000 W. Kirkwood. The petitioner, Richard Groomer, is requesting a 10 year tax abatement for the construction of a one-story building that will contain a locally-owned hair salon. The hair salon will provide business opportunities for five hair stylists. The customary practice for hair stylists is to set their own rates and provide their own health insurance. This salon will do the same and will charge a booth rental fee of \$70.00 per week. This fee is relatively inexpensive for the Bloomington area.

The improvements on the property total \$60,000. The petitioner received approval from the Board of Zoning Appeals in August 2003 for several use variances and plans to commence work in early November. The value of this abatement is \$6,471 and the total taxes to be paid over 10 years are \$6,602.

This project fits within the guidelines of the Plan for West Kirkwood by broadening the commercial use, promoting small business development along the corridor, and fulfilling the infill development components of the Plan. The property located at 1000 West Kirkwood has been vacant for many years and will be one of the first new construction projects to fit within the Plan for West Kirkwood.

Enclosed you will find the petitioner's tax abatement application and several renderings of the building design. Please contact me if you have any questions.

Interdepartmental Memo

To: Dan Sherman, Council Attorney

From: Tom Micuda, Planning Director

Date: September 28, 2003

Subj: 1000 West Kirkwood Avenue, Request for Tax Abatement

This memo summarizes the planning issues associated with the tax abatement request for the property located at 1000 West Kirkwood Avenue. In order for the property to be considered favorably for tax abatement approval, the City Council must determine that the development project on this site complies with the recommendations contained in *The Plan for West Kirkwood*. This plan was approved by the City Council in 2002.

The property in question is a vacant City lot located at the northwest corner of Kirkwood Avenue and Elm Street. Although the property is zoned Single Dwelling Residential (RS4.5), the owner has recently received Use Variance approval from the Board of Zoning Appeals to construct a new building that would contain commercial uses. Commercial uses at this street intersection are recommended in the Plan for West Kirkwood. Specifically, the Plan identifies this property with a land use designation of TC-1 (Traditional Commercial – 1). The TC-1 designation supports neighborhood serving retail uses, as well as offices and multifamily residential. The owner's proposal to use the property for a new beauty salon complies precisely with this land use designation.

In terms of site planning considerations, the owner's proposal also complies with the Plan for West Kirkwood. Specifically, a 2,100 square foot, one-story building is proposed for the property. Per the Plan's recommendation, this new building will be positioned close to the right-of-way lines along both Kirkwood Avenue and Elm Street. The Board of Zoning Appeals approved building setback variances for both of these street frontages in order to encourage a "building-forward" look for the new structure. In terms of parking and access, the project also follows the Plan's recommendations. No new curb cuts are being proposed for either Elm or Kirkwood. The project will receive access via an east-west alley that runs parallel to the north property line. Parking for the project will consist of spaces with direct access to the alley as well as new on-street parking along Elm Street.

The tax abatement proposal also follows the Plan's recommendations concerning architectural design for a TC-1 designated property. Specifically, a storefront-style building would be constructed. This storefront building would meet the Plan's recommendations for the following: 1) percentage of building frontage at the property lines, 2) eave height, 3) storefront entrance locations, 4) style and height of windows, 5) façade elements, 6) porch elements, and 7) wall materials. For wall materials, cementitious siding is being proposed.

The development proposal for 1000 West Kirkwood Avenue was approved unanimously by the Board of Zoning Appeals at its August 28 hearing. The proposal complies with every aspect of *The Plan for West Kirkwood*, including land use, site design, and building architecture. If you have any questions about this project, please don't hesitate to contact me at the Planning Department.



STATEMENT OF BENEFITS
 State Form 27167 (R7 / 12-01)
 Prescribed by the Department of Local Government Finance

FORM SB - 1

INSTRUCTIONS:

1. This statement must be submitted to the body designating the economic revitalization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and / or research and development equipment, or BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987 and areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, or prior to installation of the new manufacturing equipment and / or research and development equipment, BEFORE a deduction may be approved.
3. To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PPME and / or 322 ERA / PPR & DE, must be filed with the county auditor. With respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property assessment is received from the township assessor. Form 322 ERA / PPME and / or 322 ERA PPR & DE must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and / or research and development equipment becomes assessable, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved after June 30, 1991 must submit Form CF - 1 annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. The schedules established under IC 6-1.1-12.1-4(d) and IC 6-1.1-12.1-4.5 (e) effective July 1, 2000 apply to any statement of benefits filed on or after July 1, 2000. The schedules effective prior to July 1, 2000 shall continue to apply to those statement of benefits filed before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION	
Name of taxpayer Richard Dean Groomer	
Address of taxpayer (street and number, city, state and ZIP code) 6535 W. Ison Rd., Bloomington, Indiana 47403	
Name of contact person Richard Dean Groomer	Telephone number (812) 825-2758

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT		
Name of designating body Bloomington City Council	Resolution number -----	
Location of property 1000 W. Kirkwood Ave.	County Monroe	Taxing district Bloomington City
Description of real property improvements and / or new manufacturing equipment and / or research and development equipment (use additional sheets if necessary)	ESTIMATED	
	Start Date	Completion Date
	Real Estate	11-1-03 5-31-04
	New Mfg Equipment	----- -----
R & DE	----- -----	

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number -----	Salaries -----	Number retained -----	Salaries -----	Number additional 5	Salaries N/A

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT						
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	Real Estate Improvements		Machinery		Research and Development Equipment	
	Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value
Current values	7600.00					
Plus estimated values of proposed project	60,000.00					
Less values of any property being replaced	-----					
Net estimated values upon completion of project	67600.00					

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER	
Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
Other benefits:	

SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative <i>Richard Groomer</i>	Title <i>Groomer</i>	Date signed (month, day, year) 9/23/03

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.

B. The type of deduction that is allowed in the designated area is limited to:

- | | |
|---|--|
| 1. Redevelopment or rehabilitation of real estate improvements; | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Installation of new research and development equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Residentially distressed areas | <input type="checkbox"/> Yes <input type="checkbox"/> No |

C. The amount of deduction applicable for redevelopment or rehabilitation is limited to \$ _____ cost with an assessed value of \$ _____.

D. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____.

E. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____.

F. Other limitations or conditions (specify) PLEASE SEE THE APPLICATION, RES 03-27, THE PLAN FOR W. KIRKWOOD

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: (signature and title of authorized member)	Telephone number ()	Date signed (month, day, year)
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5

Tax Abatement Calculations for Real Property Improvement
 1000 W. Kirkwood Avenue - Richard Groomer
 Using 2003 Payable 2004 Tax Rate and AV Estimates

Improvements \$ 60,000
 2003 Tax Rate 2.1789%
 Annual Taxes without Abatement \$ 1,307

Year	Abatement Percent	Abatement	Taxes Payable	Taxes Abated
1	100%	\$ 60,000	\$ -	\$ 1,307
2	95%	\$ 57,000	\$ 65	\$ 1,242
3	80%	\$ 48,000	\$ 261	\$ 1,046
4	65%	\$ 39,000	\$ 458	\$ 850
5	50%	\$ 30,000	\$ 654	\$ 654
6	40%	\$ 24,000	\$ 784	\$ 523
7	30%	\$ 18,000	\$ 915	\$ 392
8	20%	\$ 12,000	\$ 1,046	\$ 261
9	10%	\$ 6,000	\$ 1,177	\$ 131
10	5%	\$ 3,000	\$ 1,242	\$ 65
Total Taxes to be Paid:				\$ 6,602
Total Value of Abatement:				\$ 6,471

CITY OF BLOOMINGTON
PROPERTY TAX ABATEMENT PROGRAM
APPLICATION

1. Ownership:

- A. Richard Dean Groomer
6535 W. Ison Rd.
Bloomington, Indiana 47403
812-825-2758
- B. 100%
- C. N/A
- D. N/A

2. Property Descriptions:

A 1000 West Kirkwood , Davis Lot 41, Deminsions 40 x 140

B. Davis First Addition Lot 41

3. Current Status of Property:

- A. Current Zoning is RS4.5
- B. There are no improvements yet.
- C. No use it is a vacant lot.
- D. Current market value : Current assessed value of Land is \$7600.00
- E. We propose a new building which will hose a family owned Business (A Hair Salon). This project is being built according to "The Plan For West Kirkwood" which recommends the store front building type for this location.

4. Proposed Improvements

- A. New single story,2100 sq.ft. storefront building with wrap-around front porch
On Elm Street: Widen pavement, new curb with build-outs, sidewalks and tree plots
West Kirkwood: Partial new sidewalks
Rear: Alley assessed Parking
Landscaping new street trees on west Kirkwood, Elm St. and Parking area.
- B. Sketch included
- C. None
- D. The probable start date is November 1, 2003 and the proposed finish date Is May 31, 2004

- E. Five Hair Stylists.
- F. This project fits within the plan for West Kirkwood and broadens the Commercial uses and supports local small businesses.

5. Eligibility

A. This infill development project fits within the plan for West Kirkwood. This project complies with the suggested and required uses for this property. This project broadens the commercial use of this property by supporting small business development.

B. Five employees. Estimated booth rent of \$70.00 per week per employee.

C. Completed statement of benefits form attached.

I hereby certify that the representations made in this application are true and I understand that if the above improvements are not commenced (defined as obtaining a building permit and actual start of construction) within 12 months of the date of the designation of the above are as an Economic Revitalization Area, the Bloomington Common Council shall have the right to void such designation.

Owner

Date

Richard D. Brown

9-24-03

*All owners must sign; all general partners must sign; the president of the corporation must sign.

Please submit this Application along with a non-refundable fee of \$100.00 Checks should be made out to the City of Bloomington.

Rose Hill

Kirkwood

FUTURE CURB BUILD OUT

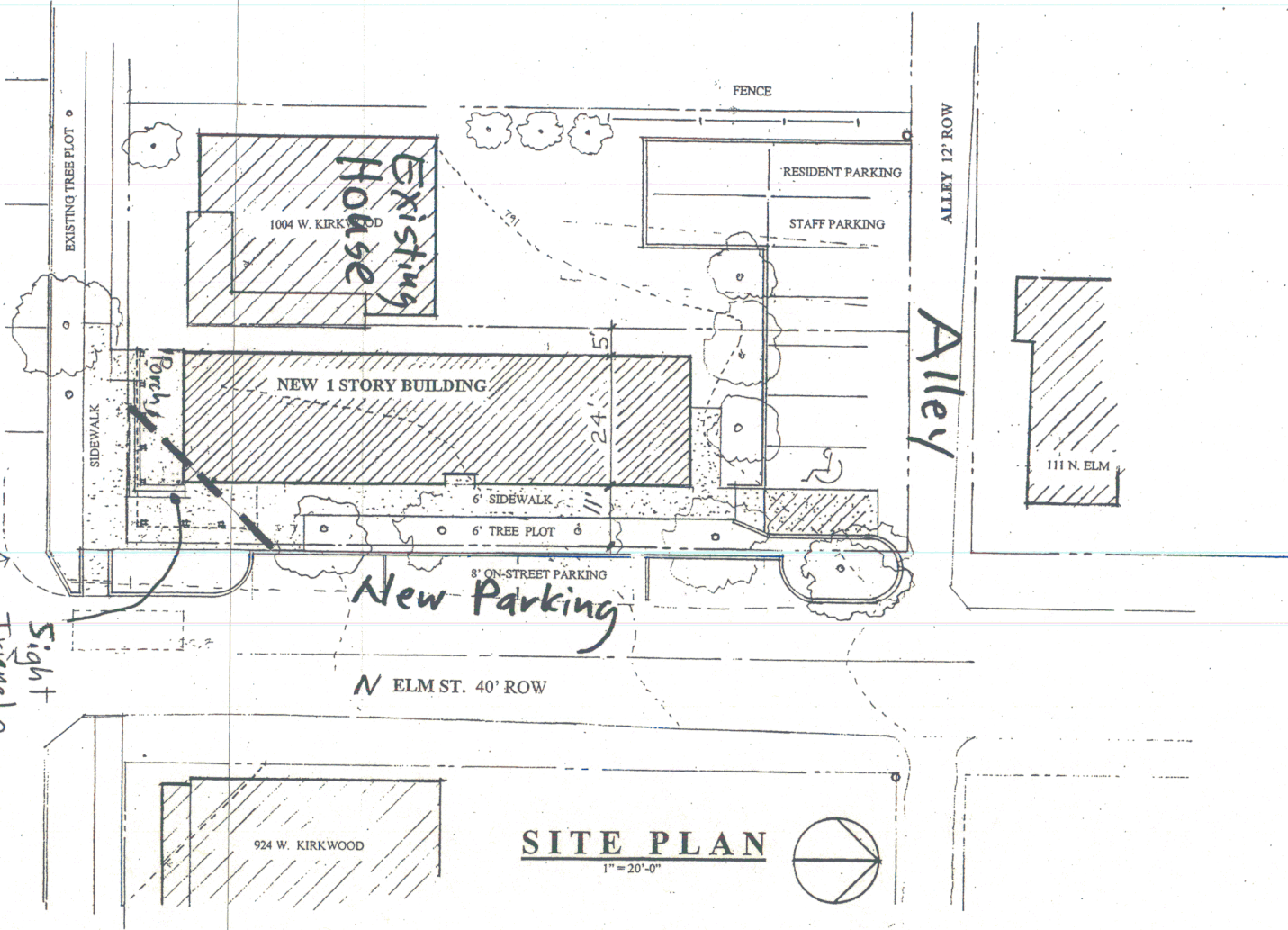
Sight Triangle

WEST KIRKWOOD AVE.

UVFV-46-03

Site Plan

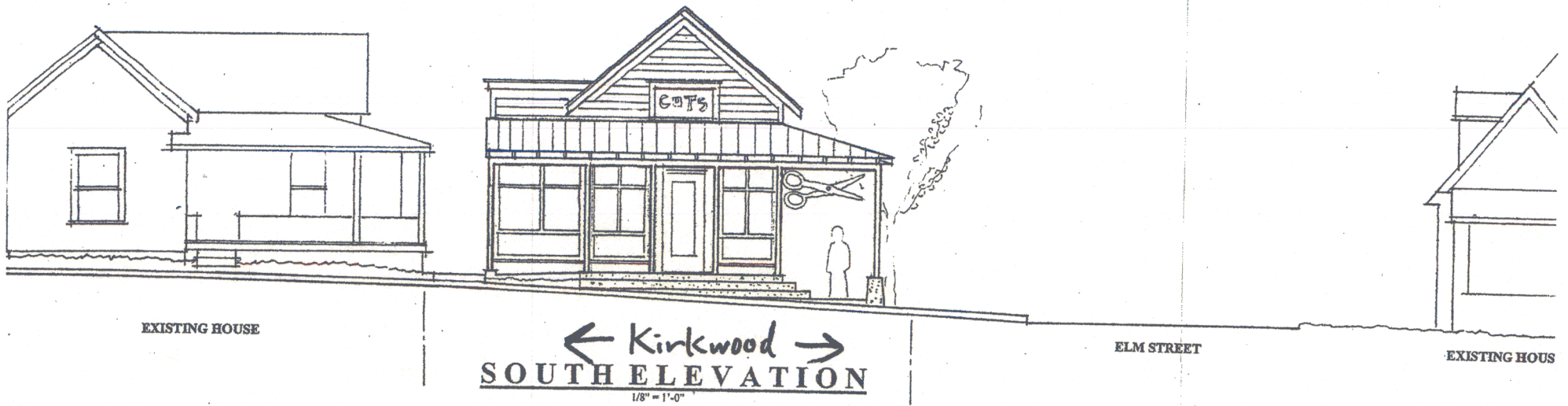
40



NEW STOREFRONT COMMERCIAL PROJECT
 NORTHWEST CORNER OF WEST KIRKWOOD & ELM STREET

JAMES ROSENBERGER, ARCHITECT
 1303 E. UNIVERSITY STREET
 BLOOMINGTON, INDIANA 47401

KEVIN POTTER, P.E. & L.S.
 369 E. CUNNINGHAM STREET
 MARTINSVILLE, INDIANA 46151

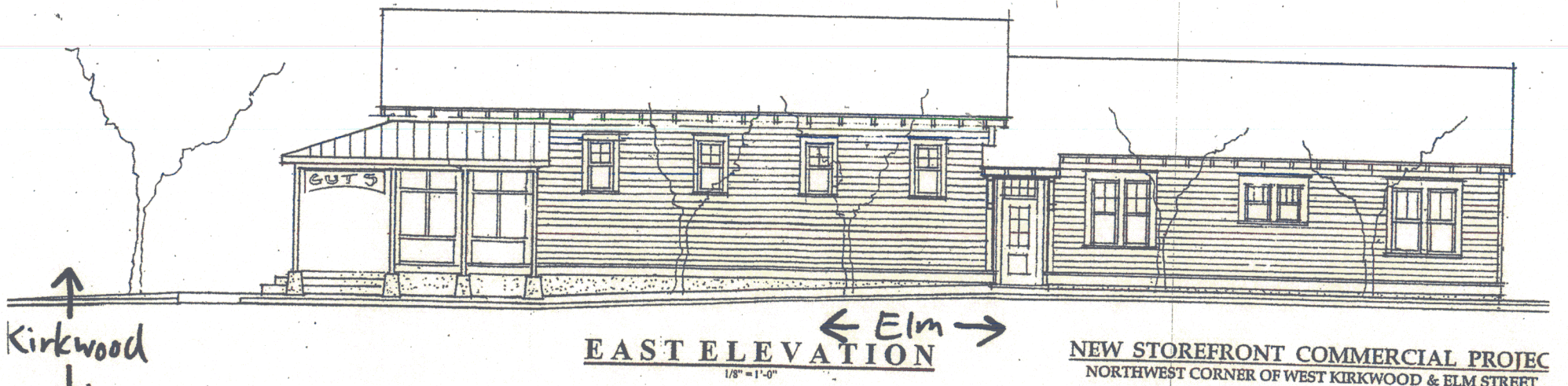


EXISTING HOUSE

← Kirkwood →
SOUTH ELEVATION
 1/8" = 1'-0"

ELM STREET

EXISTING HOUSE



↑
 Kirkwood
 ↓

← Elm →
EAST ELEVATION
 1/8" = 1'-0"

NEW STOREFRONT COMMERCIAL PROJECT
 NORTHWEST CORNER OF WEST KIRKWOOD & ELM STREET

KEVIN POTTER, P.E. & L.S.
 369 E. CUNNINGHAM STREET
 MARTINSVILLE, INDIANA 46151

JAMES ROSENBERGER, ARCHITECT
 1303 E. UNIVERSITY STREET
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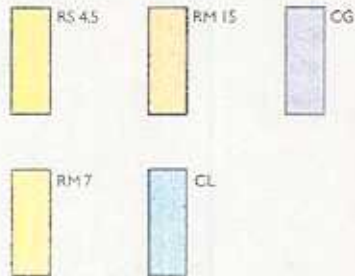
N →

171

SITE



CURRENT ZONING



CURRENT USE MAP



SITE





PROPOSED ZONING	PERMITTED LAND USES	PERMITTED BUILDING TYPES
TRADITIONAL COMMERCIAL - 1.  TC - 1	- RETAIL - OFFICE - RESIDENTIAL	- STOREFRONT - CONGLOMERATE
TRADITIONAL COMMERCIAL - 2.  TC - 2	- OFFICE - RESIDENTIAL	- TWO STORY HOUSE - CONGLOMERATE - ACCESSORY BUILDING
TRADITIONAL RESIDENTIAL - 1.  TR - 1	- RESIDENTIAL	- CONGLOMERATE - ACCESSORY BUILDING - TWO STORY HOUSE
TRADITIONAL RESIDENTIAL - 1/2.  TR - 1/2	- RESIDENTIAL ON SUBDIVIDED LOT	- SMALL HOUSE

OVERLAYS

- 
 ARROW INCENT, INDICATES TC - 1 LOT USE OPPORTUNITY OVERLAY ON ADJACENT LOT
- 
 SPECIAL SITE DESIGN REVIEW OVERLAY

EXISTING BUILDING KEY

-  HISTORIC CONTRIBUTING
-  NONCONTRIBUTING

ORDINANCE 03-28

TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “VEHICLES AND TRAFFIC”

Re: Certain Stop, Yield, and Signalized Intersections, Restricted Turns on a Red Light, Parking Zones, and Cross Walks

WHEREAS, the Traffic Commission has recommended certain changes be made in Title 15 of Bloomington Municipal Code entitled “Vehicles and Traffic”;

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

SECTION I. Section 15.120.010 Schedule A shall be amended to delete the following:

STOP INTERSECTIONS

Traffic on	Shall Stop for Traffic on
Hillsdale Drive	Third Street
Tenth Street	Morton Street

SECTION II. Section 15.120.010 Schedule A shall be amended to add the following:

STOP INTERSECTIONS

Traffic on	Shall Stop for Traffic on
Fifth Street	Hillsdale Drive
Roosevelt Street	Fifth Street

SECTION III. Section 15.120.010 Schedule B shall be amended to add the following:

MULTI-STOP INTERSECTIONS

Canada Park Drive, The Stands Road & Olcott Park Entrance	3-Way
Tenth Street & Morton Street	4-Way

SECTION IV. Section 15.120.020 Schedule C shall be amended to delete the following:

YIELD INTERSECTIONS

Traffic on	Shall Yield to Traffic on
Fifth Street	Hillsdale Drive
Roosevelt Street	Fifth Street

SECTION V. Section 15.12.030 Schedule D shall be amended to revise the following:

SIGNALIZED INTERSECTIONS

Cross Street	Cross Street	Flasher Hours and Days	Preferentiality
Third Street	Woodscrest Drive/Hillsdale Drive	23:00-7:00 7 days	Third Street

SECTION VI. Section 15.20.020 Schedule H shall be amended to add the following:

RESTRICTED TURNS ON RED AT SIGNALIZED INTERSECTIONS

Intersection	From	To
Sixth Street & College Avenue	West	South

SECTION VII. Section 15.32.080 Schedule M shall be amended to delete the following:

NO PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Ninth Street	Fairview Street	1 st Alley East	South	Any Time
Olive Street	Thornton Road	Miller Drive	East	Any Time

SECTION VIII. Section 15.32.080 Schedule M shall be amended to add the following:

NO PARKING ZONES

Street	From	To	Side of Street	Time of Restrict.
Canada Drive	The Stands Road	364' East	South	Any Time
Olive Street	Thornton Road	Miller Drive	East/West	Any Time
Varsity Lane	Twentieth Street	Dunn Street	South/East	Any Time

SECTION IX. Section 15.32.090 Schedule N shall be amended to delete the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Limit
College Avenue	Fourth Street	Eighth Street	West	2 Hr. (3)
Fourth Street	1 st Space E. of Walnut		North	15 Min. (3)

SECTION X. Section 15.32.090 Schedule N shall be amended to add the following:

LIMITED PARKING ZONES

Street	From	To	Side of Street	Limit
College Avenue	67' North of Fourth Street	Eighth Street	West	2 Hr. (3)
College Avenue	Fourth Street	67' North of Fourth Street	West	30 Min. (3)
Fourth Street	1 st Space E. of Walnut Street		North	2 Hr. (3)

SECTION XI. Section 15.60.050 Entitled Pedestrians shall be amended to add the following:

2120 S. Highland Avenue at Winslow Woods Park

SECTION XII. If any sections, 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 XIII. 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 _____, 2003.

CHRIS GAAL, 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 _____, 2003.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several changes to the Bloomington Municipal Code. These changes affect certain stop intersections, multi-stop intersections, yield intersections, signalized intersections, restricted turns on red at signalized intersections, no parking zones, limited parking zones and pedestrian crosswalks.

INTERDEPARTMENTAL MEMORANDUM

To: City Council Members
From: Justin Wykoff, Manager of Engineering Services
Date: October 1, 2003
Re: Ordinance 03-28 Amendments to Title 15 "Vehicles and Traffic"

Ordinance 03-28 makes certain amendments to Title 15 "Vehicles and Traffic" including code corrections of existing conditions and modifications due to supported changes as approved by the City of Bloomington Traffic Commission. These changes include stop intersections, multi-stop intersections, yield intersections, signalized intersections, restricted turns on red at signalized intersections, no parking zones, limited parking zones and pedestrian cross-walks.

Section I

This section provides for the removal of a Stop Intersection at Hillsdale Drive and Third Street. It has been for several years a signalized intersection, but the code did not mention Hillsdale Drive in the section covering signalized intersections. This will be added in a later section.

See Map 1

This section also removes the 2-way stop at 10th & Morton Streets. A later section converts this intersection into a 4-way stop.

See Map 2

Section II

This section adds 2-way stop (2-way) intersections at two locations that were previously served by yield signs. These two intersections are Fifth Street and Hillsdale Drive, and Fifth Street and Roosevelt Street. Yield Signs are typically used when you can safely approach an intersection and safely have adequate sight distance to make a decision to proceed through that intersection at 15 m.p.h. In the past, this may have been possible at these intersections, however, over the past years, vegetation and trees limit the adequate visibility needed to accomplish this guideline for the yield signs to remain.

See Map 3

Section III

Added is the multi-way stop (4-way) intersection of 10th Street and Morton Street. This intersection does not meet the primary warrants required by the Manual on Uniform Traffic Control Devices (M.U.T.C.D.) needed to place a multi-way (4-way) stop at this intersection. However, due to its recent modifications as in correlation with the Morton Streetscape and the creation of additional parking by allowing it to exist closer to an intersection (curb extensions), a safety issue due to decreased visibility can be corrected with the usage of a multi-way (4-way) stop intersection being used at this location.

See Map 2

Also added is a multi-way stop (3-way) intersection at The Stands Drive/Olcott Park Entrance/Canada Park Drive. This is to better control the intersection as citizens are confused with the intersection giving the appearance of a multi-way stop. This is covered under an area in the Manual on Uniform Traffic Control Devices where similarly functioning streets within a neighborhood are in need of improvement of the traffic operational control of the two streets.

See Map 8

Section IV

This section allows for the removal of the two yield intersections mentioned in Section II.

See Map 3

Section V

This section allows for the addition and correction of the wording for the Signalized Intersection of Third Street and Woodscrest Road to include that of Hillsdale Drive. This was discussed in Section I, and corrects the language to show that Hillsdale Drive is to be added with that of Woodscrest Road.

See Map 1

Section VI

This section allows for the prohibition of a “Right-Turn On Red” at the intersection of Sixth Street and College Avenue, for vehicles heading East on Sixth Street and wishing to turn South onto College Avenue.

See Map 5

Section VII

This Section allows for the removal of “No Parking Zones” from Ninth Street between Fairview Street and the 1st alley to the East. This was approved by the City of Bloomington Traffic Commission and creates additional parking in an area that was previously removed due to the need of allowing large vehicles access to the site to the North (Aurora School). This is no longer an issue, and Housing And Neighborhood Development (H.A.N.D.) will be developing this site in the near future and additional parking is desired for their intended usage. Previously there was a need for large vehicles to exit the site and parking was compromised to allow for this, which is no longer the case since the school has been established at this site.

See Map 6

This Section allows for the removal of the “No Parking Zone” along Olive Street between Miller Drive and Thornton Road. The parking along this section of roadway has changed over the past year to allow parking on only one side. At this time, and at the request of area residents, we are proposing that this section of roadway be made “No Parking” along both sides of the street.

See Map 7

Section VIII

This Section allows for the addition of “No Parking Zones” at several locations. These include at the request of area residents and the City of Bloomington Department of Parks and Recreation the placement of a “No Parking Zone” on Canada Drive between The Stands Drive and 364 feet to the East along Olcott Park property. This zone would include only the South side of the roadway, in an area that is inundated with vehicles during scheduled events in the park. Parks and Recreation is looking into ways to promote parking for events at the lot located just South of Olcott Park which is often underutilized.

See Map 8

This Section allows for the addition of a “No Parking Zone” along both sides of Olive Street as mentioned in the previous Section.

See Map 7

This Section allows for the addition of a “No Parking Zone” along Varsity Lane on the South and East sides of the street from Twentieth Street to Dunn Street. This change was at the request of the City of Bloomington Police Department and Fire Department. This area was previously designated a fire lane, but has been agreed upon that a “No Parking Zone” is better suited as it covers the entire section of the roadway in question rather than just specific areas and eliminates confusion for residents. This section of roadway is not adequate to allow for parking along both sides of the roadway and problems have occurred during large events along this street.

See Map 9

Section IX

This Section removes “Limited Parking Zones” which are revised in order to add a 30 minute parking space as the first parking space on the West side of College Avenue and North of 4th Street.

See Map 10

Also removed is a 15 minute parking space that is located as the first space East of Walnut Street on Fourth Street and on the North side of the roadway.

See Map 10

Section X

This Section adds a 2-hour “Limited Parking Zone” on College Avenue between 4th Street and 8th Street except for the 30 minute parking space on the West side of College Avenue and the first space North of 4th Street. Typically in correlation with the “Downtown Parking Taskforce Report” we have tried to accommodate business owners with respect to the placement of varied parking times where needed for specific businesses. Some owners prefer a shorter time such as 30 minute, while most are comfortable with the standard two-hour parking limit.

See Map 10

This Section adds a 2-hour “Limited Parking Zone” on Fourth Street just East of Walnut Street which as mentioned in Section VIII was previously a 15 minute parking space. Again this time limit is at the request of a business owner that is directly adjacent to the parking space, and feels better served by this parking limit time change.

Section XI

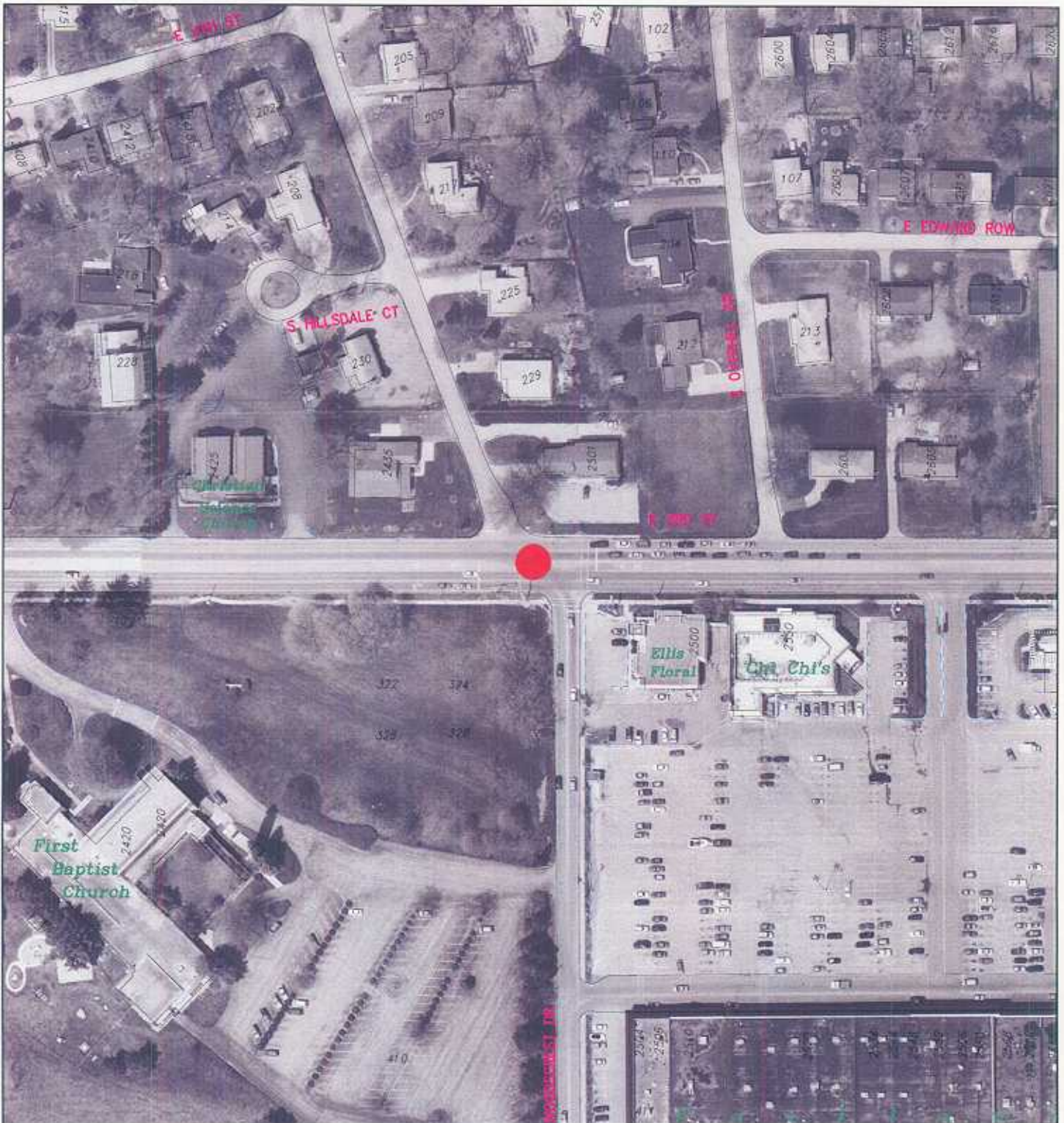
This Section adds a mid-block cross-walk at 2120 South Highland Avenue adjacent to the Winslow Woods Park. This was at the request of an area school that utilizes the park as a playground and did not previously have a designated area to cross. There is over 1400 feet between City street intersections that would be acceptable to cross at, and sidewalk is located along the East side of the roadway in this area with the park located on the West side of the roadway.

See Map 11

Please let me know if you have any questions that I can further explain, or help you with as I look forward to discussing this Ordinance with you over the upcoming weeks.

Thank you,

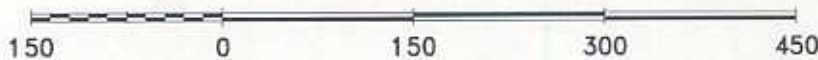
Justin Wykoff



Map 1

East 3rd Street and Hillsdale Drive/Woodscrest Signalized Intersection
 Change of Existing Code to Recognize Hillsdale Drive Under Signalized Intersections

By: wykoffj
 30 Sep 03



City of Bloomington
 Engineering



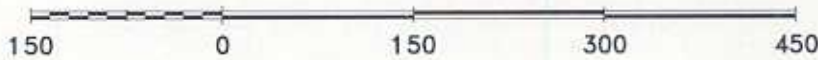
Scale: 1" = 150'

For reference only; map information NOT warranted.



Map 2
 10th Street and Morton Street Intersection
 Creation of a Multi-way Stop Intersection (4-way)

By: wykoffj
 30 Sep 03



City of Bloomington
 Engineering



Scale: 1" = 150'

For reference only; map information NOT warranted.



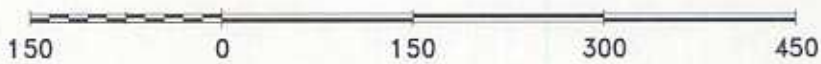
Map 3

East 5th Street and Roosevelt Street / East 5th Street and Hillside Drive

Removal of existing Yield signs and replacement with Stop signs

By: wykoffj

30 Sep 03

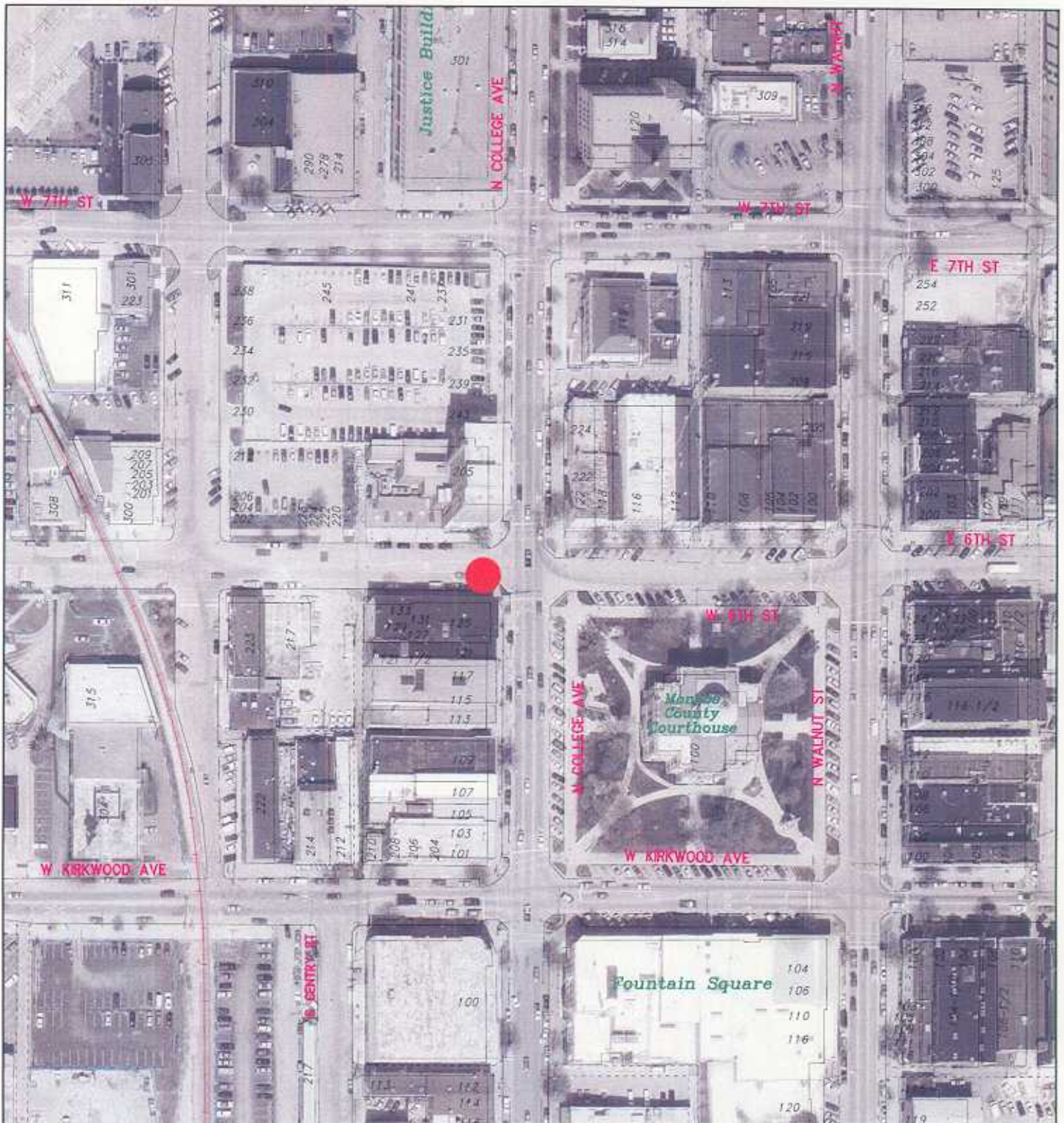


City of Bloomington
Engineering



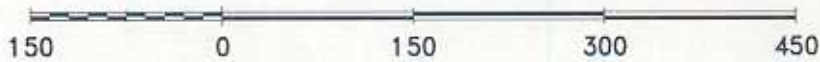
Scale: 1" = 150'

For reference only; map information NOT warranted.



Map 5
 Sixth Street and College Avenue
 Restricted Turn on Red for Eastbound Traffic turning to the South

By: wykoff|
 30 Sep 03

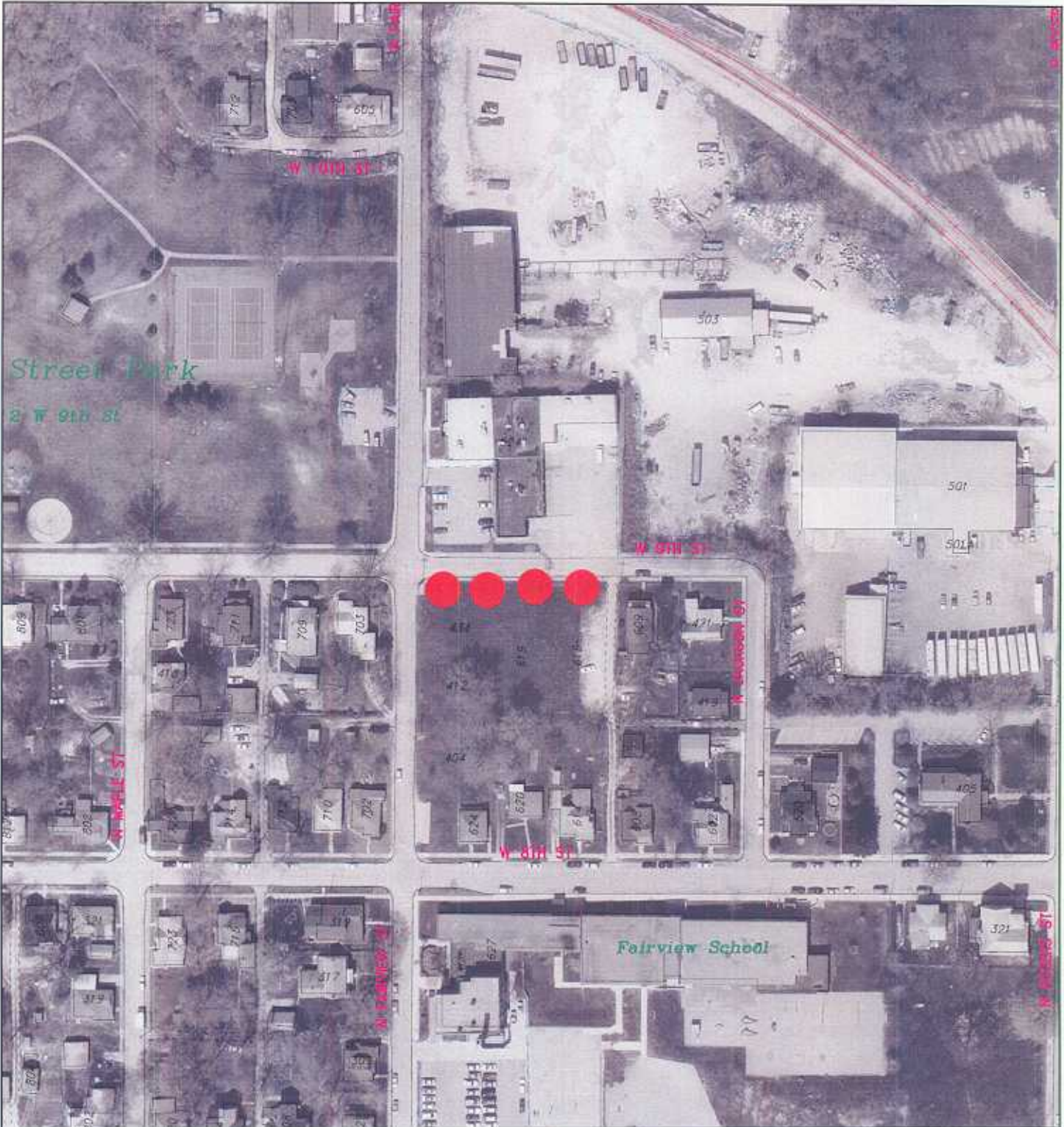


City of Bloomington
 Engineering



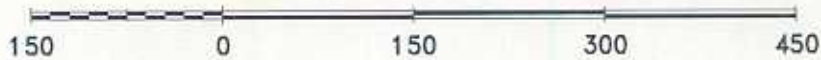
Scale: 1" = 150'

For reference only; map information NOT warranted.



Map 6
 Addition of Parking along South Side of 9th Street
 From Fairview Street to first Alley to the East

By: wykoffj
 30 Sep 03



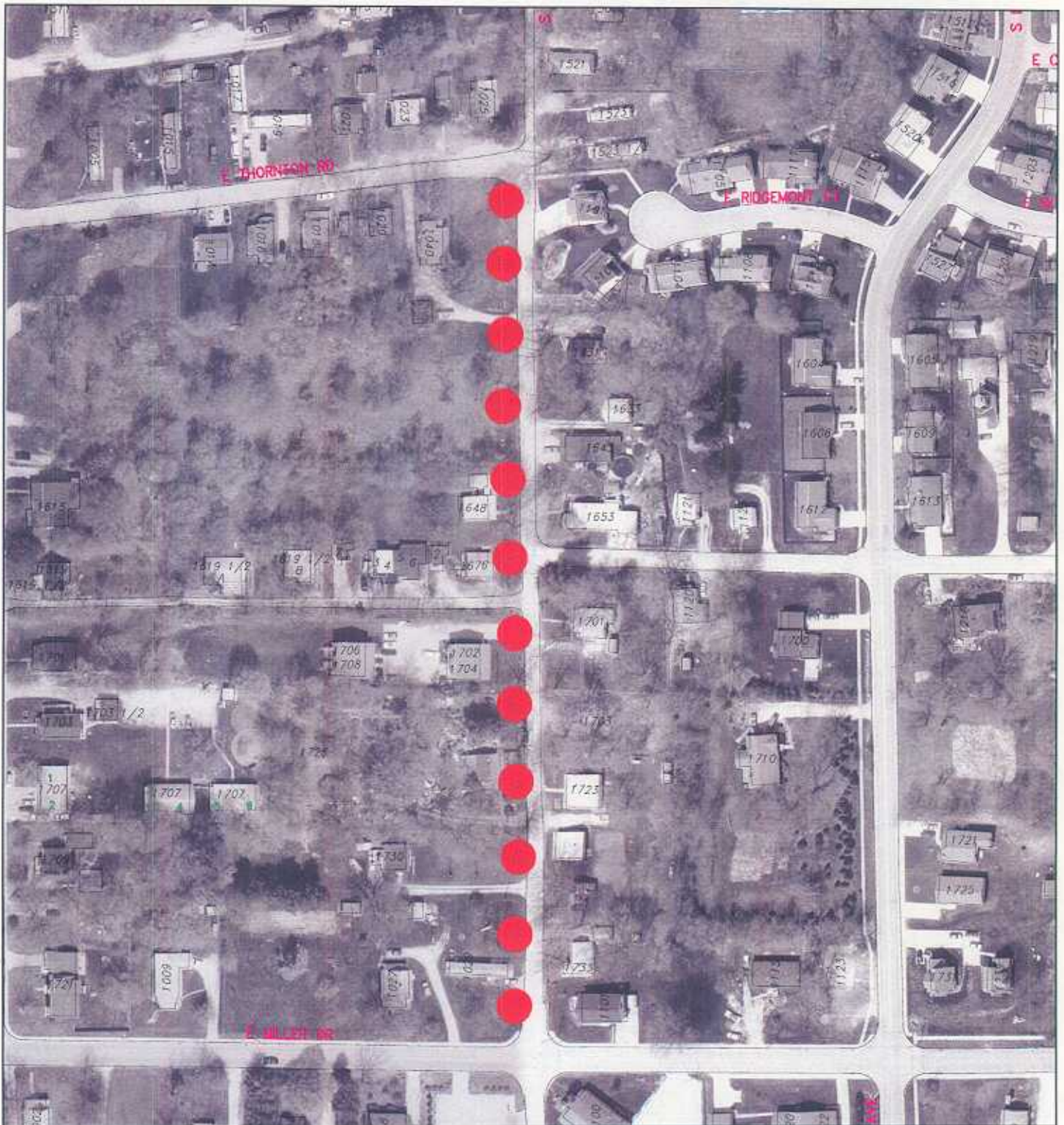
For reference only; map information NOT warranted.



City of Bloomington
 Engineering



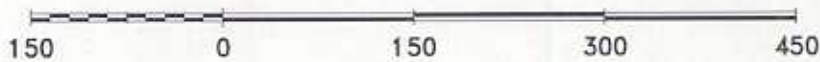
Scale: 1" = 150'



Map 7

Olive Street - Thornton Road to Miller Drive
 Removal of Parking along West side of Roadway

By: wykoffj
 30 Sep 03



City of Bloomington
 Engineering



Scale: 1" = 150'

For reference only; map information NOT warranted.



Map 8

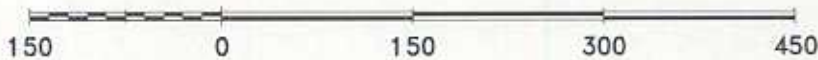
Removal of Parking along East Canada Drive (South Side)

From Olcott Park Entrance to Edge of Park Property

ADDITION OF MULTI-WAY STOP

By: wykoffj

30 Sep 03



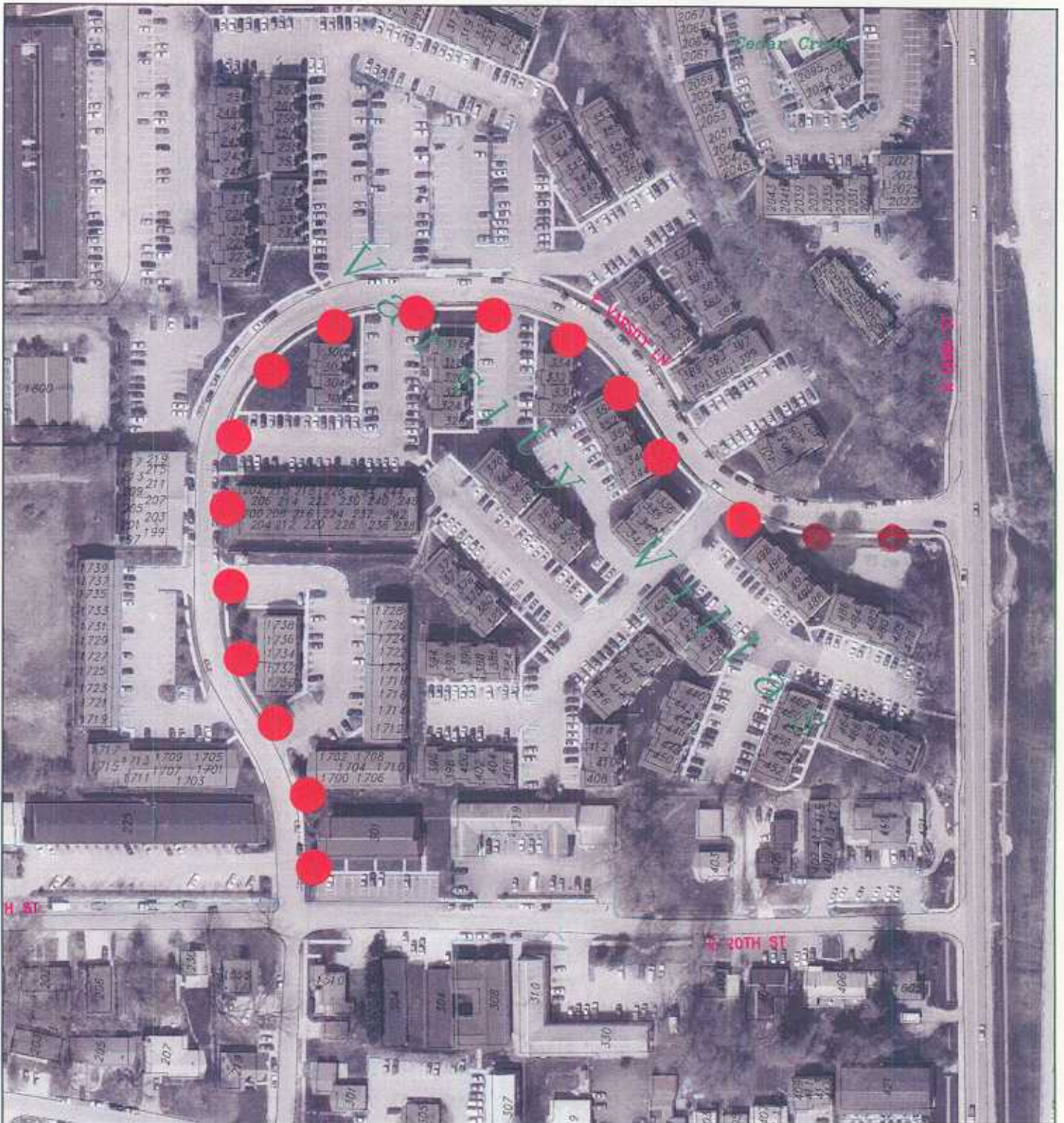
For reference only; map information NOT warranted.



City of Bloomington
Engineering



Scale: 1" = 150'

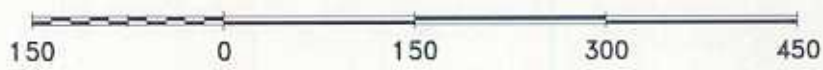


Map 9

Varsity Lane – Twentieth Street to Dunn Street

Removal of parking along both the East and South Sides

By: wykoff]
30 Sep 03



For reference only; map information NOT warranted.

City of Bloomington
Engineering



Scale: 1" = 150'



Map 10

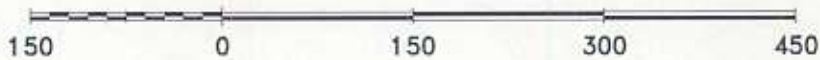
Limited Parking Zone Changes

Change from a 2 hour space on College Avenue to a 30 minute space

Change from 15 minute space to 2 hour space on 4th Street

By: wykoffj

30 Sep 03



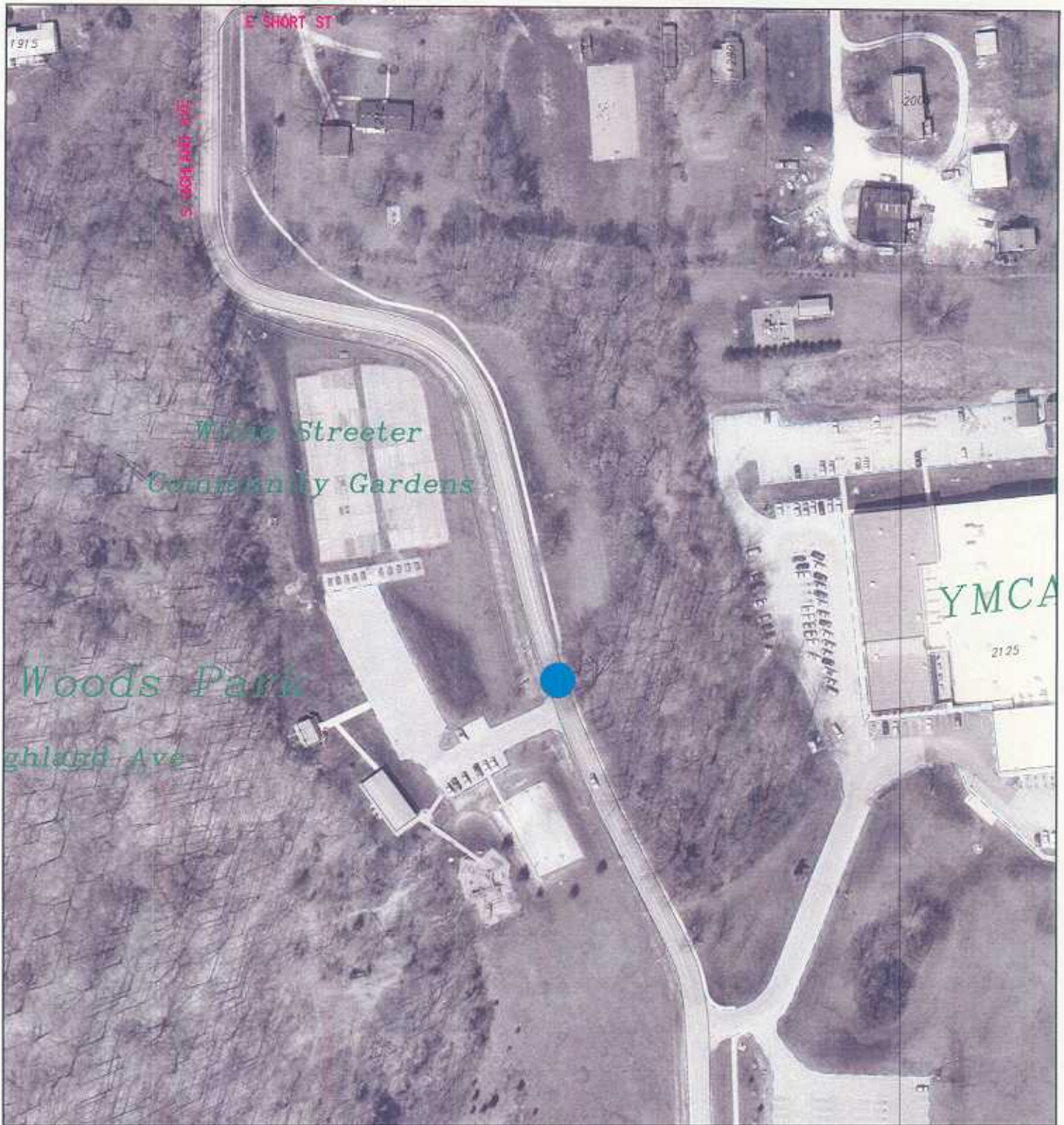
For reference only; map information NOT warranted.



City of Bloomington
Engineering



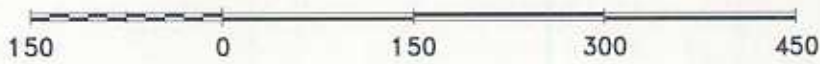
Scale: 1" = 150'



Map 11

Addition of a Mid-block Cross-walk to access Park adjacent to YMCA
 Sidewalk is on East side of Highland Avenue
 Closest crossing exceeds allowable distance between intersections

By: wykoffj
 30 Sep 03



For reference only; map information NOT warranted.



City of Bloomington
 Engineering



Scale: 1" = 150'

***** Amendment Form *****

Ordinance #: 03-28
Amendment #: 01
Submitted By: Councilmember Sabbagh, District 5
Date: October 3, 2003

Proposed Amendment:

1. Section I of Ordinance 03-28 shall be amended by inserting Elliston Drive/Bainbridge Drive into the list of stops that are being deleted from Section 15.120.010 Schedule A, so that the foregoing list will read as follows:

STOP INTERSECTIONS

Traffic on Elliston Drive Hillsdale Drive Tenth Street	Shall Stop for Traffic on Bainbridge Drive Third Street Morton Street
--	---

2. SECTION III of Ordinance 03-28 shall be amended by adding a 3-Way stop at Bainbridge and Elliston Drives to list of multi-stop intersections being added to Section 15.120.010 Schedule B so that the list will read as follows:

MULTI-STOP INTERSECTIONS

Canada Park Drive, The Stands Road & Olcott Park Entrance	3-Way
Tenth Street & Morton Street	4-Way

Synopsis

Councilmember Sabbagh is sponsoring this amendment at the request of residents on Bainbridge and Elliston Drives. It would convert the "T" intersection at Bainbridge and Elliston Drives from a 1-Way stop for traffic on Elliston to a 3-Way Stop for traffic on both Elliston and Bainbridge Drives.

10/8/03 Committee Action:	Pending
10/15/03 Regular Session Action:	Pending

October 2, 2003



ORDINANCE 03-29

**TO AMEND ORDINANCE 96-31 WHICH ESTABLISHED A
TELECOMMUNICATIONS NON-REVERTING FUND (TELECOM FUND)
(Allowing the Infrastructure Portion of the Fund to Be Used For the Maintenance and
Repair of the City's Telecommunications Infrastructure)**

- WHEREAS, in November of 1996 the City adopted Ordinance 96-31, which established the Telecommunications Non-Reverting Fund (herein after known as the Telecom Fund) with the revenues received from cable franchise fees; and
- WHEREAS, according to said ordinance, sixty percent (60%) of franchise fee revenues were set aside for the support of public, education, and government access/telecommunications services (otherwise known as the Telecommunications Services) and forty percent (40%) of franchise fee revenues were set aside for the planning and development of the city's telecommunications infrastructure (otherwise known as the Telecommunications Infrastructure); and
- WHEREAS, in the years following the establishment of the Telecom Fund, the City began a program of installing telecommunications conduit in its rights-of-ways known as the Bloomington Digital Underground (BDU); and
- WHEREAS, as a result of this new initiative, in November of 2000, the City adopted Ordinance 00-45 which amended Ordinance 96-31 by dedicating a certain amount of the revenues from the sale, lease, operation, or other use of this telecommunications infrastructure to the Telecommunications Infrastructure portion of the Telecom Fund; and
- WHEREAS, the City wishes to amend Ordinance 96-31 further by expanding the uses of the Telecommunications Infrastructure portion of the Telecom Fund to include not only the planning, design, development, and construction of the City's telecommunications infrastructure, but also the maintenance and repair of this asset; and
- WHEREAS, this amendment is not intended to alter other restrictions upon the revenues imposed by Ordinance 00-45;

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

SECTION I. Section III of Ordinance 96-31, entitled Dedication of Revenues; Purpose of Fund," as subsequently amended, shall be amended so that the first sentence will read as follows:

Sixty percent (60%) of cable franchise fees shall be dedicated for public, education, and government access/telecommunications services (herein after known as Telecommunications Services) and forty percent (40%) of cable franchise fees shall be dedicated for the planning, design, development, construction, maintenance, and repair of the City's telecommunications infrastructure (herein after known as Telecommunications Infrastructure).

SECTION II. 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 by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

CHRIS GAAL, 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 _____, 2003.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance authorizes funds in the Telecommunications Infrastructure portion of the Telecommunications Non-Reverting Fund to be used for the maintenance and repair of the City's telecommunications infrastructure.

MEMORANDUM

To: Members of the Common Council

From: Gregory Volan, Chief Information Officer

Date: September 22, 2003

Re: Ordinance 03-29

The proposed ordinance amends the ordinance that created the Telecommunications Non-Reverting Fund ("Telecom Fund") to allow those funds to be used for maintenance and repair of the City's telecommunications infrastructure.

When the Telecom Fund was created in 1996 by Ordinance 96-31 (which is attached to this memorandum), the ordinance provided that 60% of the cable franchise fees would be dedicated for Telecommunications Services, and the remaining 40% for Telecommunications Infrastructure. Specifically, the ordinance states that 40% of the cable franchise fees shall be dedicated for:

the planning, design, development and construction of the City's telecommunications infrastructure.

This provision was not affected by the amendments made in Ordinance 00-45 (which is also attached to this memorandum). The City has used funds from the Infrastructure portion of the Telecom Fund to build the Bloomington Digital Underground, a ring of fiber optic conduit and cable that connects the main City buildings.

The proposed ordinance expands the ways that the funds in the Infrastructure portion of the Telecom Fund can be used. The proposed ordinance states that 40% of the cable franchise fees shall be dedicated for:

the planning, design, development, construction, maintenance, and repair of the City's telecommunications infrastructure.

By adding "maintenance and repair" to the allowed uses of the Infrastructure portion of the Telecom Fund, the City will be able to use those funds to cover the costs of repairing the City's fiber infrastructure when it is cut or damaged, and to pay for a maintenance contract with a qualified entity that can provide emergency response during an outage.

These additional uses of funds fall within the spirit of the ordinance that created the Telecom Fund. By creating the Telecom Fund, this Council ensured that a portion of the cable franchise fees would be used to build telecommunications infrastructure assets that the City would own. It would be irresponsible, however, for the City to own and use such infrastructure and not make provisions to keep that asset maintained and repaired. Maintenance is a necessary component of responsible ownership, and it is wholly reasonable to use funds in the Telecom Fund to pay for maintenance and repair of the City's telecommunications infrastructure.

**Changes to the “Now Therefore” Sections of
Ordinance 96-31 Establishing the Telecommunications Non-Reverting Fund
Since it was Amended by Ordinance 00-45 and As Proposed by Ordinance 03-29**

Bold = text added by previous amendments

~~Strikethrough~~ = text deleted or replaced by previous amendments

Bold Underline = text added by Ord 03-29

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

SECTION I. Establishment of Fund. A Telecommunications Non-Reverting Fund (Fund) shall be established in the Office of the Controller.

SECTION II. Source of Revenues. The Fund shall derive its revenues from cable franchise fees **and from monies received by the City from the sale, lease, operation or other use of its telecommunications infrastructure.** (Ord 00-45 added the latter half of the first sentence beginning with "and from monies...")

SECTION III. Dedication of Revenues; Purpose of Fund. Sixty percent (60%) of cable franchise fees shall be dedicated for public, education, and government access/telecommunications services (herein after known as Telecommunications Services) and forty percent (40%) of cable franchise fees shall be dedicated for the planning, design, development, ~~and~~ **construction, maintenance, and repair** of the City's telecommunications infrastructure (herein after known as Telecommunications Infrastructure). **In addition to the 40% of the cable franchise fees dedicated for Telecommunications Infrastructure, all monies received by the City from the sale, lease, operation or other use of its telecommunications infrastructure shall also be dedicated for this purpose up to the sum specified in Section IV.** (Ord 00-45 added the second sentence.)

SECTION IV. Flow of Funds. All cable franchise fee revenues received by the City shall be deposited into this Fund and used for Telecommunications Services or Telecommunications Infrastructure according the provisions of Section III of this ordinance. **In addition, all monies received by the City from the sale, lease, operation, or other use of its telecommunications infrastructure up to a maximum of one-hundred and twenty-five percent (125%) of the total amount previously appropriated from the Telecommunications Infrastructure portion of the Fund shall be deposited into the Fund and used for Telecommunications Infrastructure.** (Ord 00-45 replaced Section IV in its entirety. The previous provision dedicated all cable revenues except those appropriated in 1996 and 1997 to the TCC fund.)

SECTION V. Expenditures from Fund. All expenditures from this Fund shall be subject to appropriation by the city's fiscal body and shall be budgeted through the Department of Public Works.

Passed 7-0

ORDINANCE 96-31

TO ESTABLISH A TELECOMMUNICATIONS NON-REVERTING FUND

WHEREAS, in June of 1996 the Common Council approved and the Mayor signed Resolution 96-12; and

WHEREAS, the resolution, in part, increased the cable franchise fee from three to five percent of the annual gross revenue of the cable system in the City; and

WHEREAS, the resolution declared the intent of the City to set aside franchise fee revenues into a dedicated fund; and

WHEREAS, sixty percent (60%) of franchise fee revenues are to be used for the support of public, education, and government access/telecommunications services; and

WHEREAS, forty percent (40%) of franchise fee revenues are to be used for the planning and development of the city's telecommunications infrastructure;

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

SECTION I. Establishment of Fund. A Telecommunications Non-Reverting Fund (Fund) shall be established in the Office of the Controller.

SECTION II. Source of Revenues. The Fund shall derive its revenues from cable franchise fees.

SECTION III. Dedication of Revenues; Purpose of Fund. Sixty percent (60%) of cable franchise fees shall be dedicated for public, education, and government access/telecommunications services (herein after known as Telecommunications Services) and forty percent (40%) of cable franchise fees shall be dedicated for the planning, design, development and construction of the City's telecommunications infrastructure (herein after known as Telecommunications Infrastructure).

SECTION IV. Flow of Funds. All of the cable franchise fee revenues dedicated for the City's Telecommunications Infrastructure that are received after the adoption of this ordinance shall be deposited into the Fund. In recognition of Civil City Budget appropriations for telecommunications services for the years 1996 and 1997, only the revenues from cable franchise fees dedicated for Telecommunications Services received by the City in those years that exceed budgeted amounts shall be deposited into the Fund. Therefore, any cable franchise fees dedicated for Telecommunications Services that are received by the City in 1996 after adoption of this ordinance that exceed \$153,319 and in 1997 that exceed \$190,068 shall be deposited into the Fund. After the year 1997, all said revenues shall be deposited into the Fund.

SECTION V. Expenditures from Fund. All expenditures from this Fund shall be subject to appropriation by the city's fiscal body and shall be budgeted through the Department of Public Works.

SECTION VI. Amendment and Termination. The Telecommunications Non-Reverting Fund shall continue in this form until amended or terminated by ordinance. Unless indicated otherwise by ordinance, the proceeds of the Fund at termination shall be deposited into the General Fund.

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

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 6th day of November, 1996.

Patricia Cole
PATRICIA COLE, Vice President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 12th day of November, 1996.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 12 day of November, 1996.

John Fernandez
JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance establishes a Telecommunications Non-Reverting Fund (Fund) with revenues derived from the Cable Franchise Fees. Sixty percent (60%) of cable franchise fees shall be dedicated for public, education, and government access/telecommunications services and forty percent (40%) of cable franchise fees shall be dedicated for the planning, design, development and construction of the city's telecommunications infrastructure. All future cable franchise fee revenues, except those that have been budgeted for 1996 and 1997, shall be deposited into the Fund. All expenditures from the Fund must be appropriated by the Common Council.

Signed copies to:
TCC (6) Controller &
Public Works Brian Woodward

(passed 5-3; Diekhoff
mayer
pizzo)

ORDINANCE 00-45

**TO AMEND ORDINANCE 96-31 WHICH ESTABLISHED A
TELECOMMUNICATIONS NON-REVERTING FUND
(Dedicating Revenues from the City's Telecommunications Infrastructure for
Telecommunications Infrastructure Projects)**

WHEREAS, in June of 1996 the City adopted Resolution 96-12, which declared the intent of the City to set aside cable franchise fee revenues into a dedicated fund; and

WHEREAS, in November of 1996 the City adopted Ordinance 96-31, which established the Telecommunications Non-Reverting Fund (herein after known as the Fund); and

WHEREAS, according to said ordinance, sixty percent (60%) of franchise fee revenues were set aside for the support of public, education, and government access/telecommunications services (otherwise known as the Telecommunications Services) and forty percent (40%) of franchise fee revenues were set aside for the planning and development of the city's telecommunications infrastructure (otherwise known as the Telecommunications Infrastructure); and

WHEREAS, since that time the City has begun a program of installing telecommunications conduit in its rights-of-ways with the following objectives:

1. encouraging telecommunication providers to invest in this community by lowering the cost for and assuring access to conduit;
2. protecting use and attractiveness of city's rights-of-way by limiting the number of roadway cuts needed to lay conduit; and
3. providing telecommunication infrastructure for the City government operations; and

WHEREAS, in furtherance of these policies, the Mayor proposed and the Common Council passed Appropriation Ordinance 00-02, which appropriated \$185,000 from the Fund for the purpose of laying about 3 miles of fiber optic conduit in coordination with a cable project being undertaken by Kiva Telecom that will eventually place a fiber ring within the center of the city; and

WHEREAS, it is expected that fiber optic conduit will generate revenues for the City; and

WHEREAS, the City desires to use these revenues to further the purposes of planning and development of the city's telecommunications infrastructure;

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

SECTION I This ordinance shall amend Section II of Ordinance 96-31, entitled "Source of Revenues," so that it will read as follows:

SECTION II. Source of Revenues. The Fund shall derive its revenues from cable franchise fees and from monies received by the City from the sale, lease, operation or other use of its telecommunications infrastructure.

SECTION II. This ordinance also shall amend Section III of Ordinance 96-31, entitled "Dedication of Revenues; Purpose of the Fund," by adding the following sentence at the end of the provision:

In addition to the 40% of the cable franchise fees dedicated for Telecommunications Infrastructure, all monies received by the City from the sale, lease, operation or other use of its telecommunications infrastructure shall also be dedicated for this purpose up to the amount specified in Section IV.

SECTION III. This ordinance also shall amend Section IV of Ordinance 96-31, entitled "Flow of Funds," so that it will read as follows:

dist.
legal (5)
controller
Telecom Council

SECTION IV. Flow of Funds. All cable franchise fee revenues received by the City shall be deposited into this Fund and used for Telecommunications Services or Telecommunications Infrastructure according the provisions of Section III of this ordinance. In addition, all monies received by the City from the sale, lease, operation, or other use of its telecommunications infrastructure up to a maximum of one-hundred and twenty-five percent (125%) of the total amount previously appropriated from the Telecommunications Infrastructure portion of the Fund shall be deposited into the Fund and used for Telecommunications Infrastructure.

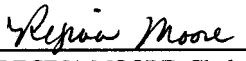
SECTION IV Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given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

SECTION 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.

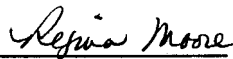
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 15th day of November, 2000.


TIMOTHY MAYER, 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 16th day of November, 2000.


REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 16th day of November, 2000.


JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by David Sabbagh and Jeffrey Willsey. It amends Ordinance 96-31, which established the Telecommunications Non-Reverting Fund (Fund), by dedicating all monies received by the City from the sale, lease, or other use of its cable conduit for the planning, design, development and construction of the City's telecommunications infrastructure.

Note: On November 15, 2000, the Council adopted Amendment 01 by a vote of 5-3, which amended Sections II, III & IV of this ordinance in order to limit the return of proceeds to 125% of the total amount previously appropriated for Telecommunications Infrastructure.

APPROPRIATION ORDINANCE 03-10

**TO SPECIALLY APPROPRIATE FROM THE TELECOMMUNICATIONS NON-REVERTING FUND (INFRASTRUCTURE) EXPENDITURES NOT OTHERWISE APPROPRIATED
(Appropriating Funds for Maintenance and Repair of the City's Fiber Optic Assets)**

WHEREAS, in November of 1996 the City adopted Ordinance 96-31, which established the Telecommunications Non-Reverting Fund (herein after known as the Telecom Fund) with separate Telecommunications Services and Telecommunications Infrastructure accounts; and

WHEREAS, Ordinance 96-31, as amended by Ordinance 00-45, set aside forty percent (40%) of the cable franchise fees and a certain amount of the revenues from the sale, lease, operation, or other use of the telecommunications infrastructure into the Telecommunications Infrastructure account; and

WHEREAS, Ordinance 96-31, as amended by Ordinance 03-29, provides for monies in the Telecommunications Infrastructure account to be used for the planning, design, development, construction, maintenance and repair of the City's telecommunications infrastructure; and

WHEREAS, the City needs to have a maintenance contract with a qualified entity that can provide emergency response when the City's fiber infrastructure is cut or damaged; and

WHEREAS, the City needs to have funds dedicated for repairing fiber infrastructure if it is cut or damaged; and

WHEREAS, the City has already had one incident where fiber cable owned by the City was cut and needed to be repaired;

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

SECTION I. For the expenses of said municipal corporation, the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

AMOUNT REQUESTED

Telecommunications Non-Reverting Fund (Infrastructure)

Line 3650 – Other Repairs	<u>\$15,500</u>
Total	\$15,500

SECTION II. 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 by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

CHRIS GAAL, 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 _____, 2003.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates \$15,500 from the Telecommunications Non-Reverting Fund (Infrastructure) for the City to pay for maintenance and repair of the City's fiber optic assets.

MEMORANDUM

To: Members of the Common Council

From: Gregory Volan, Chief Information Officer

Date: September 22, 2003

Re: Appropriation Ordinance 03-10

The proposed ordinance appropriates \$15,500 from the Telecommunications Non-Reverting Fund ("Telecom Fund") to cover costs for maintenance and repair of the City's fiber optic assets.

This appropriation will allow the City to enter into a maintenance contract with a qualified company that will provide emergency response when the City's fiber infrastructure is cut or damaged. The maintenance contract ensures that the company remains on standby and, once notified of a fiber cut, will arrive at the site of the damage with the necessary repair equipment within a certain period of time, usually two to four hours. It is important that we have such a maintenance contract in place for ourselves, since the City currently uses its fiber for a high-speed data network between the four main City buildings. Further, we absolutely must have a maintenance contract in place before we can lease our fiber to other entities.

The City will be charged \$500 per month, or \$6,000 per year, under the maintenance contract. The City expects to enter into a repair contract at the beginning of November, and the \$1,000 appropriation will cover the City's fees for the final two months of 2003.

The maintenance contract guarantees immediate response to a fiber cut, but it does not cover the costs of repair. The remaining \$14,500 of this appropriation will be dedicated to actual and future repair costs. The City suffered one fiber cut in April 2003, which cost \$4523.76 to repair. That portion of the appropriation will be spent. The remaining amount, just under \$10,000, will be kept on reserve in case there is a future fiber cut before the end of the year. If all goes well, we will not have a fiber cut, and the funds will not be spent.

Please note that the costs of maintenance and repair were not included in the 2004 budget that was passed by this Council earlier this month. In January 2004, this Council will be presented with another special appropriation for the 2004 budget year. The proposed appropriation will include \$6,000 for the maintenance contract and an additional \$10,000 to be kept on reserve in case of a fiber cut.

**Telecommunications Non-Reverting Fund
Fund Analysis - As of 09/30/03**

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>YTD 2003</u>
<u>Total Fund</u>							
Beginning Cash	-	85,809.26	244,814.40	507,426.93	766,877.84	864,158.22	476,704.56
Revenues:							
Miscellaneous & Interest Income		9,295.64	16,601.80	36,233.85	40,059.68	20,446.40	6,189.02
Franchise Fees	89,509.26	316,868.07	387,049.63	446,673.60	474,029.40	538,178.82	414,912.17
Total Revenue	89,509.26	326,163.71	403,651.43	482,907.45	514,089.08	558,625.22	421,101.19
Expenses:							
Telecommunication Services	3,700.00	167,158.57	141,038.90	223,456.54	231,808.70	268,126.18	127,831.30
Telecommunication Infrastructure	-	-	-	-	156,337.82	600,000.00	98,590.00
Encumbered Expenses	-	-	-	-	28,662.18	77,952.70	-
Total Expenses	3,700.00	167,158.57	141,038.90	223,456.54	416,808.70	946,078.88	226,421.30
Available Cash	85,809.26	244,814.40	507,426.93	766,877.84	864,158.22	476,704.56	671,384.45
<u>Services Account (60%)</u>							
Beginning Cash	-	50,005.56	78,545.21	179,697.17	245,985.10	322,629.85	389,678.80
Revenues:							
Miscellaneous & Interest Income	-	5,577.38	9,961.08	21,740.31	24,035.81	12,267.84	3,713.41
Franchise Fees	53,705.56	190,120.84	232,229.78	268,004.16	284,417.64	322,907.29	248,947.30
Total Revenue	53,705.56	195,698.23	242,190.86	289,744.47	308,453.45	335,175.13	252,660.71
Expenses:							
Telecommunication Services	3,700.00	167,158.57	141,038.90	223,456.54	231,808.70	268,126.18	127,831.30
Encumbered Expenses	-	-	-	-	-	-	-
Total Expenses	3,700.00	167,158.57	141,038.90	223,456.54	231,808.70	268,126.18	127,831.30
Available Cash	50,005.56	78,545.21	179,697.17	245,985.10	322,629.85	389,678.80	514,508.21
<u>Infrastructure Account (40%)</u>							
Beginning Cash	-	35,803.70	166,269.19	327,729.76	520,892.74	541,528.37	87,025.76
Revenues:							
Miscellaneous & Interest Income	-	3,718.26	6,640.72	14,493.54	16,023.87	8,178.56	2,475.61
Franchise Fees	35,803.70	126,747.23	154,819.85	178,669.44	189,611.76	215,271.53	165,964.87
Total Revenue	35,803.70	130,465.48	161,460.57	193,162.98	205,635.63	223,450.09	168,440.48
Expenses:							
Telecommunication Infrastructure	-	-	-	-	156,337.82	600,000.00	98,590.00
Encumbered Exp. for Infrastructure	-	-	-	-	28,662.18	77,952.70	-
Total Expenses	-	-	-	-	185,000.00	677,952.70	98,590.00
Available Cash	35,803.70	166,269.19	327,729.76	520,892.74	541,528.37	87,025.76	156,876.24

RESOLUTION 03-28

TO ADOPT POLICIES FOR THE BLOOMINGTON DIGITAL UNDERGROUND

WHEREAS, the City has made a substantial investment in fiber optic assets in its public rights-of-way as part of the “Bloomington Digital Underground” program; and

WHEREAS, the stated goals of the program are (a) providing for the City’s telecommunications needs, (b) protecting the City’s investments in its rights-of-way and its visual attractiveness, and (c) lowering the barriers of entry for competitive telecommunications providers; and

WHEREAS, it is intended that some of the City’s fiber optic assets will be made available for use by non-governmental entities; and

WHEREAS, it is important to have clear policies on how the City’s fiber optic assets shall be used, operated, and managed;

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

SECTION I. The attached set of policies shall govern the use, operations, and management of the fiber optic assets owned by the City of Bloomington.

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

CHRIS GAAL, 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 _____, 2003.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2003.

SYNOPSIS

This resolution adopts a set of policies that govern the use, operations, and management of the fiber optic assets owned by the City of Bloomington.

MEMORANDUM

To: Members of the Common Council
From: Gregory Volan, Chief Information Officer
Date: September 22, 2003
Re: Resolution 03-xx

The proposed ordinance adopts a set of policies that govern the use, operations, and management of the fiber optic assets owned by the City of Bloomington and installed as part of the “Bloomington Digital Underground” program.

I. Development of Policies

In February and March 2003, the BDU Advisory Group convened for a series of three meetings to develop a set of policies to govern the use of the City’s fiber optic assets. The following people attended at least one of the meetings of the advisory group:

Mike Diekhoff	City Council Member
Michael Flory	City Legal Department
Nathan Hadley	Mayor’s Office
Bruce Myers	Kiva
Dennis Morrison	Center for Behavior Health
Karen Portle	Monroe County Community Schools Corporation
David Sabbagh	City Council member
Brett Skilbred	InfoComm
Bill Slater	Ion Communications
Linda Williamson	Bloomington Economic Development Corporation
Carl Zager	Telecommunications Council

The advisory group started with a draft prepared by myself, with help from the City’s consultants from InfoComm Systems. During the first meeting, the advisory group reviewed each section, gave input, and suggested modifications to the language. Many of the provisions were non-controversial and elicited wide support. Based on comments from the advisory group, revisions were made to the draft set of policies before the second meeting.

One issue has proved to be more complex and generated significant discussion and debate among the advisory group members:

Should the City lease its excess fiber strands to private entities, and if so, should there be any restrictions on the types of entities to whom the City can lease fiber strands?

The original set of policies were drafted to allow the City to lease fiber strands only to telecommunications providers but not directly to end users (other than governmental units, educational institutions, and charitable organizations). The policies were drafted with this restriction to avoid the possibility that the City would compete against local companies in the business of providing telecommunications services.

During the second and third meetings of the advisory group, Bill Slater from Kiva Telecom (now Ion Communications) argued that the City should not lease fiber strands to private entities (other than governmental units, educational institutions, and charitable organizations). Instead, the City should only make its conduit available to telecommunications providers, who could use the conduit to install and manage their own fiber cable. Several advisory group members found Bill's argument to be compelling.

By the end of the third meeting, the advisory group believed that it should get input from a broader group of business leaders and industry professionals before making a final recommendation on this issue. This meeting was held on April 24, 2003, and organized with the help of Linda Williamson. The following people attended:

Steve Biggerstaff	Cinergy MetroNet
Bart Bretsch	Smithville Telephone
John Fernandez	Mayor of Bloomington
Michael Flory	City Legal Department
Debbie Green	Bloomington Hospital
Nathan Hadley	Mayor's Office
Nancy Jacobs	Bloomington Hospital
Steve Kaser	TSC
John Koppin	Indiana Telecommunications Association
Jennifer Kurtz	Indiana Department of Commerce
Cullen McCarty	Smithville Telephone / BEDC
Dennis Morrison	Center for Behavioral Health
Bruce Myers	Kiva
Bob Phelps	Smithville Telephone
Bill Slater	ION Communications
Harry Tinsley	Bloomington Hospital
Brian Voss	Indiana University
Christy West	Option 6
Linda Williamson	Bloomington Economic Development Corporation
Matt Wysocki	Monroe County Economic Development
Mike Zellner	Bloomington Hospital

There was a clear consensus from the participants at this meeting that the City should be allowed to make its fiber available to telecommunications providers. Specifically, representatives from telecommunications providers in attendance, such as Smithville Telephone and Cinergy MetroNet, stated that the City's leasing of its fiber strands to telecommunications providers would not discourage them from making additional infrastructure investments in Bloomington.

The BDU Advisory Group convened for a final meeting on June 18, 2003 for a final review of the policies. The group reviewed the input received from the April meeting and debated the issue further. The advisory group members in attendance unanimously agreed that the BDU policies should allow the City to make its fiber strands available to telecommunications providers.

One issue left unresolved by the advisory group was a request by David Sabbagh that a permanent committee, rather than an ad hoc advisory group, be formed to provide advice and recommendations on the use, operations, and management of the BDU assets. In response to this request, a provision was added to section 3.1, directing the Board of Public Works to create a standing advisory committee

II. Highlight of Key Policy Provisions

In this section, I will give some brief comments about certain key provisions in the proposed BDU Policies.

Section 1.1 restates the goals for the Bloomington Digital Underground that have been articulated since the inception of the programs. Those goals are to provide for the City's telecommunication needs, to protect the City's investments in its rights-of-way and its visual attractiveness, and to lower the barriers of entry for competitive telecommunications providers.

Section 1.2 emphasizes that the City does not intend to use its fiber assets to provide telecommunications services that compete against existing providers. However, the City can use its fiber to provide telecommunications services to itself. The City, for instance, has used the fiber to provide high-speed data connectivity between four City buildings.

Similarly, Section 1.3 emphasizes that the City will strive not to use its fiber optic assets to give a competitive advantage to one telecommunications provider over another. The City shall try to create a neutral playing field for all providers.

Section 3.1 states that the Board of Public Works shall manage the City's fiber optic assets. The Board of Public Works is the appropriate entity because it is responsible for managing the public rights-of-way. The Bloomington Digital Underground is, essentially, a City-owned asset in the public right-of-way.

Section 3.1 also provides that the Board of Public Works will create an advisory committee that will provide advice and recommendations on matters related to the BDU. The advisory committee will allow the City to benefit from the knowledge and expertise of members of the business, technology, economic development, and Indiana University communities.

Section 3.3 did not generate any discussion from the BDU Advisory Group. However, since the last meeting of the advisory group, I have modified the language to make it consistent with Ordinance 00-45 adopted by the Common Council in November 2000.

Section 4.2 states that any fiber optic assets owned by the City that are not needed for the City's current and expected future use may be made available to other entities. The term "make available" is used as a broad term that encompasses selling, leasing, and any other use of the assets, whether or not the City receives financial compensation. The Board of Public Works determines that amount of fiber optic assets that can be made available.

Section 4.2 also provides that the City will make its fiber assets available only to telecommunications providers, and not to end users generally. As mentioned in section I, this restriction was thoroughly discussed by the BDU Advisory Group and was the focus of a special meeting on April 24 that included a broader group of business leaders and industry professionals. Section 4.2 makes an exception allowing the City to make its fiber assets available directly to public entities, governmental units, and not-for-profit groups. No member of the advisory group took issue with this exception.

Section 5.1 states that the Common Council must approve the pricing for the use of the City's fiber assets. Council approval is needed even if the City intends to let an entity use fiber assets without charge. Essentially, no entity can use the City's fiber assets unless the financial arrangement has been approved by Council. Pricing authority gives Council general oversight over the use of the BDU assets without its being involved in details that are better left to the Board of Public Works and City staff.

Policies for Bloomington Digital Underground

The Bloomington Digital Underground is a comprehensive program of the City of Bloomington to encourage the installation of fiber optic cable throughout the city. As part of this program, the City of Bloomington has installed, and will continue to install, City-owned fiber optic assets in the public rights-of-way. The following set of policies shall govern the use, operations, and management of the fiber optic assets owned by the City of Bloomington.

Section 1. General Principles.

Section 1.1. The goals of the Bloomington Digital Underground program are the following:

- (a) providing for the City's telecommunication needs;
- (b) protecting the City's investments in its rights-of-way and its visual attractiveness; and
- (c) lowering the barriers of entry for competitive telecommunications providers.

Section 1.2. The City shall not use its fiber optic assets to provide telecommunications services to end users. The City, however, may use its fiber optic assets for its own communications network.

Section 1.3. The City shall strive to make its fiber optic assets available to telecommunications providers on equal terms. To the greatest extent possible, the City shall remain a neutral party, maintaining a neutral playing field on which telecommunications providers can compete on equal terms.

Section 2. Definitions.

Section 2.1. The term "end user" shall mean any person to whom telecommunications services are provided, and who are not in the business of providing telecommunications services to other persons.

Section 2.2. The term "fiber optic assets" shall include the following:

- (a) fiber optic conduit installed in the public rights-of-way;
- (b) fiber optic cable installed in the public rights-of-way;
- (c) manholes and handholds installed in the public rights-of-way; and
- (d) splicing trays, fiber termination racks, and other peripheral equipment used to manage dark fiber.

Section 2.3. The term "telecommunications" shall mean the electronic transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received.

Section 2.4. The term "telecommunications provider" shall mean any person in the business of providing telecommunications services, including, but not limited to, local exchange carriers, internet service providers, and providers of dark fiber.

Section 2.5. The term “telecommunications service” shall mean making telecommunications available to the public for a fee.

Section 3. Governance.

Section 3.1. The City’s fiber optic assets shall be managed by the Board of Public Works. The Board of Public Works shall create a standing advisory committee to provide advice and recommendations on the usage, pricing, and management of the City’s fiber optic assets. The advisory committee shall consist of seven representatives from the business, technology, economic development, and Indiana University communities.

Section 3.2. The Chief Information Officer, with assistance from the Controller’s Office, shall be responsible for keeping track of the total capital cost of the City’s fiber optic assets and the operating income and expenses for using the City’s fiber optic assets.

Section 3.3. Income generated from use of the City’s fiber optic assets, up to a maximum of one-hundred and twenty-five percent (125%) of the total amount previously appropriated from the infrastructure portion of the Telecommunications Non-Reverting Fund (“Telecom Fund”), shall be deposited in the infrastructure portion of the Telecom Fund.

Section 3.4. All expenses needed to use, operate, and manage the City’s fiber optic assets shall be funded primarily from the Telecom Fund and shall be approved by the Common Council during the regular budgeting process or through supplemental appropriations. However, such expenses may be paid from other funding sources as approved by the appropriate authorizing agency.

Section 3.5. The Chief Information Officer shall be responsible for managing the day-to-day operations of the City’s fiber optic assets. The Chief Information Officer shall use staff and resources from the Information & Technology Services Department as needed.

Section 3.6. The Engineering Department shall be responsible for managing all construction projects in which City-owned fiber optic assets will be installed, and for supervising the connections of City-owned fiber optic assets to fiber optic conduit and cable that is owned by entities other than the City of Bloomington.

Section 4: Usage

Section 4.1. Fiber optic assets shall be used first by the City of Bloomington for its own internal network. The City shall reserve a reasonable number of fiber optic conduit and fiber strands for its current and expected future needs.

Section 4.2. Based upon a recommendation from the Chief Information Officer, the Board of Public Works shall determine an appropriate amount of fiber optic conduit and fiber strands to make available to entities other than the City of Bloomington.

(a) The City shall make fiber optic conduit and fiber strands available directly to telecommunications providers and to dark fiber providers.

(b) The City shall not make fiber optic conduit and fiber strands available directly to end users, other than public entities, governmental units, and not-for-profit groups serving a public, educational, or charitable interest.

Section 4.3. The City shall make fiber optic conduit or fiber strands available to customers on an indefeasible right to use (“IRU”) lease basis. Ownership of the fiber optic assets shall remain with the City.

Section 4.4. The Board of Public Works shall approve all contracts used in leasing fiber optic assets to customers.

Section 4.5. The Board of Public Works shall enact safeguards to ensure that no entity be allowed to lease the entire available infrastructure in an attempt to prevent competitors from using it. In deciding whether to make the City’s fiber optic assets available to a private entity, the Board of Public Works shall consider (a) the scarcity of unused fiber optic assets and (b) the purchaser’s immediate need for the amount of fiber optic assets requested.

Section 5: Pricing

Section 5.1. The Board of Public Works shall set, and the Common Council shall approve, rates for leasing the City’s fiber optic conduit and fiber strands. The Board of Public Works shall set, and the Common Council shall approve, one-time charges for all related services, such as fiber splices and manhole connections.

Section 5.2. In setting rates, the City shall try to achieve the following goals:

(a) Receiving a return on investment for its capital expenditures. The City’s return on investment shall include indirect (non-monetary) returns, such as the potential for economic growth.

(b) Recovering operating expenses for managing the fiber optic infrastructure.

(c) Encouraging utilization of the City’s fiber optic assets as an alternative to new fiber installation.

Rates should be set with an awareness of the market price for leasing of fiber optic conduit and fiber strands.

Section 6: Expansion

Section 6.1. The City shall take advantage of opportunities to install fiber optic conduit during City construction projects.