

# City of Bloomington Common Council

## Legislative Packet

**Wednesday, 13 June 2018  
Regular Session**

- For legislation and background material regarding Resolution 18-09, please consult the [06 June 2018 Legislative Packet](#).
- All other legislation and background materials included herein.

*For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*

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**To: Council Members**  
**From: Council Office**  
**Re: Weekly Packet Memo**  
**Date: 08 June 2018**

**Packet-Related Material**  
**Regular Session, 13 June 2018**

**Memo**  
**Agenda**  
**Notices -- None**

**Reports**

- **Annual Tax Abatement Report (Covering Activity in 2017)**
  - Memo to Council from Brian Payne, Assistant Director, Small Business Development, Economic and Sustainable Development
  - *Report*;
  - Link to [Tax Abatement Guidelines](#)

Contact:

*Brian Payne at 812-349-3477, [payneb@bloomington.in.gov](mailto:payneb@bloomington.in.gov)*

- **Other Reports/Matters - Conflict of Interest Disclosure (Cm. Granger)**
  - Note that Councilmember Granger served on this year's Jack Hopkins Social Services Funding Committee and also is an employee of the Shalom Community Center. This year, Shalom applied for two grants from the Jack Hopkins Committee. During Committee proceedings, Councilmember Granger declared her conflict of interest, recused herself from all discussion related to the Shalom applications and recused herself from all votes on the Shalom applications. Councilmember Granger will submit her statutorily-required Conflict of Interest form to the Council for the Council's approval before the Council authorizes the 2018 Jack Hopkins allocations. Once approved, the form will be signed by Councilmember Granger and filed with the State Board of Accounts.

**Legislation for Second Reading and Resolutions**

- **Res 18-09** To Designate an Economic Revitalization Area, Approve the Statement of Benefits and Authorize Periods of Abatement for Real Property Improvements Re: Property Located at 1107 West 3rd Street and Identified by the Monroe County Parcel ID Number 53-08- 05-200-044.000-009) (Milestone Ventures, LLC, Petitioner)

*Please see [June 6<sup>th</sup>](#) packet for legislation and related information and materials*

Contact:

Brian Payne, Assistant Director for Small Business Development, Department of Economic and Sustainable Development. 812.349.3419; [payneb@bloomington.in.gov](mailto:payneb@bloomington.in.gov).

- **Res 18-12** Waiving Current Payments in Lieu of Taxes (PILOT) by the Bloomington Housing Authority to the City
  - Memo to Council
  - Computation of Payments in Lieu of Taxes (HUD Form)

Contacts:

Doris Sims, Director of the Housing and Neighborhood Development Department. 812.349.3594; [simsd@bloomington.in.gov](mailto:simsd@bloomington.in.gov);

Amber Gress Skoby, Executive Director of Bloomington Housing Authority. 812.339.3491 x124; [askoby@blha.net](mailto:askoby@blha.net)

- **Res 18-11** Authorizing the Allocation of the Jack Hopkins Social Service Program Funds for the Year 2018 and Related Matters.
  - 2018 Solicitation Letter
  - Elaboration of Criteria
  - 2018 Committee Recommended Allocations
  - Funding Agreement Template

*\* Please note that the above-listed documents and the summary memo provided herein constitute the advisory Report of the 2018 Jack Hopkins Committee pursuant to Bloomington Municipal Code 2.04.230*

Contact:

Allison Chopra, Committee Chair. 812.349.3409; [chopraa@bloomington.in.gov](mailto:chopraa@bloomington.in.gov)

### **Legislation for First Reading**

- **Ord 18-12** To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code – Re: Adding Chapter 2.86 (Prohibitions Associated with the Use of the Critical Incident Response Team Armored Rescue Vehicle)

Contacts:

All members of the Common Council; see [www.bloomington.in.gov/council](http://www.bloomington.in.gov/council) for individual Councilmember contact information; to contact the entire Council: 812.349.3409 or [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

- **Ord 18-13** To Add a Residential Single Family (RS) Zoned Parcel and Make Other Amendments to a Planned Unit Development (PUD) District Ordinance and Approve the Associated Preliminary Plan - Re: 2005 S. Maxwell Street and 1280 & 1325 E. Short Street (Loren Wood Builders, Petitioner)
  - Certification of Action (7-0) taken on May 14, 2018 (Certified May 22, 2018)

- Maps of Site and Surrounding Area and Uses
- Memo to Council from Amelia Lewis, Zoning and Long Range Planner
- CoHousing Development Standards
- Memo from Environmental Commission to Plan Commission
- Petitioner Materials:
  - Revised Petitioner’s Statement –
  - Proposed Site Plan
  - Short Street Connectivity Plan
- Links to Plan Commission Materials for Meetings in April and May – Cohousing PUD (PUD-02-18)<sup>1</sup> – *which include memos from the Bicycle and Pedestrian Safety Commission, the City’s design consultant (Schmidt Associates), and additional petitioner materials including site maps, discussion of meeting with neighbors, sample elevations of dwellings, and more:*
  - April 9, 2017 - First Hearing
    - [Packet](#) (starting on page 41)
    - [Minutes](#) (starting on page 6)
  - May 14, 2018 – Second Hearing
    - [Packet](#) (starting on page 14)
    - Minutes (not ready)

Contact:  
Amelia Lewis at 812-349-3423 or [lewisa@bloomington.in.gov](mailto:lewisa@bloomington.in.gov)

## Minutes

- Regular Session – 30 May 2018

## Memo

### **Regular Session Wednesday, 13 June 2018 One Report, One Disclosure of a Conflict of Interest, Three items for Second Readings and Resolutions, and Two items for First Reading**

Next Wednesday, there are two items under Reports, including an Annual Tax Abatement Report and a disclosure of a Conflict of Interest. In addition, there are three items under Second Readings and Resolutions and two items under First Reading. All but one resolution under Second Readings and Resolutions can be found in this packet. The resolution can be found in the packet issued for the 30 May 2018 Regular Session.

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<sup>1</sup> For materials distributed in interest of Plan Commission meetings in 2018 please, see the meeting dates at the following link: <https://bloomington.in.gov/boards/plan/meetings/2018>



## **Reports from the Mayor**

### **Annual Tax Abatement Report (Summary of 2017 Activity)**

The Annual Tax Abatement *Report* was prepared and will be presented by Brian Payne, Assistant Director, Small Business Development, Economic and Sustainable Development Department. The *Report* is an analysis of the tax abatements granted by the City and is largely based on the annual CF-1 *Reports* filed by the recipient of an abatement. CF-1 forms for improvements to real estate and the installation of new manufacturing equipment (personal property) are all due on May 15 of each year.<sup>2</sup> The Council must act within 45 days of the deadline for filing the CF-1s, if it intends to exercise its power to rescind a tax abatement.<sup>3</sup> Although there is no recommendation to rescind any of the five projects currently receiving a tax abatements, the presentation of the *Report* next week would be in time, if necessary, to take such action.

### **Tax Abatements**

Tax abatements are a reduction of tax liability on real and personal property that applies to increased assessed valuation due to new investment.<sup>4</sup> Prior to awarding a tax abatement, the Council must make a determination (in the form of designating an Economic Revitalization Area [ERA] and, in some cases, an Economic Development Target Area [EDTA]) that the site would not develop under normal market conditions. Although this is a prediction and, therefore, a difficult determination to make, it serves as a check on the awarding of an abatement by providing an initial focus on the nature of the site and whether this tax break is needed to encourage the investments at that location.

Please note that the period of abatement may run from 1 to 10 years and the amount of the abatement is generally determined by a sliding scale which runs from 100% to 0% over the period of abatement. Recently, the Indiana General Assembly (General Assembly) made a few significant changes to this sliding scale and time configuration.<sup>5</sup>

- In 2011, with enactment of P.L. 173-2011, the General Assembly authorized local entities to grant up to three years of 100% abatement in certain very limited circumstances (involving occupation of large, vacant buildings and the investment of at least \$10 million), and authorized local entities to use alternative methods for determining the duration and amount of property tax abatements based upon certain factors.<sup>6</sup>

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<sup>2</sup> The forms are available in the City Clerk's Office if you wish to review them.

<sup>3</sup> IC 6-1.1-12.1-5.9

<sup>4</sup> The kinds of investments in real and personal property that may be eligible for tax abatements are largely found in IC 6-1.1-12.1 et seq., which, along with the ones typically authorized by the City, also include ones for distressed residential properties and vacant buildings. In addition, there is an opportunity to grant a tax abatement for Council Enterprise Information Technology Equipment with a "high technology district area" under IC 6-1.1.-10-44.

<sup>5</sup> In addition, in 2016, the General Assembly provided a means for a property owner who failed to file for a deduction in one year to file for one in a subsequent year. P.L. 203-2016 (H.E.A 1273) provided, in part, that a property owner who fails to file for a deduction in one year may file from January 1 to May 10<sup>th</sup> of a subsequent year for a deduction with the Auditor. If the Auditor can determine that the number of years and schedule for the deduction has been approved by resolution of the Council, then the Auditor will make the appropriate deduction. If the Auditor cannot determine that information, then the deduction is forwarded to the Council which can clarify the matter by resolution. IC 6-1.1-12.1-5(f)(1)-(2)

<sup>6</sup> See IC 6-1.1-12.1-4; IC 6-1.1-12.1-17

- In 2013, with the enactment of P.L. 288-2013, the General Assembly required that all future tax abatements be accompanied by a schedule which specifies the percentage for each year of the abatement.<sup>7</sup>
- In 2014, with the enactment of P.L. 80-2014 (SEA 1), the General Assembly provided, in part, that, effective July 1, 2015, a designating body may establish an enhanced abatement schedule for business personal property that may not exceed 20 years. This provision requires that if a taxpayer is granted a deduction that exceeds 10 years, the designating body shall conduct a public hearing to review the taxpayer’s compliance with the statement of benefits after the tenth year of the abatement.<sup>8</sup> The law also provided for the distribution of abatement clawbacks to taxing units on a *pro rata* basis.<sup>9</sup>

Based on phased-in assessed valuation rates governed by State law, the Bloomington Economic Development Commission recommends a term of abatement for each project, which requires the Council authorization. With respect to abatements on new construction and on personal property, the Council may choose to limit the dollar amount of the deduction.

### **Guidelines for Granting a Tax Abatement**

As noted above, tax abatements are governed by both State statute and local rules. In January 2011, the City adopted new local tax abatement guidelines, *Tax Abatement Program: General Standards*. These standards supplement the requirements outlined in State law and attach to those projects approved *after* the Local Standards went into effect. Once determining that a site is distressed per an ERA designation, State statute and *Local Standards* require the Council to find that the benefits asserted by the petitioner are reasonable and probable and justify, in totality, the granting of the abatement. According to State law, those benefits are set forth in a Statement of Benefits (SB-1) and include the estimated cost of the project, number of persons employed, and payroll, along with any locally identified benefits.

Under current Local Standards, “[e]ach project is reviewed on its own merits, and the effect of each project on the revitalization of the surrounding areas and employment is considered” (p. 2). Basic eligibility is achieved by demonstrating:

- the creation of full-time, permanent living-wage jobs (pursuant to Chapter 2.28 of the Bloomington Municipal Code); and
- the creation of capital investment as an enhancement to the tax base.

In addition to these threshold requirements, current local guidelines direct that other evaluative criteria will be considered in the review of a tax abatement application. These evaluative criteria pivot on:

- quality of life and environmental/sustainability;
- affordable housing; community service; and
- community character.

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<sup>7</sup> IC 6-1.1-12.1-17

<sup>8</sup> See IC 6-1.1-12.1-18.

<sup>9</sup> IC 6-1.1-12.1-12.5

These criteria are further elaborated upon in Appendix 1 of the guidelines. Recall that tax abatements granted before 2011 were approved under the old guidelines.

### **Standard of Review**

The Council reviews projects under a statutory process that focusses on the CF-1s which compare benefits committed to by the applicant in the Statement of Benefits (SB-1) with the actual benefits delivered by the project. In reviewing the CF-1s, the Council must determine whether the projects are in “substantial compliance” with the commitments made at the time the abatement was granted. Should the Council determine that a recipient of an abatement is not in “substantial compliance,” it has 45 days from the CF-1 filing deadline to initiate the rescinding of the abatement, which will result in the terminating of the deduction. The decision to terminate the tax deduction should be made only if the Council concludes that the taxpayer has not made reasonable efforts to meet its commitments and was not prevented from complying with the terms of the abatement due to factors beyond its control.<sup>10</sup>

*If necessary, the Meeting Memo for next week’s meeting may offer the Council an order for your deliberations as well as a menu of motions from which to choose.*

### **The Tax Abatement Activity Report**

The Tax Abatement *Report* reviews five active abatements for which CF-1 forms are required and finds all the projects to be in substantial compliance. It then summarizes four projects which are under way, but not yet subject to the CF-1 requirement. Lastly, it notes two abatements that have or will expire(d) between 2016 and 2018.

The *Report* was approved by the Economic Development Commission on May 16<sup>th</sup> and is rendered as a PowerPoint presentation and is organized as follows:

- Introduction – slides 3-7
- Summary of the Economic Impact -- slides 8-10
- Residential Development Projects – slides 11-12 (*1 project*)
- Mixed-Use Projects – slides 13-16 (*2 projects*)
- Commercial Projects – slides 17-20 (*2 projects*)
- Projects in Progress – slides 21-28 (*4 projects*)
- Expired Abatements - slide 29

### **Economic Impact**

As a result of previous requests from the Council, the *Report* outlines the economic impacts of the active abatements, in the aggregate. Key impacts include:

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<sup>10</sup> IC 6-1.1-12.1-5.9. Also, please know that the local General Standards give the following examples of grounds for terminating a tax abatement: 1) Failure to comply with any terms set forth in the Memorandum of Agreement; 2) An incomplete, inaccurate, or missing CF-1; 3) Petitioner vacates the City of Bloomington during the term of abatement; 4) Fraud on the part of petitioner; and 5) Initiation of litigation with the City of Bloomington.

Progress toward new real and personal property investments

- Proposed: \$52.1 million
- Actual: \$73.79 (with ~\$20.7 million more investment in commercial personal property than expected)

Jobs Created (excluding temporary jobs)

- Proposed: 205
- Actual: 728

Payroll (excluding unknown salaries from leased space)

- Proposed New: \$9.57 million
- Actual New: \$51.2 million

Average Salary

- Proposed New: \$46,687
- Actual New: \$70,349
- Actual New & Retained: \$62,254

Total Jobs and Salaries – New and Retained

- Jobs: 854
- Salaries: \$53.16 million

Assessed Values (for both Real and Personal Property)

- Before Project: \$3.53 million
- Current: \$38.14 million (with ~ \$24.5 million more in commercial Assessed Valuation<sup>11</sup> than initially anticipated; 4 times more in mixed use development; and 3 times more in residential development).

**List of Projects Currently Receiving a Tax Abatement**

The following is an at-a-glance list of projects covered by the *Report*.

<u>Slide</u>	<u>Owner</u>	<u>Address</u>	<u>Legislation</u>	<u>Year of Abatement</u>
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**Residential Projects**

11-12	<b>B &amp; L Rentals, LLC</b>	718, 720 & 722 W. Kirkwood	<u>Res 03-22</u>	9 of 10
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**Mixed Use Projects**

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<sup>11</sup> Please note that this figure reflects *current* Assessed Valuations which are subject to adjustments beyond investments made by the property owner. These may relate to changes in the condition of the property as well as changes in value of property in the area and community.

13-14	<b>Big O Properties, LLC</b>	338 South Walnut Street	<u>Res 15-01</u>	3 of 3
15-16	<b>Urban Station</b>	403 S. Walnut	<u>Res 16-12</u>	1 of 10

**Comment.** This is the first year of a tax abatement for this project. The actual investment exceeded the estimated amount (\$12.6 million rather than \$11.5 million), while the actual number of retained and added jobs along with the payroll for those positions all matched the numbers promised by the applicant.

The slide also notes that this is the first City tax abatement project with a commitment to workforce housing “including five 1BR and five 2BR units, with a duration of 99 years.” Please note that Council approval of Res 17-26 and Ord 17-27 in June 2017 aligned the ERA and EDTA designations with the 10-year period of the tax abatement.

### Commercial Projects

17-18	<b>Cook Pharmica (Catalent, Inc.)</b>	1300 S. Patterson Drive	<u>Res 04-08</u>	9 of 10 <i>(Personal Property)</i>
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**Comment.** The slide notes that this abatement involved a significant investment in both real estate and personal property. The tax abatement on the real estate has expired and one year remains on the personal property. The actual investment (\$37.9 million), number of new jobs (716), and the amount of salaries (\$50 million) were all at least double that projected. Please note that Catalent, Inc. acquired Cook Pharmica in 2017.

19-20	<b>Hoosier Energy</b>	2501 South Cooperative Way	<u>Res 13-03</u>	3 of 10
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### Projects in Progress (CF-1s Not Reviewed) - with Summaries

The following paragraphs note projects that are in progress.

Slides 21-22	<b>Woolery Ventures, LLC</b>	2600 S. Keggs Road <i>Real Estate</i>	<u>Res 04-01</u> <u>Res 13-14</u>
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**Comment.** In 2004, the petitioner sought a 10-year tax abatement for a historic adaptive re-use of an abandoned stone mill. The renovation project was to include a hotel and residential units, meet Secretary of Interior standards, cost \$4.2 million, and create 45 new jobs with an annual payroll of \$762,000. Recall, that as of 2013, the petitioner indicated that they intended to develop the property, but had not made much progress. In response, Council passed Res13-14 late that year to amend this project’s original terms of abatement. Res 13-14 resolved that this project’s ERA designation would terminate on December 31, 2018 and that if petitioner or its successors commence work on the project on or by December 31, 2018, the petitioners shall be entitled to a 10-year abatement. However, if the petitioner or its successors fail to commence work by the December 31, 2018 deadline, the abatement would expire. Res 13-14 further imposed reasonable conditions on the project and required the petitioner to enter into a Memorandum of Agreement (MOA). Among other things, the MOA requires annual pre-construction progress *Reports* and



The *Report* lists abatements that have or will expire from 2016 – 2018:

<b><u>2016:</u></b> Cook Pharmica, LLC	1300 S. Patterson Drive (Real Estate)	<u>Res 04-08,</u> <u>Res 04-09</u>
<b><u>2017:</u></b> <i>None</i>		
<b><u>2018:</u></b> Big O Properties, LLC ( <i>see above</i> )	338 S. Walnut St (Real Estate)	<u>Res 15-01</u>

#### Other Tax Abatements within the City without Review by the Common Council

The *Report* evaluates current tax abatement projects authorized by the City of Bloomington, but does not address another form of tax abatement within the City enacted by the General Assembly that are generally not reviewed by the Common Council. These are tied to our Urban Enterprise Zone and offer a 100% deduction of taxes for a period of either five or ten years for eligible investments within an Enterprise Zone for the purchase, construction and rehabilitation of buildings as well as the purchase and retooling of equipment. (I.C. 6-1.1-45) You may recall that the Council does, in fact, review a subset of these abatements which fall within one or another of our TIF districts.

### **Second Readings**

#### **Item 1 – Res 18-09 – Tax Abatement and ERA Designation for Milestone Ventures**

*Please see [June 6<sup>th</sup>](#) packet for legislation and related information and materials*

#### **Item 2 – Res 18-12 – Waving Payment in Lieu of Annexation for Bloomington Housing Authority**

**Res 18-12** is an annual resolution requested by the Bloomington Housing Authority which waives any payment in lieu of taxes (PILOT) we might require of them. I.C. §36-7-18-25 exempts housing authorities from the payment of property taxes, but allows these authorities to enter into agreements with political subdivisions to pay a PILOT for the estimated cost of services, improvements, and facilities that are provided by the political subdivisions. In the early 1960s, the Housing Authority agreed to pay the City a PILOT. After acknowledging the services performed by the Housing Authority that might have been provided by the City, and acknowledging the benefits we received from its other services, the resolution waives this obligation.

Doris Sims, Director of the Housing and Neighborhood Development Department has submitted a memo explaining the history of the PILOT obligation. She has also submitted a payment calculation sheet provided by the Bloomington Housing Authority, which is a Housing and Urban Development (HUD) form used to estimate the \$33,934.80 that they would otherwise pay the City for services received during the fiscal year ending September 30, 2017. Doris Sims and Amber Gress Skoby, Executive Director, Bloomington Housing Authority, will be present on Wednesday to explain the resolution.

### **Item 3 – Res 18-11 -- Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2018 and Related Matters**

**Standing Committee Report:** The following description of the 2018 Jack Hopkins Social Services Program, along with the supporting documentation hereto, constitutes the *Report* of the 2018 Jack Hopkins Social Services Funding Committee pursuant to Bloomington Municipal Code 2.04.230. The Report of the Committee is advisory in nature.

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This is the 26th year of the Jack Hopkins Social Services Funding Program, named after former Councilmember Jack Hopkins. Since its inception in 1993, the Committee has granted approximately \$3.8 million to serve the needs of our community's most vulnerable residents. Each year, the demand for funds exceeds supply, and each year, the Committee works hard to develop a fair and responsive process, one sensitive to local need, and one intended to foster responsible fiscal stewardship. This year the Committee had as much as \$314,554 to distribute. This number reflects \$300,000 budgeted for this year's Jack Hopkins Program, plus \$14,554 in unused 2017 Hopkins funds. Recall that earlier this year, the Council and Mayor established a Council Jack Hopkins non-reverting fund. This means that any funds devoted to the Hopkins program, but not spent, remain in a dedicated fund, rather than reverting to the General Fund at the end of the year.

**Res 18-11** implements the recommendations of the 2018 Jack Hopkins Committee. Specifically, the legislation:

- Allocates \$312,874 in grant funds to 23 agency programs;
- Approves the *Funding Agreements* with these agencies;
- Delegates questions regarding the interpretation of the *Agreements* to the Chair of the Committee (Allison Chopra);
- Authorizes the Chair of each year's Committee to appoint two non-Council member appointees to the Committee; and
- Approves the *Report* of the Jack Hopkins Committee (which is comprised of this summary and the related materials included in this Legislative Packet).

#### **The 2018 Committee**

The Committee is a Standing Committee of the Council, pursuant to BMC 2.04.210. The 2018 Committee included five Council members assigned by the President of the Council and two City residents with experience in social services:

- Allison Chopra (Chair)
- Dorothy Granger
- Isabel Piedmont-Smith
- Andy Ruff
- Susan Sandberg
- Jennifer Crossley
- Tim Mayer

#### **Policies, Procedures, and Schedule for 2018**



The following is a brief summary of the 2018 Hopkins process:

- **Organizational Meeting – 26 February 2018**

The Committee met to establish policies and procedures for the 2018 program. At this meeting the Committee:

- Heard a report of last year's grants from Dan Niederman, HAND department;
- Acknowledged that as much as \$314,554 was available for distribution;
- Requested that the policy of establishing a hard deadline for claim submission of December be continued;
- Established a policy that agencies invited to make a presentation to the Committee will be allowed to provide supplementary written material to the Committee at that time only if requested to do so;
- Voted to continue the practice of accepting requests for operational funding that do not fit within one of the long-standing exceptions to the "one time funding" rule: pilot projects, bridge funding, and collaborative projects.
- Authorized the Chair to approve the solicitation letter; and
- Established a schedule for 2018.

- **Request for Applications Issued – 05 March 2018**

The Council Office sent solicitation letters directly to social services agencies and posted the letter and application on the Committee's website. The United Way distributed this information to its members and in the Non-Profit Alliance Newsletter. The Council Office issued a press release to local media.

- **Technical Assistance Meeting – 13 March 2018**

The Council Office held a Voluntary Technical Assistance meeting in order to explain the program to, and answer questions from, agency representatives.

- **Deadline for Applications – 02 April 2018, 4:00 pm**

28 timely applications were submitted to the Council Office by the deadline. These timely applications totaled \$395,533 in requested funding.

- **Distribution of Packet of Applications – 18 April 2018**

The Council Office distributed summaries and application materials to committee members and staff and posted the same online for the public.

- **Initial Review of Applications by the Committee – 23 April 2018**

The Committee met for an initial review of the 28 applications. The Committee first announced conflicts of interests<sup>12</sup> and then reviewed the applications, removed three applications from further consideration, and developed questions to be answered by agencies at the Presentation Hearing. (Of the 25 agencies invited to present, 2 withdrew before the presentation, citing their ability/capacity to execute the proposed projects.)

- **Presentations – 03 May 2018**

The Committee met, heard presentations from, and asked questions of 23 agencies. Each agency was afforded 5 minutes to make its presentation. Committee questions followed each presentation.

- **Individual Committee Member Recommendations – 07 May 2018**

Committee members submitted individual recommended allocations and comments to the Council Office. The Council Office averaged allocations and turned those averages, along with compiled comments, to the Committee in interest of its next meeting.

- **Pre-Allocation Meeting – 21 May 2018**

The Committee met and made preliminary recommendations for funding to be considered at its Allocation meeting.

- **Allocation Meeting – 24 May 2018**

The Committee recommended funding 23 agency applications for a total of \$312,874 Please note that the Committee offered an opportunity for public comment before voting on its recommendations.

- **De-Briefing Meeting – 06 June 2018**

The Committee met to review the 2018 program – what worked well and what warrants change in 2019.

- **Council Action – 13 June 2018--** The Common Council will consider the *Resolution* approving recommendations and taking related actions regarding the program.

- **Technical Assistance Meeting - Tuesday, 19 June 2018, 8:30am, McCloskey Room–** Dan Niederman in the HAND department has scheduled a Technical Assistance meeting at this time to inform funded agencies how to obtain reimbursements under the grant.

Please note that the minutes of the above Committee meetings will be available in the Council Office once they are reviewed and approved by the Committee.

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<sup>12</sup> Councilmember and Committee Member Granger disclosed that she is an employee of the Shalom Community Center and therefore, recused herself from voting on, and participating in discussions associated with, the two proposals submitted by the Shalom Community Center. No other conflicts were indicated.

### **Criteria and Other Program Policies**

Former Council member Jack Hopkins established three criteria for this program in 1993. The Committee has elaborated upon the criteria over the years by providing a policy statement, which was sent out with the funding solicitation as well as placed on the Council web page. Those criteria are briefly stated below:

- 1) The program should address a previously-identified priority for social services funding (as indicated in the *Service Community Assessment of Needs* [SCAN], the City of Bloomington Housing and Neighborhood Development Department's *Consolidated Plan* or any other community-wide survey of social service needs);
- 2) The funds should provide a one-time investment that, through matching funds or other fiscal leveraging, makes a significant contribution to the program; and
- 3) This investment in the program should lead to broad and long-lasting benefits to the community.

### **On Criteria: Continued Allowance for Operational Funds**

As originally envisioned, Hopkins funds were intended to be a "one-time investment." This one-time funding rule was intended to encourage innovation, address changing community needs, and to discourage dependency of an agency on Hopkins funding for its on-going operational needs. Over time, the Committee has established exceptions to the "one time funding" rule. Those exceptions allow for requests for operating funds for a pilot project, to bridge the gap left by a loss of another funding source, and for collaborative projects. For the last several years, the Committee has received increasing feedback from agencies calling for a broader allowance for operational requests. Agencies have opined that in the current economic climate, operational funds are the hardest to come by and that such funds are critical for non-profits continued provision of essential services. In response, last year, the Committee voted to accept applications for operational funds that do not fit one of the aforementioned exceptions. The Committee agreed to continue this practice again this year.

The included the following proviso in its solicitation material:

Please note that the Committee recognizes the growing need for operational funds that do not fit one of the aforementioned exceptions. For that reason, this year -- in addition to accepting applications for operational funds for pilot, bridge, or collaborative programs -- the Committee is again accepting applications for operational funds that *do not* meet one of the exceptions to the one-time funding rule. However, know that preference will still be given to initiatives that are one-time investments. Know further that this new allowance is specific to the 2018 funding cycle; the Committee may not offer this allowance in 2019. Applicants should be advised that, as always, **funding of any project or initiative this year does not guarantee funding in future years.**

*As always, any request for operational funds must be accompanied by a well-developed plan for future funding.*

### **Enhanced Reporting on Efficacy of Operational Funds**

Over time, the Committee has worked to build in more meaningful reporting requirements for grantees, such that it might be better positioned to assess the efficacy of a program or agency in future years. This is especially true for operational funds, as the Committee has agreed to continue with the broad operational allowance for 3-4 years before evaluating the change. For that reason, this year's Committee continued last year's enhanced reporting requirement requiring those who receive operational funds to report back to the Committee at two points: once when the agency submits its final claim in early December (a requirement made of all grantees); and again by 01 March 2019 to provide an update on the project's outcome indicators. Operational costs are those that are recurring and include outlays for personnel, rent, utilities, maintenance, supplies, client services, and other like ongoing budget items.

### **Recommendation to Fund 23 Programs**

The Committee recommended funding 23 agency programs. These agencies, programs, grant amounts and claim submission dates are briefly described below (and summaries of all 28 applications can be found on the [Jack Hopkins Committee website](#)):

<b><u>Agency</u></b>	<b><u>Grant</u></b>	<b><u>Purpose</u></b>
Amethyst House	\$16,758.00	To purchase a water heater, treatment resources, furniture and paint for the therapeutic space at the Men's House.
Boys & Girls Club of Bloomington	\$27,000.00	To purchase bleachers, tables, cubicles, stools, and chairs for the Lincoln Street Unit.
Catholic Charities Bloomington	\$13,000.00	To fund the Trauma-Informed Care Program.
Center for Sustainable Living	\$3,000.00	To fund the cost of the sewer connection permit. This grant is contingent upon The Center for Sustainable Living finalizing the trust and ownership disposition of the property located at 611 W. 12th Street by October 30, 2018.
Community Justice and Mediation Center	\$9,493.00	To fund a part-time Project Manager for the "Mediation Matters" Pilot program.
Community Kitchen	\$8,860.00	To purchase a double convection oven for use at 1515 S. Rogers Street.
Girls INC, Monroe County	\$13,463.00	To repair three vehicles in the bus fleet.
Hoosier Hills Food Bank	\$30,000.00	To purchase a new van to convert into an insulated refrigerated van.
Hoosiers Feeding the Hungry	\$2,700.00	To fund meat processing for meat distribution to City of Bloomington residents.
Indiana Recovery Alliance	\$16,953.00	To supplement salary and to purchase Naloxone, a printer, a laptop, printer ink, folding chairs, tables, syringe disposal units, safety vests, safety gloves, trash pickers, and portable outreach containers

		for harm-reduction services.
Interfaith Winter Shelter (Fiscal Agent: First Presbyterian Church)	\$1,500.00	To purchase metal shelving for guest belongings at Wheeler Mission.
Middle Way House	\$11,000.00	To redesign Middle Way's "technology closet" through 1) environmental stabilization via improved HVAC and other means and 2) redesigning and repositioning telecom/networking equipment.
Monroe County CASA	\$7,768.00	To purchase laptops, printer, projector and pay for information technology support.
Monroe County United Ministries	\$14,014.00	To pay for a consultant to design and build a new database for the Self-Sufficiency Center and to train staff on use; to purchase system upgrades to computers; and, to pay for salary costs of additional Compass Early Learning Center staff hours, said staff hours having been incurred in January of 2018.
Mother Hubbard's Cupboard	\$7,017.00	To purchase a refrigerator, a refrigerated display case, a display freezer, and related equipment.
My Sister's Closet	\$9,490.00	To fund the staff and technology needs associated with the Ready-2-Work program.
New Hope Family Shelter	\$25,000.00	To fund the purchase of an eight-passenger vehicle and to pay for related costs.
New Leaf – New Life	\$11,229.00	To purchase supplies associated with New Leaf-New Life's Jail Program; to fund costs associated with the Transition Support Center, including Workforce Communications Support; to purchase work footwear; and, to purchase first week re-entry kits and backpacks of supplies.
Shalom Center	\$13,740.00	To replace the phone system at Shalom Community Center and add phones at Friend's Place.
Shalom Center & LIFE Designs Collaborative	\$10,800.00	To purchase bus tickets, apartment kits, hygiene pantry supplies, prescriptions, over-the counter medication and to pay for staff mileage and life skills training for the Crawford Homes II Housing First program.
Susie's Place	\$9,089.00	To pay for a laptop computer, a wireless

		communication system, Tech Soup software, and a Jamboard.
Volunteers in Medicine	\$26,000.00	To pay for diagnostic labs and imaging.
Wheeler Mission	<u>\$25,000.00</u>	To purchase bunk beds, mattresses, and privacy screens for use at 215 South Westplex Avenue.
	<b>\$312,874.00</b>	

### First Readings

#### **Item One - Ordinance 18-12 (Title 2- Adding Chapter 2.86 Prohibited Uses of the CIRT Vehicle)**

**Ord 18-12** codifies certain prohibited uses and features of a Critical Incident Response Team (CIRT) armored vehicle and is sponsored by all members of the Common Council. Earlier this year, the Administration announced its intent to purchase a CIRT vehicle. The proposed purchase generated a significant amount of public concern, particularly as similar vehicles have been misused in other communities.

In response to concerns expressed by the community, the Council held a *Town Hall Listening Session* on 20 February 2018 to hear from members of the community and to document questions from community members. The Council and Mayor addressed those questions with written responses one week later. Those questions and responses are linked [here](#). Also in response to community concern, the Mayor announced his intent to receive additional public input before proceeding with the purchase. After a period of additional comment, the Mayor announced on March 29, 2018 his decision to move forward with the purchase.

Typically, matters of police policy are governed by General Orders issued by the Chief of Police. These General Orders are subject to change by the particular Chief or Mayor in office at the time. Due to the nature of this vehicle, and its misuse in other communities, the Council feels that certain prohibitions associated with the use and features of the vehicle should be solemnized in the Bloomington Municipal Code. Codifying these restrictions not only makes these restrictions more knowable to the public, but means that any future proposed change to local code would have to go through the Council’s notice and legislative rule-making process.

The ordinance documents the current Bloomington Police Department’s (BPD’s) adherence to a “guardian” mindset to policing and recounts this mindset by citing the training received by BPD officers and the community outreach programs of BPD.

The training received by BPD officers include:

- de-escalation training
- diversity training
- implicit bias training
- training in engaging with individuals with mental illness

The outreach programs of BPD recounted in the resolution include:

- the Downtown Resource Officer program
- its dedication of \$100,000 of its annual budget to supporting staffing at social services agencies, such as the Shalom Center and Centerstone
- *Coffee with a Cop*
- *National Night Out*
- *Banneker, Blue and You*
- *Citizens' Police Academy*
- *Teen Police Academy*
- *Police Explorer Group*
- *Neighborhood Resource Officer Program*
- *Cops in Schools*
- Safety Training for Children
- Involvement in the cross-jurisdictional Crisis Resolution Team involving overdoses
- Involvement in the Domestic Violence Task Force

The resolution also points out that since 2014, BPD has employed the regular use of body cameras, a measure which provides greater accountability by BPD to the public.

The resolution states that BPD's guardian mindset to policing is "responsible, equitable, and respectful and is the best model of true protection for our community." In the interest of ensuring that this mindset endures when it comes to the use of the CIRT vehicle, the ordinance codifies the following prohibited uses associated with the vehicle. These prohibitions track those outlined in a draft General Order from the Chief and currently under review by the Board of Public Safety.

Those prohibitions direct that:

- the CIRT vehicle may not be used for the purpose of crowd control
- shall not be used during non-violent public demonstrations.

Further, the ordinance prohibits the following equipment for use on the CIRT vehicle:

- affixed firearms;
- water cannons; and
- any other affixed device capable of launching or firing a projectile.

**Item Two – Ord 18-13 Adding One Single Family Residential Parcel to the Cohousing Planned Unit Development, Amending the PUD District Ordinance, and Approving the Associated Preliminary Plan Located at the Intersection of Short and South Maxwell Streets (B-TOWN Cohousing, LLC - Loren Wood, Petitioner)**

Ord 18-13 amends the Cohousing PUD at South Maxwell Street and Short Street approved by the Council in 2014.<sup>13</sup> Please note that, in 2014, the Council adopted a Reasonable Condition (RC 03) which removed the requirement for a connection along Short Street to Highland Avenue, which would be restored by this PUD. According to the Petitioner’s Statement and the Memo from Ms. Lewis, Zoning and Long Range Planner, “a Cohousing community ‘combines the autonomy of privately owned dwellings with the advantages of community living.’ ”

The changes, in brief, would:

- add a 0.61 acre Single Family Residential (RS) parcel to the west of the PUD,
- reconfigure and increase the number of units from 22 to 27 (but keep about the same level of density (~9.7 units per acre)<sup>14</sup> including five Accessory Dwelling Units (ADUs) associated with garages;
- clarify development standards;
- connect Short Street to Highland Avenue along with improve bicycle and pedestrian access to and through the site; and
- introduce a design-build approach toward development by the new owner (B-TOWN CoHousing, LLC - Loren Wood, developer).

**Site and Surrounding Uses.** The site is an “L” shaped, 3.41 acre<sup>15</sup> property on the east and south side of the intersection of S Maxwell and Short Street. The surrounding uses include single family residences to the north, land conservancy and single family residences to the east, the YMCA (institutional) to the south, and the Montessori School to the east.

**Highlights of Changes to the Site Plan.** Please see the memo prepared by Ms. Lewis for the details of this proposal and the Conditions of Approval for matters that the Commission wanted clarified during the course of its deliberations. The following bullet-points focus on site access issues which occupied much of the discussion at the meetings in April and May. In addition, the last bullet-point addresses “housing diversity” and how that issue was left at the Commission level.

- Short Street Connection to Highland Avenue. The nature of the vehicular connection along Short Street to Highland Avenue evolved over the two meetings. Initially, the petitioner proposed an “alley like connection,” while P & T staff proposed a 20’ street width, 6” curbs, 5’ tree plots, a 5’ sidewalk on the north and an 8’ sidepath on the south

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<sup>13</sup> This PUD was approved via adoption of Ord 14-06 on May 22, 2014. The initial materials and summary can be found in the weekly [Council Legislative Packet](#) issued for the May 7, 2014 Council Regular Session.

<sup>14</sup> The density with an encroachment of right-of-way included would be 8.7

<sup>15</sup> This includes the unimproved Short Street right-of-way east of S. Maxwell Street, which would provide for parking and a multi-use path via the granting of an encroachment by the Board of Public Works.



as set forth in the Master Thoroughfare Plan.<sup>16</sup> The matter was eventually resolved with Condition of Approval (COA) #1, which set parameters for a negotiated solution between staff and the petitioner. Please see COA #1 below for the wording and the Short Street Connectivity Plan (included with the Petitioner's Statement).

- Pedestrian Facilities. There will be a sidewalk and tree plot on the south side of Short Street and the west side of South Maxwell Street.<sup>17</sup> There will also be a sidepath in the unimproved portion of Short Street east of South Maxwell Street, which will connect with a conservation area and planned path to the east and south. In addition, there will be “a path through the driveway on the western part of the site to the southwest corner of the site leading to the YMCA property” where there is a playground. According to the Memo, this path should avoid a detention pond at the southwest corner of the PUD, and according to COA #4, the petitioner should continue to work with the YMCA to ensure that this access is “safe and accessible.”
- Housing Diversity. The prices for these homes are estimated to be in the “mid \$300,000” range, but the petitioner has “offered to reduce the housing price to around \$250,000 for a limited number of homes.” See COA #2, which calls for the petitioner to continue to work “in a good faith effort to provide permanent affordable housing options in the development.”

### **Memo from the Environmental Commission**

The Memo from the Environmental Commission supported the concept of a CoHousing neighborhood, but noted that many of the “green benefits” of this proposal “seem[ed] exaggerated.”

### **Development Standards**

Please see the list of development standards which follow Ms. Lewis' Memo and establish the setback, height, occupancy, density, parking, impervious surface, landscaping, fence, and signage requirements for this PUD.

### **The Growth Policies Plan (GPP) / Comprehensive Plan (CP) ([linked](#))**

#### ***Congruence with and Departure from the GPP***

The memo to the Council notes that this PUD was established under the Growth Policies Plan (GPP) and is being amended under the recently approved Comprehensive Plan (CP) and, therefore, is subject to guidance from both long range plans. It identifies the site as an Urban Residential Land Use District under the current and previous plans, sets forth the key recommendations for those districts under each plan, puts this PUD in context with those recommendations, and then summarizes the Plan Commission's conclusions in regard to the PUD's congruence with those recommendations.

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<sup>16</sup> Please see the memo from the Bicycle and Pedestrian Safety Commission (found in the link to the Plan Commission materials) for more rationale for the need for connectivity at this site.

<sup>17</sup> Note that the Council Sidewalk Report recommended funds to design a sidewalk on the *west* side of South Maxwell north of this site.

Here are the relevant guidance on redevelopment for Urban Residential Land Use Districts under the:

- GPP:
  - “Develop sites for predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use patterns.”
  - “Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods as well as to commercial activity centers.”
  - “Ensure that each new neighborhood has a defined center or focal point. This center could include such elements as a small pocket park, formal square with landscaping, or a neighborhood serving land use.”
  - “Ensure that new common open space is truly usable and accessible. Provide linkages between such open space and other public spaces.”
  - “Provide for marginally higher development densities while ensuring the preservation of sensitive environmental features and taking into consideration infrastructure capacity as well as the relationship between the new development and adjacent existing neighborhoods.”
- And, CP:
  - “Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods and other 20-minute walking destinations.”
  - “Ensure that appropriate linkages to neighborhood destinations are provided.”
  - “Redevelopment or rehabilitation of existing structures, or new infill development of single lots or developments less than one acre, should complement the context of the surrounding land uses. Furthermore, single lots or small-scaled developments should not dominate or detract from the neighborhood context.”
  - “Support incentive programs that increase owner occupancy and affordability (including approaches promoting both permanent affordability and home ownership for all income levels).”

In conclusion, the Memo states:

The proposed PUD aligns with and takes into consideration many of the development goals of the City including compact urban design, infill development, green building practices and ideally the provision of housing opportunities for a diverse set of home buyers. One of the intentions behind a PUD is to “provide a public benefit that would not occur without deviation from the standards of the Unified Development Ordinance” (BMC 20.04.010).

As proposed, this development provides substantial benefits to the future home owners, the existing neighborhood and the public. By creating a development with consistent land uses and enhancing the available vehicular, bicycle, and pedestrian connections, the development provides benefits to the City and surrounding neighborhoods.

### ***Plan Commission Recommendation - Conditions of Approval***

After hearings in April and May, the Plan Commission gave this proposal a positive recommendation (by a vote of 7-0-0) and attached 14 Conditions of Approval (COA). Those COAs are quoted below (with parenthetical headings provided by the Council Office):

1. (Short Street Connection) “The Short Street connection shall include the following, a paved road adequate for fire, police and emergency access, plus a paved path adequate to serve both local users and east-west through traffic of pedestrians and bicyclists consistent with the 2008 Bicycle and Pedestrian Transportation & Greenways System Plan. This paved path shall be multi-use and clearly delineated and shall be separated adequately from vehicular traffic on Short Street with the specific route and the specific separation to be determined to staff’s satisfaction through continued negotiation between the petitioner and staff and with staff’s approval not to be unreasonably withheld.
2. (Housing Diversity) “The petitioner shall continue to work with the City in a good faith effort to provide permanent affordable housing options in the development.
3. (Recycling) “The petitioner will provide recycling for residents.
4. “The petitioner will work with the YMCA to make the proposed connection between the properties safe and accessible.
5. (Bicycle Parking) “The petitioner will provide a minimum of 6 bicycle parking spaces or determine an appropriate number by the time this project is heard by Council.
6. (Building Materials) “A list of proposed building materials shall be submitted with future building permits. Translucent Polycarbonate roof panels are not a permitted material.
7. (Signage) “The development shall be allowed one sign not to exceed 32 square feet in area and 6 feet in height.
8. (Encroachment on East Part of Short Street) Prior to the issuance of a grading permit, all items in the Short Street right-of-way shall receive an encroachment agreement from the Board of Public Works.
9. (Landscaping) “Current UDO landscaping requirements shall be required for this development, including parking lot landscaping and multi-family (RH) interior plantings.
10. (Landscaping Plan) “Prior to the issuance of a grading permit, a landscaping plan shall be approved by the Planning and Transportation Department.
11. (Fencing) “All fencing shall be limited to not more than 8 feet tall. All potential fencing locations shall be clearly indicated on the Final Plan.
12. (Single Family Occupancy) “Occupancy of each lot shall be limited to the Single Family definition of family, including not more than three (3) unrelated adults. This shall be indicated in the Bylaws of the development.
13. (Dedication of Right-of-Way) “Per BMC 20.04.080(g)(2)(B) the petitioner shall dedicate required right-of-way along Short Street and Maxwell Street within 180 days of approval by the City Council.
14. (Staff Level Final Plan Approval –If No Significant Changes) “If there are no significant changes, Final Plan review shall be conducted at staff level. If any significant changes are proposed, the Final Plan shall be reviewed by Plan Commission.

### ***Council Review***

The Council is required to vote on a PUD proposal within ninety days of certification by the Plan Commission. The matter was certified to the Council with a positive recommendation on May 22, 2018, making the deadline for Council action in mid-August. In instances when the Plan Commission gives a proposal a favorable recommendation, but the Council fails to act within the ninety-day window, the ordinance takes effect at the end of that period.

In reviewing a PUD proposal, the Council's review is guided by both local code and State statute. Both are reviewed below. In reviewing a PUD, Council must have a rational basis for its decision, but otherwise has wide discretion.

### ***Bloomington Municipal Code (BMC)***

BMC 20.04.080 directs that, in its review of a PUD, the Council shall consider as many of the following criteria as may be relevant to a specific PUD proposal.

- The extent to which the PUD meets the requirement of 20.04, Planned Unit Development Districts.
- The extent to which the proposed preliminary plan departs from the UDO provisions otherwise applicable to the property (including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.)
- The extent to which the PUD meets the purpose of the UDO, the GPP (now Comprehensive Plan), and other adopted planning policy documents.
- The physical design of the PUD and the extent to which it makes adequate provision for public services; provides adequate control over vehicular traffic; provides for and protects designated common open space; and furthers the amenities of light and air, recreation and visual enjoyment.
- Relationship and compatibility of the PUD to adjacent properties and neighborhood, and whether the PUD would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
- The desirability of the proposed preliminary plan to the city's physical development, tax base and economic well-being.
- The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
- The proposal preserves significant ecological, natural, historical and architectural resources.
- The proposal will not be injurious to the public health, safety, and general welfare.
- The proposal is an effective and unified treatment of the development possibilities on the PUD site.

Local code also provides that permitted uses in a PUD are subject to the discretion and approval of the Plan Commission and the Council. Permitted uses are determined in consideration of the GPP (now Comprehensive Plan), existing zoning, land uses contiguous to the area being rezoned and the development standards outlined in the UDO. BMC 20.04.020.

### *Indiana Code*

Indiana Code § 36-7-4-603 directs that the legislative body “shall pay reasonable regard” to the following:

- the comprehensive plan (the Growth Policies Plan);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; *and*
- responsible development and growth. (I.C. § 36-7-4-603)

Note that these are factors that a legislative body must *consider* when making a zone map change decisions. Nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors.<sup>18</sup>

When adopting or amending a PUD district ordinance, State law provides that the Council may adopt or reject the proposal and may exercise any powers provided under State law.

Those powers include:

- Imposing reasonable conditions;
- Conditioning issuance of an improvement location permit on the furnishing of a bond or a satisfactorily written assurance guaranteeing the timely completion of a proposed public improvement;
- Allowing or requiring the owner of real property to make written commitments (I.C. § 36-7-4-1512).

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<sup>18</sup> Notably, Indiana courts have made clear that municipalities have wide latitude in approving in PUDs and need not always comply with its comprehensive plan. Instead, comprehensive plans are guides to community development, rather than instruments of land-use control. *Borsuk v. Town of St. John*, 820 N.E. 2d 118 (2005).

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL  
REGULAR SESSION  
6:30 P.M., WEDNESDAY, JUNE 13, 2018  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** 30 May 2018 - Regular Session

**IV. REPORTS** (A maximum of 20 minutes is set aside for each part of this section.)

- 1. Councilmembers**
- 2. The Mayor and City Offices**
  - Annual Tax Abatement Report
- 3. Council Committees**
- 4. Public\***

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Resolution 18-12 – Waiving Current Payments in Lieu of Taxes (PILOT) by the Bloomington Housing Authority to the City

Committee of the Whole Recommendation: N/A

2. Resolution 18-09 – To Designate an Economic Revitalization Area, Approve the Statement of Benefits, and Authorize Periods of Abatement for Real Property Improvements - Re: Property Located at 1107 West 3rd Street and Identified by the Monroe County Parcel ID Number 53-08-05-200-044.000-009) (Milestone Ventures, LLC, Petitioner)

Committee of the Whole Recommendation: Do Pass: 6 - 0 - 1

3. Resolution 18-11 – Authorizing the Allocation of the Jack Hopkins Social Service Program Funds for the Year 2018 and Related Matters

Jack Hopkins Social Services Funding Committee Recommendation:

- Forwarding allocations to all agencies listed in Res 18-11, with the exception of the two applications submitted by the Shalom Community Center: 7 - 0 - 0
- Forwarding allocations for the two applications submitted by the Shalom Community Center: 6 - 0 - 0 (Granger abstaining)

**VII. LEGISLATION FOR FIRST READING:**

1. Ordinance 18-12 – To Amend Title 2 (Administration and Personnel) of the Bloomington Municipal Code – Re: Adding Chapter 2.86 (Prohibitions Associated with the Use of the Critical Incident Response Team Armored Rescue Vehicle)

2. Ordinance 18-13 – To Add a Residential Single Family (RS) Zoned Parcel and Make Other Amendments to a Planned Unit Development (PUD) District Ordinance and Approve the Associated Preliminary Plan - Re: 2005 S. Maxwell Street and 1280 & 1325 E. Short Street (Loren Wood Builders, Petitioner)

**VIII. ADDITIONAL PUBLIC COMMENT\*** (A maximum of 25 minutes is set aside for this section.)

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

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

\*\* Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call (812) 349 - 3409 or e-mail [council@bloomington.in.gov](mailto:council@bloomington.in.gov).



## MEMORANDUM

**To:** City of Bloomington Common Council  
**cc:** Dan Sherman, Larry Allen, Alex Crowley  
**From:** Brian Payne, Assistant Director, Economic & Sustainable Development  
**Date:** June 6, 2018  
**Re:** Tax Abatement Program, 2017 Annual Activity Summary

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Attached please find the 2017 Activity Summary of Tax Abatements authorized by the Common Council. The Economic Development Commission (EDC) accepted the activity report in their meeting on May 16, 2018, and recommended it be forwarded to the City of Bloomington Common Council. Staff and the EDC recommend a finding of substantial compliance for all projects in this report.

We look forward to presenting the details of active tax abatement projects to you on June 13, 2018, via the annual Tax Abatement Activity Report.

# Tax Abatement Annual Report

## *2017 Activity Summary*



### ***Presentations to:***

**Economic  
Development  
Commission**

*May 16, 2018*

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**Common Council**

*June 13, 2018*





# Activity Report

- I. Introduction
- II. Economic Impact
- III. Residential Projects
- IV. Mixed-Use Projects
- V. Commercial Projects
- VI. Projects in Progress
- VII. Expired Abatements



# Tax Abatements

- What is tax abatement?
  - Real and personal property
    - IC 6-1.1-12.1
  - Enterprise IT equipment
    - IC 6-1.1-10-44



## Tax Abatements

- Phase-in of new property taxes
  - All or part of **new** assessed value exempted from paying property tax
  - Reduction of tax liability on **added** assessed value (AV) only
- Terms from 1 to 10 years
  - Sliding scale from 100% to **no** exemption on the new AV;
  - Designating body may provide an “alternative deduction schedule” (IC 6-1.1-12.1-17)



# Tax Abatements

- Local economic development tool
  - City authorizes, County administers
- City of Bloomington General Standards
  - Evaluative criteria adopted 2010
    - Creation of full-time, permanent living-wage jobs
    - Creation of capital investment to enhance tax base (↑ AV)
    - Quality of Life and Environmental/Sustainability
    - Affordable Housing
    - Community Service
    - Community Character
- Bloomington Common Council requires an Economic Development Commission (EDC) recommendation



# Authorization Process

- **ESD Department**
  - Receives Application and Statement of Benefits (IN Form SB-1)
- **EDC recommendation**
  - Economic Revitalization Area
    - Economic Development Target Area, if appropriate
  - Abatement term and schedule
- **Common Council**
  - Designating resolution
  - Public hearing and confirmatory resolution
    - Or modifying/confirming or rescinding resolution



# Annual Reporting

- Compare estimated “benefits” to actual results
- Taxpayer submits annual Compliance form with Statement of Benefits form (IN Form CF-1)
  - Filed with County Auditor for deduction administration
  - Copied to City Clerk for reporting to Common Council
- Council has given ESD Department the responsibility to compile and report to EDC
  - EDC forwards final report to Council for any action



# Economic Impacts

Progress toward new real and personal property investment estimates

<b>Category</b>	<b>Proposed New Investment (SB-1)</b>	<b>Actual New Investment (CF-1)</b>
Commercial RE	\$ 20,000,000	\$ 20,800,000
Commercial PP	\$ 17,200,000	\$ 37,996,461
Mixed Use	\$ 13,800,000	\$ 14,900,000
Residential	\$ 100,000	\$ 100,000
<b>Total</b>	<b>\$ 52,100,000</b>	<b>\$ 73,796,461</b>



# Economic Impacts

Progress toward new jobs and salary estimates

<b>Proposed New Jobs</b>	<b>Proposed New Salaries</b>	<b>Actual New Jobs</b>	<b>Actual New Salaries</b>	<b>Total Jobs New and Retained</b>	<b>Total Salaries New and Retained</b>
205	\$ 9,570,920	728	\$51,214,349	854	\$53,165,338
<i>Average Proposed New Salary = \$46,687.41</i>		<i>Average Actual New Salary = \$70,349.38</i>		<i>Average Salary = \$62,254.49</i>	

Figures exclude temporary jobs and corresponding salaries from construction.

Excludes unknown salary information from some businesses leasing space in mixed-use developments, non-reported information and commissions/benefits.



# Economic Impacts

Original assessed values and current assessed values

Category	SB-1 Assessed Values (Before Project)	Current Assessed Values
Commercial RE + PP	\$ 82,100	\$ 24,671,482
Mixed Use	\$ 3,350,000	\$ 13,435,400
Residential	\$ 100,000	\$ 307,700
<b>Total</b>	<b>\$ 3,532,100</b>	<b>\$ 38,414,582</b>



*Department of Economic and Sustainable Development*



*Tax Abatement Report – 2017 Activity*

III. – Residential Development Projects





**B & L Rentals, LLC**  
**718, 720 & 722 W. Kirkwood**  
**Resolution: 03-22**

**Statement of Benefits**

**Type:** Real Estate Improvements  
**Length of Abatement:** 10 years

**Estimated New Investment:** \$100,000  
**Estimated New Employment:** N/A  
**Estimated New Salaries:** N/A

**Benefits:** Renovation of Queen Anne 2 story housing with 3 apartments in the West Kirkwood ERA.

**Compliance**

**Summary:** The project is complete.

**Actual New Investment:** \$100,000  
**Actual New Employment:** N/A  
**Actual New Salaries:** N/A

**Current Assessed Value:** \$315,950

**Remarks:** Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 9 of 10.



**Big O Properties, LLC**  
**338 South Walnut Street**  
**Resolution: 15-01**





**Big O Properties, LLC**  
**338 South Walnut Street**  
**Resolution: 15-01**

**Statement of Benefits**

**Type:** Real Estate Improvements  
**Length of Abatement:** 3 years

**Estimated New Investment:** \$2,300,000  
**Estimated New Employment:** N/A  
**Estimated New Salaries:** N/A

**Benefits:** Construction of a 3 story, mixed use building, 14,400 sq ft (1,663 sq ft commercial) and 14 residential units (four 2-BR, ten 1-BR).

**Compliance**

**Summary:** The project is complete.

**Actual New Investment:** \$2,300,000  
**Actual New Employment:** N/A  
**Actual New Salaries:** N/A  
**Current Assessed Value:** \$1,655,600

**Remarks:** Staff recommends a finding of substantial compliance with the Statement of Benefits.

This abatement is in year 3 of 3.

**Urban Station**  
**403 South Walnut St.**  
**Resolution: 16-12**





**Urban Station**  
**403 South Walnut St.**  
**Resolution: 16-12**

**Statement of Benefits**

**Type:** Real Estate Property Improvements

**Length of Abatement:** 10 years RE

**Estimated New Investment:** \$11,500,000

**Estimated Retained Employment:** 10

**Estimated New Job Created:** 5

**Estimated Retained Salaries:** \$400,000

**Estimated New Salaries:** \$115,000

**Benefits:** Construction of one new 4 story, mixed-use building with 7,000 sq ft of commercial space on 1<sup>st</sup> and one new 4 story residential building.

**Summary:** First City tax abatement project that includes Workforce Housing, including five 1BR and five 2BR units, with a duration of 99 years.

**Compliance**

**Summary:** Real estate improvements are complete.

**Actual New Investment:** \$12,600,000

**Actual retained Employment:** 10

**Actual New Employment:** 5

**Actual Retained Salary:** \$400,000

**Actual New Salaries:** \$115,000

**Current Assessed Value:** \$11,834,300

**Remarks:** Staff recommends a finding of substantial compliance with the Statement of Benefits. This Real Property abatement is in Year 1 of 10.



## Cook Pharmica d/b/a Catalent Biologics (2004)







## Cook Pharmica d/b/a Catalent Biologics

1300 S. Patterson Dr.

Resolution: 04-08

### Statement of Benefits

**Type:** Personal Property Improvements

**Length of Abatement:**

PP: 10 years

**Estimated New Investment:**

PP: \$17,200,000

**Estimated New Employment:** 200

**Estimated New Salaries:** \$9,455,920

**Benefits:** Renovation of “Building 2” at the Indiana Enterprise Center. This 430,000 sq ft building was built in 1965. Renovation of exterior and 100,000 sq. ft. of interior for use by a new company to develop and research in contract pharmaceuticals.

### Compliance

**Summary:** Real estate and equipment improvements are complete.

**Actual New Investment:**

PP: \$37,996,461

**Actual New Employment:** 716

**Actual New Salaries:** \$50,163,462

**Current Assessed Value:**

PP: \$15,198,582

**Remarks:** Staff recommends a finding of substantial compliance with the Statement of Benefits. The Real Property abatement has concluded. The Personal Property abatement is in Year 9 of 10 (expires FY18 pay FY19).

**Hoosier Energy**  
**2501 South Cooperative Way**  
**Resolution: 13-03**





**Hoosier Energy**  
**2501 South Cooperative Way**  
**Resolution: 13-03**

**Statement of Benefits**

**Type:** Real Estate Improvements  
**Length of Abatement:** 10 years

**Estimated New Investment:**  
\$20,000,000  
**Estimated Retained Employees:** 116  
**Estimated Retained Salaries:**  
\$11,118,764  
**Estimated New Employees:** 0  
**Estimated New Salaries:** 0

**Benefits:** Construction of a new multi-story, LEED-certified 80,000+ square foot headquarters building

**Compliance**

**Summary:** Real estate improvements are complete.

**Actual New Investment:**  
\$20,800,000  
**Actual Retained Employees:** 116  
**Actual Retained Salaries:** \$11,118,764  
**Actual New Employees:** 9  
**Actual New Salaries:** \$862,683  
**Current Assessed Value:** \$9,672,400

**Remarks:** Staff recommends a finding of substantial compliance with the Statement of Benefits.  
The abatement is in year 3 of 10.

**Woolery Mill Ventures, LLC**  
**Property at 2600 S. Kegg Rd**  
**Resolution: 04-01; 13-14**







## Res. 04-01; 13-14 - Woolery Ventures LLC

### Statement of Benefits

**Type:** Real Estate Improvements

**Length of Abatement:** 10 years

**Estimated New Investment:** \$6,000,000

**Estimated New Employment:** 45

**Estimated New Salaries:** \$1,183,104  
(FTE count x living wage)

**Benefits:** Renovation of an abandoned limestone mill into a mixed use facility (42 apts/condos, 55-room hotel, recreational amenities, event space) rehabilitated to the historic standards of the Secretary of Interior. Original estimated completion date was 6/30/2005.

Phase I includes site improvements and completion of event space.

### Compliance

**Summary:** Between 2004-2016, \$1M in infrastructure and aesthetic site improvements occurred; Phase I investment since then appears to be well in excess of \$6 million, but hasn't been assessed. Memorandum of Agreement has been executed - defines substantial compliance, requires Mill renovation project to begin by 12/31/18 (building permit). The MOA acknowledges complexity of project may require phased development, and this tax abatement would then apply to a first phase if so. MOA contains clawback provisions with regard to compliance reporting and substantial compliance requirements.

Woolery Ventures has obtained a building permit for Phase I (event space) and is scheduled to complete construction in Summer 2018.

**The Foundry**  
**304 West Kirkwood Ave.**  
**Resolution: 14-15**





**The Foundry**  
**304 West Kirkwood Ave**  
**Resolution: 14-15**

**Statement of Benefits**

**Type:** Real Estate and Personal Property Improvements

**Length of Abatement:** 5 years RE, 10 years PP

**Estimated New Investment RE:** \$11,500,000

**Estimated New Investment PP:** \$400,000

**Estimated Retained Employment:** 55

**Estimated New Job Created:** 12

**Estimated Retained Salaries:** \$3,637,099

**Estimated New Salaries:** \$825,000

**Benefits:** Construction of a new 4 story, mixed-use building with 12,640 sq ft of commercial space on 1<sup>st</sup> and 2<sup>nd</sup> floor.

**Summary:** Tax Abatement does not include top floor residential units

## Cook Pharmica d/b/a Catalent Biologics (2015)







**Cook Pharmica d/b/a Catalent Biologics**  
**1300 S. Patterson Dr.**  
**Resolution: 15-06**

**Statement of Benefits**

**Type:** Real Estate and Personal Property Improvements

**Length of Abatement:** 10 years PP

**Estimated New Investment RE:** \$27,500,000

**Estimated New Investment PP:** n/a

**Estimated Retained Employment:** 0

**Estimated New Job Created:** 70

**Estimated Retained Salaries:** n/a

**Estimated New Salaries:** \$3,200,000

**Benefits:** Investment in building improvements, machinery and equipment in order to expand its capacity to formulate, fill and finish (package) vials and syringes.

**Summary:** 70% personal property tax abatement for capital expenditure of approximately \$25.0 million before or within 1 year of Project completion date of April 30, 2017; employees to be paid at least Living Wage.

**Union at Crescent**  
**8 acres on N. Crescent Rd**  
**Resolution: 17-30**





**Union at Crescent**  
**8 acres on N. Crescent Rd**  
**Resolution: 17-30**

**Statement of Benefits**

**Type:** Real Estate Improvements

**Length of Abatement:** 10 years RE

**Estimated New Investment RE:** \$17,600,000

**Estimated New Job Created:** 5

**Estimated New Salaries:** \$135,200

**Benefits:** Construction of a new 146-unit, 5-story multi-family mixed affordable and market rate housing development. Current designs provide 245 bedrooms (67 one-bedroom units, 59 two-bedroom units, and 20 three-bedroom units) within four attached buildings.

**Summary:** No less than 70% of the units (102 units) will be allocated to households with incomes at or below 60% of the Area Median Income, and no less than 20% of the units will be Market Rate. The affordable housing commitment will be not less than 99 years: at least 70% of the units will be affordable for the first 30 years and at least 50% of the units (73 units) will be affordable in years 31-99.



VII. – Expired Abatements

# Abatements Expiring in 2016/2017/2018

**2016**

Cook Pharmica, LLC  
Real Property Tax Abatement  
*1300 S. Patterson Dr*  
Resolution: 04-08

**2017**

None

**2018**

Big O Properties, LLC  
Real Property Tax Abatement  
*338 S. Walnut St*  
Resolution: 15-01



**RESOLUTION 18-12**

**WAIVING CURRENT PAYMENTS IN LIEU OF TAXES  
BY THE BLOOMINGTON HOUSING AUTHORITY TO THE CITY**

WHEREAS, the Bloomington Housing Authority provides a public service to the Bloomington community by providing sanitary, safe and affordable housing for low income people; and

WHEREAS, according to I.C. 36-7-18-25, the Bloomington Housing Authority is exempt from all property taxes, but may enter into an agreement with a political subdivision to pay no more than the estimated costs of services, improvements, or facilities provided by that political subdivision; and

WHEREAS, on May 2, 1961, the Bloomington Housing Authority and City of Bloomington entered into a Cooperation Agreement under which the Bloomington Housing Authority agreed to make annual payments in lieu of taxation based upon the value of services established by Housing and Urban Development guidelines; and

WHEREAS, the City of Bloomington does not desire for the Bloomington Housing Authority to make these payments in lieu of taxes this year;

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

SECTION I. In consideration for the provision of services to its residents and property by the Bloomington Housing Authority, the City of Bloomington hereby waives its right to any and all payments in lieu of taxes for the year 2017.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
DOROTHY GRANGER, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

**SYNOPSIS**

This resolution waives the right of the City of Bloomington to receive payments in lieu of taxes from the Bloomington Housing Authority for the year 2017.

# Memo

**To:** Council Members  
**From:** Doris Sims, Director  
**CC:** Amber Skoby, BHA Director  
**Date:** May 15, 2018  
**Re:** BHA PILOT

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Resolution 18-12 is an annual request by the Bloomington Housing Authority to waive any payment in lieu of taxes (PILOT) as may be required of the entity. In 1961, the Bloomington Housing Authority entered into a cooperation agreement with the City of Bloomington, which was part of the creation of the Housing Authority. The cooperation agreement states, "Under the constitution and statutes of the State of Indiana, all Projects are exempt from all real and personal property taxes levied or imposed by the Taxing Body, as long as the project continues to serve low income citizens this rule applies."

This year, the BHA is requesting that the City forgive the \$33,934.80 Payment in Lieu of Taxes as computed on the attached form.



# Computation of Payments in Lieu of Taxes

## U.S. Department of Housing and Urban Development Office of Public and Indian Housing

For Fiscal Year Ended 2017

OMB Approval No. 2577-0026 (Exp. 10/31/2009)

Public reporting burden for the collection of information is estimated to average .4 hours. This includes the time for collecting, reviewing, and reporting the data. The information will be used for HUD to ascertain compliance with requirements of Section 6(D) of the U.S. Housing Act, which provides for PHA exemptions from real and personal property taxes, and inclusion in the formula data used to determine public housing operating subsidies. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

<b>Name of Local Agency:</b> Bloomington Housing Authority	<b>Location:</b> Bloomington, Indiana	<b>Contract Number:</b> C-0894	<b>Project Number:</b> IN022
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<b>Part I - Computation of Shelter Rent Charged.</b>			
1. Tenant Rental Revenue (FDS Line 703)	\$	<u>795,763.00</u>	
2. Tenant Revenue Other (FDS Line 704)		<u>72,264.00</u>	
3. <b>Total Rental Charged</b> (Lines 1 & 2)	\$		<u>868,027.00</u>
4. Utilities Expense (FDS Line 931 - 939)			<u>419,852.00</u>
5. Shelter Rent Charged (Line 3 minus Line 4)			<u>448,175.00</u>

<b>Part II - Computation of Shelter Rent Collected.</b> To be completed only if Cooperation Agreement provides for payment of PILOT on basis of Shelter Rent Collected.)			
1. Shelter Rent Charged (Line 5 of Part I, above)	\$		<u>448,175.00</u>
2. Add: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at beginning of fiscal year			<u>9,662.00</u>
3. Less: Tenant Bad Debt Expense (FDS Line 964)			<u>114,378.00</u>
4. Less: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at end of fiscal year			<u>4,111.00</u>
5. Shelter Rent Collected (Line 1 plus Line 2 minus Lines 3 & 4)			<u>339,348.00</u>

<b>Part III - Computation of Approximate Full Real Property Taxes.</b>			
(1) Taxing Districts	(2) Assessable Value	(3) Tax Rate	(4) Approximate Full Real Property Taxes

**Total** 0.00

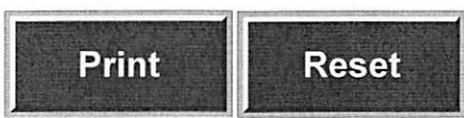
<b>Part IV - Limitation Based on Annual Contribution.</b> (To be completed if Cooperation Agreement limits PILOT to an amount by which real property taxes exceed 20% of annual contribution.)			
1. Approximate full real property taxes	\$		<u>0.00</u>
2. Accruing annual contribution for all projects under the contract	\$		
3. Prorata share of accruing annual contribution*			
4. 20% of accruing annual contribution (20% of Line 3)			<u>0.00</u>
5. Approximate full real property taxes less 20% of accruing annual contribution (Line 1 minus Line 4, if Line 4 exceeds Line 1, enter zero)	\$		

<b>Part V - Payments in Lieu of Taxes.</b>			
1. 10% of shelter rent (10% of Line 6 of Part I or 10% of Line 5 of Part II, whichever is applicable)**	\$		<u>33,934.80</u>
2. Payments in Lieu of Taxes (If Part IV is not applicable, enter the amount shown on Line 1, above, or the total in Part III, whichever is the lower. If Part IV is applicable, enter the amount shown on Line 1, above, or the amount shown on Line 5 of Part IV, whichever is lower.)	\$		<u>33,934.80</u>

\* Same as Line 2 if the statement includes all projects under the Annual Contributions Contract. If this statement does not include all projects under the Annual Contributions Contract, enter prorata share based upon the development cost of each project.  
 \*\* If the percentage specified in the Cooperation Agreement or the Annual Contributions Contract with HUD is lower, such lower percentage shall be used.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012: 31 U.S.C. 3729, 3802).

<b>Prepared By:</b> <i>Nika Alexander</i>	<b>Approved By:</b> <i>Amber Skoby</i>
<b>Name:</b> Nika Alexander	<b>Name:</b> Amber Skoby
<b>Title:</b> Director of Finance	<b>Title:</b> Executive Director
<b>Date:</b> <i>5/3/18</i>	<b>Date:</b> <i>5-3-2018</i>





**ORDINANCE 18-12**  
**TO AMEND TITLE 2 (ADMINISTRATION AND PERSONNEL)**  
**OF THE BLOOMINGTON MUNICIPAL CODE**

Re: Adding Chapter 2.86 (Prohibitions Associated with Use of the Critical Incident Response Team Armored Rescue Vehicle)

WHEREAS, in the interest of cultivating the Guardian mindset to community policing,<sup>1</sup> the Bloomington Police Department (BPD) has undergone extensive training in matters related to peaceful and responsive engagement with the community including, but not limited to, the following:

- De-escalation training
- Diversity training
- Implicit bias training
- Training in engaging with individuals with mental illness; and

WHEREAS, in the interest of cultivating the Guardian mindset to community policing, BPD has implemented a number of programs intended to engage closely with the community, prevent and remedy individual and social problems, and provide greater accountability:

- Since 2013, BPD has successfully operated the *Downtown Resource Officer* program, whereby dedicated officers work closely with those in need to link those suffering from social, economic, and health needs with the resources they need
- Since 2013, BPD has dedicated \$100,000 of its annual budget to support staffing at social services agencies such as the Shalom Community Center, Centerstone, and other agencies
- Since 2014, BPD has employed the regular use of body cameras

WHEREAS, BPD has implemented programs to engage in policing that is conducted *in partnership with our community, not to our community*, such as:

- *Coffee with a Cop*
- *National Night Out*
- *Banneker, Blue and You*
- *Citizens' Police Academy*
- *Teen Police Academy*
- *Police Explorer Group*
- *Neighborhood Resource Officer Program*
- *Cops in Schools*
- Safety Training for Children
- Involvement in the cross-jurisdictional Crisis Resolution Team involving overdoses
- Involvement in the Domestic Violence Task Force

WHEREAS, the Council finds that BPD's Guardian mindset to policing is responsible, equitable, and respectful and is the best model of true protection for our community; and

WHEREAS, on March 29, 2018, the Mayor announced his decision to move forward with the purchase of a Critical Incident Response Team vehicle ("CIRT Rescue Vehicle") for use by the Critical Incident Response Team ("CIRT"); and

WHEREAS, the CIRT is a cross-jurisdictional team of highly-trained law enforcement officers deployed only to handle especially hazardous police duties, such as conducting rescue operations in hostage situations, to address active shooter situations, to rescue injured persons in areas inaccessible to normal rescue operations, to dislodge barricaded suspects, and to complete high-risk warrant service; and

WHEREAS, the *Risk Assessment Matrix* issued by the Chief of Police and supported by the Board of Public Safety directs that the CIRT would be deployed to execute warrant service only in high-risk circumstances where there is an articulable threat to officers or citizens as a result of the actual use, or potential use, of firearms or other destructive devices; and

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<sup>1</sup> This approach fosters communication over commands, cooperation over compliance, legitimacy over authority, and patience and restraint over control, *See*, Seth Stoughton, *Law Enforcement's "Warrior" Problem*, 128 Harv. L. Rev. F. 225, 231 (2015).

## RESOLUTION 18-11

### AUTHORIZING THE ALLOCATION OF THE JACK HOPKINS SOCIAL SERVICES PROGRAM FUNDS FOR THE YEAR 2018 AND RELATED MATTERS

- WHEREAS, the Common Council established the Social Services Funding Committee (Committee) in 1993 to make recommendations to the entire Common Council and Mayor regarding the allocation of discretionary social services funds and, in 2002, named the program in the honor of Jack Hopkins, who was instrumental as a Council member in the establishment of this funding program; and
- WHEREAS, according to Resolution 02-16, as amended by Resolution 13-07, the Committee serves as a standing committee of the Council with five members from the Council assigned by the President of the Council; and
- WHEREAS, historically, the Committee has also included as many as two members “from other City entities” appointed by the President; however, the 2016 Committee recommended revising this eligibility standard such that members of the public serving on this Committee shall be “Two City of Bloomington residents with experience in social services;”
- WHEREAS, this year the Committee includes Council members Allison Chopra (Chair), Dorothy Granger, Isabel Piedmont-Smith, Andy Ruff, and Susan Sandberg along with Jennifer Crossley and Tim Mayer; and
- WHEREAS, this year’s funding for the Jack Hopkins Committee increased from \$295,000 to \$300,000; and
- WHEREAS, an additional \$14,554.78 in unused 2017 funds was made available through reversions; and
- WHEREAS, the Committee held an Organizational Meeting on February 26, 2018 to establish the Program procedures for the year; and
- WHEREAS, at that time, the Committee affirmed its policies which set forth and elaborated upon the following criteria for making their recommendations:
1. The program should address a previously identified priority for social services funds (as indicated in the *Service Community Assessment of Needs (SCAN)*, the City of Bloomington Housing and Neighborhood Development Department’s *Consolidated Plan*, or any other community-wide survey of social service needs); and
  2. The funds should provide a one-time investment that, through matching funds or other fiscal leveraging, makes a significant contribution to the program; and
  3. This investment in the program should lead to broad and long lasting benefits to the community; and
- WHEREAS, this affirmation included an amendment in 2012 that allowed agencies to submit a second application with one or more other local social services agencies as a collaborative project; and
- WHEREAS, this affirmation also included a change in 2016 that allowed agencies to submit requests for operational funding that did not meet one of the long-standing exceptions to the “one time funding requirement:” pilot projects, bridge funding, and collaborative projects; and
- WHEREAS, by the deadline at 4:00 p.m. on April 2, 2018, the Committee received 28 timely applications seeking approximately \$395,533 in funds; and
- WHEREAS, on April 23, 2018 the Committee met to discuss the applications, decided to hear from 25 applicants and raised questions to be addressed by the applicants at the presentation hearing, which was held on May 3, 2018; and
- WHEREAS, two agencies withdrew their applications before the presentation hearing occurred; and
- WHEREAS, in the days following the presentations, the members of the Committee evaluated proposals and assigned each proposal a recommended allocation; and
- WHEREAS, on May 21, 2018, the Committee met for a pre-allocation meeting and adopted a preliminary recommendation to fund 23 applications and these recommendations were adopted by the Committee at its Allocation Hearing on May 24, 2018; and

WHEREAS, all the foregoing meetings were open to the public to attend, observe and record what transpired, and a period of public comment was offered before a vote on the recommendations was taken; and

WHEREAS, funding agreements have been executed by the 23 agencies recommended to receive funds, and those agencies understand and agree to abide by the terms of those agreements; and

WHEREAS, the staff of the HAND department will arrange for the disbursement of the grant funds pursuant to the funding agreements, which will be interpreted by the Chair of the Committee;

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

SECTION 1. The Common Council now allocates three hundred twelve thousand eight hundred seventy-four dollars (\$312,874) set aside for the Jack Hopkins Social Services Funding program in 2018 to the following agencies for the following amounts and in accordance with the funding agreements approved in Section 2:

<u>Agency</u>	<u>Grant</u>	<u>Purpose</u>
Amethyst House	\$16,758.00	To purchase a water heater, treatment resources, furniture and paint for the therapeutic space at the Men's House
Boys & Girls Club of Bloomington	\$27,000.00	To purchase bleachers, tables, cubicles, stools, and chairs for the Lincoln Street Unit
Catholic Charities Bloomington	\$13,000.00	To fund the Trauma-Informed Care Program.
Center for Sustainable Living	\$3,000.00	To fund the cost of the sewer connection permit. This grant is contingent upon The Center for Sustainable Living finalizing the trust and ownership disposition of the property located at 611 W. 12th Street by October 30, 2018.
Community Justice and Mediation Center	\$9,493.00	To fund a part-time Project Manager for the "Mediation Matters" Pilot program
Community Kitchen	\$8,860.00	To purchase a double convection oven for use at 1515 S. Rogers Street.
Girls INC, Monroe County.	\$13,463.00	To repair three vehicles in the bus fleet.
Hoosier Hills Food Bank	\$30,000.00	To purchase a new van to convert into an insulated refrigerated van.
Hoosiers Feeding the Hungry	\$2,700.00	To fund meat processing for meat distribution to City of Bloomington residents.
Indiana Recovery Alliance	\$16,953.00	To supplement salary and to purchase Naloxone, a printer, a laptop, printer ink, folding chairs, tables, syringe disposal units, safety vests, safety gloves, trash pickers, and portable outreach containers for harm-reduction services
Interfaith Winter Shelter (Fiscal Agent: First Presbyterian Church)	\$1,500.00	To purchase metal shelving for guest belongings at Wheeler Mission
Middle Way House	\$11,000.00	To redesign Middle Way's "technology closet" through 1) environmental stabilization via improved HVAC and other means and 2) redesigning and repositioning telecom/networking equipment.
Monroe County CASA	\$7,768.00	To purchase laptops, printer, projector and pay for information technology support.

Monroe County United Ministries	\$14,014.00	To pay for a consultant to design and build a new database for the Self-Sufficiency Center and to train staff on use; to purchase system upgrades to computers; and, to pay for salary costs of additional Compass Early Learning Center staff hours, said staff hours having been incurred in January of 2018.
Mother Hubbard's Cupboard	\$7,017.00	To purchase a refrigerator, a refrigerated display case, a display freezer, and related equipment.
My Sister's Closet	\$9,490.00	To fund the staff and technology needs associated with the Ready-2-Work program
New Hope Family Shelter	\$25,000.00	To fund the purchase of an eight-passenger vehicle and to pay for related costs.
New Leaf – New Life	\$11,229.00	To purchase supplies associated with New Leaf-New Life's Jail Program; to fund costs associated with the Transition Support Center, including Workforce Communications Support; to purchase work footwear; and, to purchase first week re-entry kits and backpacks of supplies
Shalom Center	\$13,740.00	To replace the phone system at Shalom Community Center and add phones at Friend's Place.
Shalom Center & LIFE Designs Collaborative	\$10,800.00	To purchase bus tickets, apartment kits, hygiene pantry supplies, prescriptions, over-the counter medication and to pay for staff mileage and life skills training for the Crawford Homes II Housing First program.
Susie's Place	\$9,089.00	To pay for a laptop computer, a wireless communication system, Tech Soup software, and a Jamboard.
Volunteers in Medicine	\$26,000.00	To pay for diagnostic labs and imaging.
Wheeler Mission	\$25,000.00	To purchase bunk beds, mattresses, and privacy screens for use at 215 South Westplex Avenue.

SECTION 2. The Council approves the funding agreements for these allocations, copies of which are kept in the Council Office and HAND department files, and directs the Office of the Controller to issue checks in the ordinary course of business to the agency once the staff of the Housing and Neighborhood Development Department submit a copy of the signed agreement and the appropriate purchase orders.

SECTION 3. The Council authorizes the Chair of the Jack Hopkins Social Services Funding Committee to resolve any questions regarding the implementation of the 2018 funding agreements.

SECTION 4. The Council also approves the *Report* of this Standing Committee of the Common Council, which is comprised of the relevant portions of the packet memo and the related packet-materials.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, Vice President  
Bloomington Common Council

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

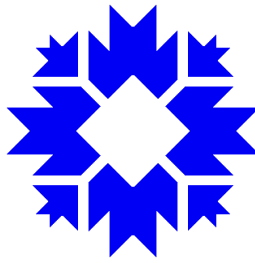
\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

## SYNOPSIS

This resolution brings forward the recommendations of the 2018 Jack Hopkins Social Services Funding Program Committee. The principal task of the Committee is to recommend funding for local social services agency proposals that best meet Program criteria and best meet the needs of the community. This resolution allocates a total of \$312,874 to 23 different agency programs. The resolution also: approves the funding agreements with these agencies; accepts the report of the Committee; and, authorizes the Chair of the Committee to resolve any questions regarding the interpretation of the agreements.



## City of Bloomington Common Council Jack Hopkins Social Services Funding Committee

05 March 2018

Dear Social Services Agency:

The City of Bloomington Common Council's Jack Hopkins Social Services Funding Committee invites social services agencies serving the needs of City of Bloomington residents to apply for 2018 grant funding. This year, the Committee has \$300,000 (plus reverted funds) to distribute. Each year, the Mayor and City Council have increased funding for the Jack Hopkins initiative. Indeed, since 1993, the Jack Hopkins Committee has granted approximately \$3.8 million to social service agencies who serve our community's most vulnerable residents.

As funding for the Jack Hopkins program has steadily increased over the last twenty years, so too has our responsibility to be good stewards of this fund – a fund enabled by local taxpayer dollars. As stewards of these dollars, we strive to fund projects that have the potential for lasting change -- projects that will improve the human condition of Bloomington residents in the long run. Please be advised that, depending on the strength of the applicant pool, the Committee may not distribute all of its available funding.

To be eligible for consideration, any proposal must meet the following criteria:

- 1) Address a previously-identified priority for social services funding.**  
The need should be documented in the [Service Community Assessment of Needs \(SCAN\)](#), City of Bloomington, Housing and Neighborhood Development Department's [2015-2019 Consolidated Plan](#), or any other community-wide survey of social service needs. High funding priorities include emergency services (food, shelter or healthcare) or other support services to City residents who are: low-moderate income, under 18-years old, elderly, affected with a disability, or are otherwise disadvantaged.

**2) Function as a one-time investment.**

Hopkins grants are intended to be a one-time investment. This restriction is meant to encourage innovative projects and to allow the funds to address changing community circumstances. While the Committee may provide operational funding for pilot, bridge efforts, and collaborative initiatives, an agency should not expect to receive or rely on the Hopkins fund for on-going costs (e.g., personnel) from year to year.

Please note that the Committee recognizes the growing need for operational funds that do not fit one of the aforementioned exceptions. For that reason, this year -- in addition to accepting applications for operational funds for pilot, bridge, or collaborative programs -- the Committee is again accepting applications for operational funds that *do not* meet one of the exceptions to the one-time funding rule. However, know that preference will still be given to initiatives that are one-time investments. Know further that this new allowance is specific to the 2018 funding cycle; the Committee may not offer this allowance in 2019. Applicants should be advised that, as always, **funding of any project or initiative this year does not guarantee funding in future years.**

*As always, any request for operational funds must be accompanied by a well-developed plan for future funding.*

**3) Leverage matching funds or other fiscal mechanisms.**

Other fiscal mechanisms might include things like number of volunteers or volunteer hours devoted to the proposed project, working in partnership with another agency, and/or other in-kind donations.

**4) Make a broad and long-lasting contribution to our community.**

As articulated by Jack Hopkins, the co-founder of this program: “[P]riority should be given to projects or programs where investments now will have a positive, long-term spillover effect (such as reduced susceptibility to...diseases, decreased absences from school, reducing lost time from work, [alleviating the effects of poverty]...etc.)” Historically, this criterion has excluded funding events or celebrations.

## **COLLABORATION – TWO APPLICATIONS ALLOWED**

The Committee continues to accept applications for collaborative projects that address community-wide social problems and more efficiently meet the needs of social service agencies and agency clients. Note that if you are submitting a collaborative application, you may submit two applications – an individual application on behalf of your agency and another as part of your collaborative proposal. If submitting an application for a collaborative project, note that applicants must submit a MOU as part of their application.

## **ELABORATION OF CRITERIA**

Over time, the Committee has refined each criterion. A detailed explanation of criteria is provided in the Committee’s *Elaboration of Criteria*, posted on the Committee’s webpage. <http://bloomington.in.gov/jack-hopkins>. Agencies are strongly encouraged to review this document.

## **OTHER REQUIREMENTS**

In addition to satisfying the Jack Hopkins criteria, to be eligible for funding an application must meet the following requirements:

- Hopkins funds are intended to be put to work in the community as soon as possible. For that reason, the Committee requests that funded agencies submit their last claim for reimbursement no later than December 3, 2018.
- The program for which funding is sought must primarily benefit City residents.
- The application must request a minimum of \$1,000.
- The applicant must be a 501(c)(3) (or be sponsored by one). In the event the applicant is not a 501(c)(3) but is sponsored by one, the sponsoring agency must provide a letter acknowledging its fiscal relationship to the applicant.
- One application per agency, unless participating in a collaborative project.

## **HOW TO APPLY**

To be eligible for consideration, your agency must submit the following:

- ✓ COMPLETED APPLICATION FORM. We encourage applicants to submit their applications in electronic form. Electronic forms are available at: <http://bloomington.in.gov/jack-hopkins>. Agencies may still submit applications in hard copy form.
- ✓ PROJECT BUDGET DETAILING THE USE OF HOPKINS FUNDS
- ✓ A YEAR-END FINANCIAL STATEMENT including fund balances, total revenue and expenditures
- ✓ SIGNED, WRITTEN ESTIMATES for any agencies seeking funding for capital improvements
- ✓ A MEMORANDUM OF UNDERSTANDING signed by all agencies participating in an application for a Collaborative Project

## **APPLICATION DEADLINE**

**MONDAY, 02 APRIL 2018, 4:00 PM**

Submit a complete application *via*

E-mail [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

OR

Hand or USPS delivery to the Council Office (Suite 110, 401 N. Morton)

*If submitting your application via e-mail, you must call the Council Office (349-3409) to confirm receipt of your application.*

**No late applications accepted.**



## REMINDERS

**Narrative Requirement Eliminated:** Last year, the Committee eliminated the 2-page narrative requirement. Instead, the application form now includes a field at the end of the document that invites agencies to provide additional information the Committee may find useful. Any information provided in this field should supplement, not repeat, information the applicant has otherwise provided.

**Outcome Data for Agencies Granted Operational Funds:** For agencies granted operational funds this year, the Committee is asking that the agency provide outcome data at two points: at the end of 2018 and again by March 1 of the following year. For those granted operational funds, this will be solemnized in the *Funding Agreement*.

## LIVING WAGE REQUIREMENTS:

Starting in 2008, some not-for-profit agencies receiving Jack Hopkins Funds were required to begin the phase-in period of their living wage obligation as defined in the City's *Bloomington Municipal Code* §2.28. For 2018, the Living Wage is \$12.64 per hour. An agency is subject to the Living Wage Ordinance, **only if all three** of the following are true:

- 1) the agency has at least **15 employees**; *and*
- 2) the agency **receives \$25,000 or more** in assistance from the City **in the same calendar year**; *and*
- 3) at least \$25,000 of the funds received are for the **operation of a social services program**, not for physical improvements.

An agency who meets all three criteria is not obligated to pay the full amount of the living wage in the first two years they received assistance from the City, instead they are subject to a phase-in requirement. Please visit [Living Wage FAQs for Non-Profits](#) to learn more.



## HELPFUL HINTS

- **Attend the Technical Assistance Meeting.** While attendance at the Technical Assistance Meeting is not required, it is strongly encouraged -- particularly for new applicants and for those agencies whose applications have not been successful in the past. The Technical Assistance Meeting on Tuesday, 13 March 2018, 4:00 pm in the McCloskey Room (#135).
- **Read the [Elaboration of Criteria](#)** as posted on the [Committee's webpage](#). This document provides further explanation of the Committee's funding criteria. Agencies whose proposals are not successful sometimes fail because the proposal runs afoul of a rule in this document.
- **Keep your application clear and concise.** Remember, in some years, Committee members have had as many as 50 applications to review.
- **Applications should be self-explanatory and self-contained** (i.e., no need for staff follow up; no addenda submitted post deadline)
- **Review an example of [a well-written application](#)** as posted on the Committee's webpage.
- **Peruse other successful applications** as posted on the [Committee's webpage](#).
- Questions? Contact us at 812.349.3409 or [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

## 2018 JACK HOPKINS SOCIAL SERVICES FUNDING SCHEDULE

Technical Assistance Meeting (attendance optional)	Tuesday, 13 March 2018, 4:00 pm McCloskey Room (#135)
<b>APPLICATION DEADLINE</b>	<b>MONDAY, 02 APRIL 2018, 4:00 PM</b>
Invited Agencies Present Applications <i>* Failure to attend this meeting may be grounds for the elimination your proposal from further consideration.</i>	Thursday, 03 May 2018, 5:30 pm Council Chambers (#115)
Committee Recommends Allocation of Funds (attendance optional)	Thursday, 24 May 2018, 5:00 pm Council Chambers (#115)
Agencies to Sign Funding Agreements	early June 2018
Common Council Acts on Committee Recommendations (attendance optional)	Wednesday, 13 June 2018
HAND Technical Assistance Meeting Regarding Claims & Reimbursements	Tuesday, 19 June 2018, 8:30 am McCloskey Room (#135)

### ABOUT THE JACK HOPKINS COMMITTEE

The Committee is composed of five members of the Bloomington Common Council and two City residents with experience in social services. Councilmembers serving are: Allison Chopra (Chair), Dorothy Granger, Isabel Piedmont-Smith, Andy Ruff, and Susan Sandberg. Jennifer Crossley and Tim Mayer also serve on this year's Committee.

### HELP WITH APPLICATIONS

The application process is designed to be simple. However, if you have any questions, please don't hesitate to give us a call. You can contact Dan Sherman or Stacy Jane Rhoads in the Council Office at 349-3409. Dan Niederman in the Housing and Neighborhood Development Department is also happy to help; Dan can be reached at 349-3512.

***Thank you for all you do to make our community a better place!***

Sincerely,

/s/ Allison M. Chopra

Allison M. Chopra, Chair  
2018 Jack Hopkins Social Services Funding Committee  
City of Bloomington Common Council



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

**Jack Hopkins Social Services Funding Program**

**Elaboration of the Three Criteria for Evaluating and Awarding  
Grants and Other Policies**

(updated: February 2014)

Elaboration of Three Funding Criteria

In 1993 Jack Hopkins wrote a letter to the Committee outlining a set of criteria for the use of these social services funds. Aside from referring to a more recent community-wide survey, those criteria have served as the basis for allocating the funds ever since. The following is an elaboration of those criteria which has been approved by the Committee.

- 1. The program should address a previously-identified priority for social services funds (as indicated in the *Service Community Assessment of Needs (SCAN)*, the *City of Bloomington Housing and Neighborhood Development Department's 2010-2014 Consolidated Plan* or any other community-wide survey of social service needs);**

**“priority for social services funds”**

*The Common Council has used these funds for programs that provide food, housing, healthcare, or other services to city residents who are of low or moderate income, under 18-years of age, elderly, affected with a disability, or otherwise disadvantaged.*

*City Residency - Programs must primarily serve City residents. Individual programs have occasionally been located outside of the City but, in that case, these funds have never been used for capital projects (e.g. construction, renovation, or improvement of buildings).*

*Low income - Programs primarily serving low-income populations are given a high priority.*

*Emergency Services – Programs primarily providing emergency services (e.g. food, housing, and medical services) will be given a high priority.*

**2. The funds should provide a one-time investment that, through matching funds or other fiscal leveraging, make a significant contribution to the program; and**

**a. “one-time Investment”**

*This restriction is intended to encourage innovative projects and to allow the funds to address changing circumstances. To make funds available for those purposes, this restriction discourages agencies from relying on these funds from year to year and from using these funds to cover on-going (or operational) costs, particularly those relating to personnel.*

*Ongoing or Operational Costs*

*These costs are recurring rather than non-recurring costs. Recurring costs typically include outlays for personnel, rent, utilities, maintenance, supplies, client services, and other like ongoing budget items. Non-recurring costs typically include outlays for capital improvements and equipment.*

*Exceptions*

*While ongoing or operational costs are not generally considered a “one time investment,” they will be eligible for funding in three circumstances:*

- first, when an agency is proposing start-up funds or a pilot project and demonstrates a well developed plan for funding in future years which is independent of this funding source;*
- second, when an agency demonstrates that an existing program has suffered a significant loss of funding and requires “bridge” funds in order to continue for the current year; or*
- Third, when agencies seek funds as a Collaboration Project (see below)*

*Elaboration*

*Renovation versus Maintenance*

*Costs associated with the renovation of a facility are an appropriate use of these funds, while the costs associated with the maintenance of a facility are considered part of the operational costs of the program and, when eligible, will be given low priority. When distinguishing between these two kinds of outlays, the Committee will consider such factors as whether this use of funds were the result of unforeseen circumstance or will result in an expansion of services.*

*Conferences and Travel*

*Costs associated with travel or attending a conference will generally be considered as an operating cost which, when eligible, will be given low priority.*

*Computer Equipment*

*Generally the costs associated with the purchase, installation, and maintenance of personal computers and related equipment will be considered an operational cost and, when eligible, be given low priority. However, the costs associated with system-wide improvements for information and communication technologies, or for specialized equipment may be considered a one-time investment.*

*Scholarships and Vouchers*

*Scholarships and vouchers allowing persons to participate in a program are generally considered as an operational cost.*

**b. “through matching funds or other fiscal leveraging, make a significant contribution to the program”**

*In the words of Jack Hopkins, who originally proposed these criteria, investments “should be leveraged wherever possible by matching from other sources.” Agencies may demonstrate such leveraging by using matching funds, working in partnership with other agencies, or other means.*

*Applications from City Agencies and Other Property Tax Based Entities*

*Over the years the Council has not funded applications submitted by city departments. This is based on the theory that the departments have other, more appropriate avenues for requesting funds and should not compete against other agencies, which do not have the benefit of city resources at their disposal. Except on rare occasions, the Council has not directly or indirectly funded agencies that have the power to levy property taxes or whose primary revenues derive from property taxes.*

3. This investment in the program should lead to broad and long lasting benefits to the community.

**“broad and long-lasting benefits to the community”**

*Again, in the words of Jack Hopkins, “priority should be given to projects or programs where investments now will have a positive, long-term spillover effect (such as reduced susceptibility to ...diseases, decreased absences from school, reducing lost time (from work) ..., etc).*

*Funding of Events and Celebrations Discouraged*

*Historically the Council has not funded applications that promote or implement events or celebrations. It appears that this is based upon the conclusion that these occasions do not engender the broad and long-lasting effects required by this third criterion.*

## **Collaborative Projects**

The Committee wishes to encourage social services agencies to collaborate in order to solve common problems and better address local social services needs. To serve these ends, the Committee will allow agencies to submit an application for funding as a Collaborative Project in addition to submitting a standard application. Applicants pursuing such funding should:

- declare that they are seeking funds as a Collaborative Project and describe the project;
- describe each agency’s mission, operations, and services, and how they do or will complement one another;
- describe the existing relationships between the agencies and how the level of communication and coordination will change as a result of the project;
- identify challenges to the collaboration and set forth steps that address the greatest challenges to its success;

- also address the following standard criteria and how, in particular, the collaborative project:
  - serves a previously-recognized community need,
  - achieves any fiscal leveraging or efficiencies, and
  - provides broad and long lasting benefits to the community.
- Complete a Memorandum of Understanding signed by authorized representatives of collaborating agencies and detailing the allocation of duties between the two agencies.

## Other Policies and the Reasons for Them

### **Agency acting as fiscal agent must have 501(c) (3) status**

The agency which acts as the fiscal agent for the grant must be incorporated as a 501(c)(3) corporation. This policy is intended to assure that grant funds go to organizations: 1) with boards who are legally accountable for implementing the funding agreements; and 2) with the capability of raising matching funds which is an indicator of the long-term viability of the agency. Given its mission, the presence of a board, and its general viability, an exception has historically been made for the Bloomington Housing Authority.

### **One application per agency – Exception for Collaborative Projects**

Except as noted below, each agency is limited to one application. This policy is intended to: 1) spread these funds among more agencies; 2) assure the suitability and quality of applications by having the agency focus and risk their efforts on one application at a time; and 3) lower the administrative burden by reducing the number of applications of marginal value. As noted above, an exception to this rule applies to agencies which submit an application as a Collaborative Project. Those agencies may also submit one other application that addresses the standard criteria.

### **\$1,000 Minimum Dollar Amount for Request**

This is a competitive funding program involving many hours on the part of staff and the committee members deliberating upon and monitoring proposals. The \$1,000 minimum amount was chosen as a good balance between the work expended and the benefits gained from awarding these small grants.

### **Funding Agreement – Reimbursement of Funds –Expenditure Before End-of-the-Year**

The Housing and Neighborhood Development (HAND) Department has been monitoring the funding agreements since 2001. In order to be consistent with the practices it employs in monitoring CDBG and other funding programs, the funding agreements provide for a reimbursement of funds. Rather than receiving the funds before performing the work, agencies either perform the work and seek reimbursement, or enter into the obligation and submit a request for the city to pay for it.

And, in order to avoid having the City unnecessarily encumber funds, agencies should plan to expend and verify these grants before December of the year the grants were awarded, unless specifically approved in the funding agreement. Please note that funds encumbered from one calendar year to the next cannot be reimbursed by use of the City's credit cards.

**2018 JACK HOPKINS SOCIAL SERVICES FUNDING COMMITTEE  
RECOMMENDED ALLOCATIONS  
(Approved in Two Parts)**

**Part I**

AGENCY	RECOMMENDED ALLOCATION
<b>Shalom Center</b> – <i>To replace the phone systems at Shalom Community Center and Friend's Place</i>	<b>\$13,740.00</b>
<b>Shalom Center&amp; LIFE Designs Collaborative</b> -- <i>To fund supplies and items of support for the Crawford Homes II Housing First program</i>	<b>\$10,800.00</b>

**Part II**

AGENCY	RECOMMENDED ALLOCATION
<b>Amethyst House</b> – <i>To purchase a water heater, treatment resources, furniture and to renovate therapeutic space at the Men's House</i>	<b>\$16,758.00</b>
<b>Boys and Girls Club of Bloomington</b> – <i>To purchase furnishings for Lincoln Street Unit.</i>	<b>\$27,000.00</b>
<b>Catholic Charities Bloomington</b> – <i>To fund Trauma-Informed Care Program.</i>	<b>\$13,000.00</b>
<b>Center For Sustainable Living</b> – <i>To fund the cost of the sewer connection permit contingent upon finalizing the trust/ownership of the property by 30 October 2018</i>	<b>\$3,000.00</b>
<b>Community Justice and Mediation Center</b> – <i>To fund "Mediation Matters" Pilot program.</i>	<b>\$9,493.00</b>
<b>Community Kitchen</b> – <i>To purchase a double convection oven.</i>	<b>\$8,860.00</b>
<b>Girls INC, Monroe County</b> - <i>To repair bus fleet.</i>	<b>\$13,463.00</b>
<b>Hoosier Hills Food Bank</b> – <i>To purchase insulated refrigerator van.</i>	<b>\$30,000.00</b>
<b>Hoosiers Feeding the Hungry</b> – <i>To fund meat processing.</i>	<b>\$2,700.00</b>
<b>Indiana Recovery Alliance</b> – <i>To purchase Naloxone, supplement salary, purchase furnishings and disposal of items for harm reduction services.</i>	<b>\$16,953.00</b>
<b>Interfaith Winter Shelter</b> -- <i>To purchase metal shelving for guest belongings at Wheeler Mission</i>	<b>\$1,500.00</b>
<b>Middle Way House</b> – <i>To redesign Middle Way's "technology closet."</i>	<b>\$11,000.00</b>
<b>Monroe County CASA</b> – <i>To purchase additional work stations, to update equipment, and to purchase a projector.</i>	<b>\$7,768.00</b>
<b>MCUM</b> – <i>To purchase equipment upgrades and provide for earlier-incurred additional staffing needs for Compass Early Learning Center.</i>	<b>\$14,014.00</b>
<b>Mother Hubbard's Cupboard</b> – <i>To purchase a refrigerator, a refrigerated display case, a freezer, and related equipment</i>	<b>\$7,017.00</b>
<b>My Sister's Closet</b> – <i>To fund the staff and technology needs associated with the Ready-2-Work program; however, funds are not granted for the purchase of "supplies and material" (\$2,000) as requested .</i>	<b>\$9,490.00</b>
<b>New Hope Family Shelter</b> – <i>To fund the purchase an eight-passenger vehicle and related costs.</i>	<b>\$25,000.00</b>
<b>New Leaf - New Life</b> -- <i>To purchase material associated with New Leaf-New Life's Jail Program and Transition Support Center.</i>	<b>\$11,229.00</b>
<b>Susie's Place</b> – <i>To pay for technology upgrades.</i>	<b>\$9,089.00</b>
<b>Volunteers in Medicine</b> -- <i>To pay for diagnostic labs and imaging.</i>	<b>\$26,000.00</b>
<b>Wheeler Mission</b> -- <i>To purchase bunk beds, mattresses, and privacy screens</i>	<b>\$25,000.00</b>

<b>GRAND TOTAL</b>	<b>\$312,874.00</b>
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FUNDING AGREEMENT  
CITY OF BLOOMINGTON - JACK HOPKINS  
SOCIAL SERVICES PROGRAM

«Organization»

This Agreement entered into in June 2018 by and between the City of Bloomington, Indiana hereinafter referred to as the "City," and «Organization», hereinafter referred to as the "Agency," provides for the following:

- Whereas, the Jack Hopkins Social Services Program Funding Committee (Committee) reviewed Agency applications, heard their presentations, and made funding recommendations to the Common Council;
- Whereas, the Common Council adopted Resolution 18-11 which provided funding to this Agency in the amount and for the purposes set forth in Sections I and III of this Agreement;
- Whereas, the resolution also delegated the duty of interpreting the Funding Agreement for the City to the Chair of the Committee; and
- Whereas, in interpreting the Agreement, the Chair may consider the purposes of the program, the application and comments by Agency representatives, and statements made by decision-makers during deliberations.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

I. USE OF FUNDS

These funds are intended to serve vulnerable City residents. Agency agrees to use Agreement funds as follows:

«Project\_Description»

II. TIME OF PERFORMANCE

The last claim for expenses under this Agreement must be filed no later than December 3, 2018. Requests for extensions must be submitted to the City's Housing and Neighborhood Development Director no later than November 16, 2018. Such request must be submitted in writing. The Director may extend the deadline no later than March 29, 2019.



### III. PAYMENT PROCEDURES

It is expressly agreed and understood that the total amount to be paid by the City under this Agreement shall not exceed «Received». Claims for the payment of eligible expenses shall be made against the items specified in Section I, Use of Funds.

The Agency will submit to the City a claim voucher pursuant to City's claim procedures and deadlines for the expenditures corresponding to the agreed upon use of funds outlined above. Along with the claim voucher, the Agency will submit documentation satisfactory to the City, at the City's sole discretion, showing the Agency's expenditures.

### IV. ADMINISTRATIVE REQUIREMENTS

#### A. Accounting Procedures

The Agency agrees to use generally accepted accounting procedures and to provide for:

- (1) Accurate, current, and complete disclosure of the financial component of its activities;
- (2) Records which identify adequately the source and application of funds for City supported activities;
- (3) Effective control over and accountability for all funds, property, and other assets;
- (4) Adequate safeguarding of all such assets and assurance that they are used solely for authorized purposes;
- (5) The City to conduct monitoring activities as it deems reasonably necessary to insure compliance with this Agreement; and
- (6) Return of the funds received under this Agreement that the City determines were not expended in compliance with its terms.

#### B. Access to Records

The Agency agrees that it will give the City, through any authorized representative, access to, and the right to examine, all records, books, papers or documents related to the funding provided by this Agreement, for the purpose of making surveys, audits, examinations, excerpts, and transcripts.

#### C. Retention of Records

The Agency agrees that it will retain financial records, supporting documents, statistical records, and all other records pertinent to the funding provided to the Agency for a period of three years from the termination of this Agreement pursuant to Section VII or VIII.

D. Reporting Requirement

The Agency agrees to provide a report describing the Agency's use of Jack Hopkins Social Services funds. The report shall include, but not be limited to: 1) the amount the agency was awarded; 2) a general description of the project; 3) results of the project as measured by the project's outcome indicators; 4) population served by the program; 5) community benefits of the project; 6) a digital photograph depicting the Hopkins-funded project and 7) copies of any written material for the project giving the Jack Hopkins Social Services Funding Committee credit as required by V(G) below. Please report the results of your project clearly, concisely and honestly. Please report both successes and challenges. The report shall not exceed 500 words and shall be submitted in Word format. The report shall be sent to the Housing and Neighborhood Development department no later than the date of Agency's last claim submission. Unless otherwise provided pursuant to Section II, no report shall be submitted any later than December 3, 2018.

Agencies who receive operational funding under this Agreement shall submit two reports: one due by December 3, 2018 as described above, and another providing an update on the project's outcome indicators, due March 1, 2019. Operational costs are those that are recurring and include outlays for personnel, rent, utilities, maintenance, supplies, client services, and other like ongoing budget items.

V. GENERAL CONDITIONS

A. General Compliance

Agency agrees to comply with all applicable federal, State, and local laws, regulations, and policies governing the funds provided under this contract.

B. Independent Contractor

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Agency shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. None of the benefits provided by an employer to an employee, including but not limited to minimum wage and overtime compensation, workers' compensation insurance and unemployment insurance, shall be available from or through the City to the Agency.

C. Hold Harmless

The Agency shall hold harmless, defend and indemnify the City from any and all claims, actions, suits, charges and judgments whatsoever that arise out of a subrecipient's performance or nonperformance of the services or subject matter called for in this Agreement.

D. Nondiscrimination (for agencies receiving grants in excess of \$10,000)

Agencies receiving grants in excess of Ten Thousand Dollars (\$10,000) shall be subject to Section 2.21.000 et seq. of the Bloomington Municipal Code. Unless specific exemptions apply, the Agency will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, sex, disability, sexual orientation or gender identity. The Agency will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Agency agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City setting forth the provisions of this nondiscrimination clause.

E. Living Wage Requirements

(1) This agreement is subject to the City of Bloomington Living Wage Ordinance, Chapter 2.28 of the Bloomington Municipal Code and any implementing regulations. The Living Wage Ordinance requires among other things, that unless specific exemptions apply, all beneficiaries of City subsidies, as defined, shall provide payment of a minimum level of compensation to employees which may include the cost of health benefits. Such rate shall be adjusted annually pursuant to the terms of the Bloomington Living Wage Ordinance.

(2) Under the provisions of the Bloomington Living Wage Ordinance, the City shall have the authority, under appropriate circumstances, to terminate this contract and to seek other remedies as set forth therein, for violations of the Ordinance.

F. Compliance with IC 22-5-1.7 – E-Verify Program

Agency shall sign a sworn affidavit, attached as Exhibit A, affirming that the Agency has enrolled and is participating in the E-Verify Program and affirming that the Agency does not knowingly employ an unauthorized alien. Agency must provide documentation to the City that Agency has enrolled and is participating in the E-Verify program.

G. Jack Hopkins Social Services Funding Committee Recognition

The Agency agrees to provide a credit line for the City of Bloomington Common Council Jack Hopkins Social Services Funding Committee in all written materials about the program and program activities funded pursuant to this Agreement.

VI. NOTICES

Communication and details concerning this Agreement shall be directed to the following representatives:

City: Dan Niederman, Program Manager Housing and Neighborhood Development City of Bloomington P.O. Box 100 Bloomington, IN 47402 Tel: (812) 349-3512 Fax: (812) 349-3582 E-mail: niedermd@bloomington.in.gov	Agency: «Director_of_Agency_» «Organization» «Mailing_Address» «City_State_Zip_Code» Tel: («Home Phone» E-mail: «Email_Address»
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VII. TERMINATION OF AGREEMENT

The Agency agrees that this Agreement is subject to the availability of funds and that if funds become unavailable for the performance of this Agreement, the City may terminate the Agreement. If funds become unavailable, the City shall promptly notify the Agency in writing of the termination and the effective date thereof.

It is further agreed that the City may terminate this Agreement in whole or in part if it determines that the Agency has failed to comply with the Agreement or with other conditions imposed by applicable laws, rules and regulations. The City shall promptly notify the Agency in writing of the determination and the reasons for the determination, together with the effective date. The Agency agrees that if the City terminates the Agreement for cause it will refund to the City that portion of the funds that the City determines was not expended in compliance with the Agreement. The Agency shall be responsible for paying any costs incurred by the City to collect the refund, including court costs and reasonable attorneys' fees.

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby, and all other parts of this Agreement shall nevertheless be in full force and effect.

VIII. TERM OF AGREEMENT

Unless terminated as provided in Section VII herein, this Agreement shall terminate upon the City's determination that the provisions of this Agreement regarding use of the Agreement funds have been met by the Agency.

CITY OF BLOOMINGTON, INDIANA

«ORGANIZATION»

By: \_\_\_\_\_  
Dorothy Granger  
President, Common Council

By: \_\_\_\_\_  
«Pres\_BoD»  
President, Board of Directors

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Doris Sims, Director  
Housing and Neighborhood Development

By: \_\_\_\_\_  
«Director\_of\_Agency\_»  
Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
John Hamilton, Mayor

\_\_\_\_\_  
Date

**ORDINANCE 18-12**  
**TO AMEND TITLE 2 (ADMINISTRATION AND PERSONNEL)**  
**OF THE BLOOMINGTON MUNICIPAL CODE**

Re: Adding Chapter 2.86 (Prohibitions Associated with Use of the Critical Incident Response Team Armored Rescue Vehicle)

WHEREAS, in the interest of cultivating the Guardian mindset to community policing,<sup>1</sup> the Bloomington Police Department (BPD) has undergone extensive training in matters related to peaceful and responsive engagement with the community including, but not limited to, the following:

- De-escalation training
- Diversity training
- Implicit bias training
- Training in engaging with individuals with mental illness; and

WHEREAS, in the interest of cultivating the Guardian mindset to community policing, BPD has implemented a number of programs intended to engage closely with the community, prevent and remedy individual and social problems, and provide greater accountability:

- Since 2013, BPD has successfully operated the *Downtown Resource Officer* program, whereby dedicated officers work closely with those in need to link those suffering from social, economic, and health needs with the resources they need
- Since 2013, BPD has dedicated \$100,000 of its annual budget to support staffing at social services agencies such as the Shalom Community Center, Centerstone, and other agencies
- Since 2014, BPD has employed the regular use of body cameras

WHEREAS, BPD has implemented programs to engage in policing that is conducted *in partnership with our community, not to our community*, such as:

- *Coffee with a Cop*
- *National Night Out*
- *Banneker, Blue and You*
- *Citizens' Police Academy*
- *Teen Police Academy*
- *Police Explorer Group*
- *Neighborhood Resource Officer Program*
- *Cops in Schools*
- Safety Training for Children
- Involvement in the cross-jurisdictional Crisis Resolution Team involving overdoses
- Involvement in the Domestic Violence Task Force

WHEREAS, the Council finds that BPD's Guardian mindset to policing is responsible, equitable, and respectful and is the best model of true protection for our community; and

WHEREAS, on March 29, 2018, the Mayor announced his decision to move forward with the purchase of a Critical Incident Response Team vehicle ("CIRT Rescue Vehicle") for use by the Critical Incident Response Team ("CIRT"); and

WHEREAS, the CIRT is a cross-jurisdictional team of highly-trained law enforcement officers deployed only to handle especially hazardous police duties, such as conducting rescue operations in hostage situations, to address active shooter situations, to rescue injured persons in areas inaccessible to normal rescue operations, to dislodge barricaded suspects, and to complete high-risk warrant service; and

WHEREAS, the *Risk Assessment Matrix* issued by the Chief of Police and supported by the Board of Public Safety directs that the CIRT would be deployed to execute warrant service only in high-risk circumstances where there is an articulable threat to officers or citizens as a result of the actual use, or potential use, of firearms or other destructive devices; and

---

<sup>1</sup> This approach fosters communication over commands, cooperation over compliance, legitimacy over authority, and patience and restraint over control, *See*, Seth Stoughton, *Law Enforcement's "Warrior" Problem*, 128 Harv. L. Rev. F. 225, 231 (2015).

WHEREAS, deployment of the CIRT and deployment of the CIRT Rescue Vehicle are two separate and independent actions: there are circumstances in which the CIRT may be deployed without deployment of the CIRT vehicle; however, the CIRT Rescue Vehicle would not be deployed absent deployment of the CIRT; and

WHEREAS, in the last 15 years, the national climate of policing has shifted – in particular, in some communities where a “warrior” mindset is operative, armored vehicles have been used against non-violent, unarmed community members; and

WHEREAS, such abuses are unconscionable and clearly antithetical to BPD’s Guardian mindset of policing and clearly antithetical to the City of Bloomington’s goal of policing that is fair, empowering, respectful, accessible, and participatory; and

WHEREAS, the Council has very strong confidence that the CIRT Rescue Vehicle would never be used by our current Mayor nor current Chief of Police, in a way that is incongruent with a Guardian mindset of policing; and

WHEREAS, however, as the local legislative body charged with protecting the health, welfare, and safety of our community, the Council wishes to ensure that certain prohibited uses of the vehicle extend beyond this Council, beyond this Chief of Police, and beyond this Administration; and

WHEREAS, while the Board of Public Safety and the Chief of Police exercise control over both BPD and BPD’s equipment, the Council may regulate the exercise of that control, *City of Fort Wayne v. Bentley*, 181 Ind. App. 114 (1979); and

WHEREAS, among other powers, Council has statutory authority to pass ordinances for the control of the city’s property, I.C. § 36-4-6-18; and

WHEREAS, local government may regulate the use or possession of property that might endanger the public health, safety, or welfare, I.C., § 36-8-2-4; and

WHEREAS, where the manner of exercising a power is not otherwise provided, statute provides that a legislative body adopt an ordinance prescribing the specific manner for exercising such power, I.C. § 36-1-3-6; and

WHEREAS, the Chief of Police has prepared a new *General Order* regulating the use of the CIRT Rescue Vehicle; and

WHEREAS, among other directives regulating the use of the CIRT Rescue Vehicle, the *General Order* includes key prohibited uses of the vehicle; and

WHEREAS, the Board of Public Safety will consider a resolution on June 19, 2018 supporting the Chief of Police’s adoption of an *Armored Rescue Vehicle General Order*; and

WHEREAS, while the Board of Public Safety has indicated its support for the Chief of Police’s *Armored Rescue Vehicle General Order*, such orders are highly dependent on the both the Chief of Police and Mayor in office – such orders could be amended by a subsequent Chief of Police or a subsequent Mayor; and

WHEREAS, the Council finds that the very nature of the CIRT Rescue Vehicle and its history of misuse in other communities warrants that certain prohibitions related to the features and the use of such vehicle be solemnized in the Bloomington Municipal Code; and

WHEREAS, codifying such proscriptions makes these prohibitions readily accessible and knowable to the public, future decision-makers, and future administrators and also ensures that any subsequent proposal to change these prohibitions will be subject to the Council’s democratic notice and law-making process whereby the public may attend, observe, record, and comment on what transpires, *See*, Barry Friedman & Maria Ponomarekno, *Democratic Policing*, 90(6) N.Y.U. L. Rev., 1827 (2015);

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

SECTION 1. A new chapter of the Bloomington Municipal Code, Chapter 2.86 “Prohibitions Associated with Use of the Critical Incident Response Team Armored Rescue Vehicle” shall be added to the table of contents and the text of Title 2 and shall read as follows:

**Chapter 2.86 “Prohibitions Associated with Use of the Critical Incident Response Team Armored Rescue Vehicle”**

**2.86.010 Purpose**

The purpose of this ordinance is to protect the health, welfare, and safety of the community by ensuring that any Critical Incident Response Team Armored Rescue Vehicle is not used in a manner discordant with a Guardian mindset of policing. The ordinance makes this assurance by prohibiting certain uses and features of the vehicle.

**2.86.020 Definitions**

**Critical Incident Response Team (CIRT)** means a special operations group whose members are sworn employees of the Bloomington Police Department and employees of other agencies assigned through a Memorandum of Understanding (MOU). The primary mission of CIRT is to preserve life and protect property. CIRT achieves this by utilizing specially equipped officers who have received tactical training in the handling of especially hazardous police duties.

**Critical Incident Response Team Armored Rescue Vehicle** means a specially-designed vehicle that is armor-plated to protect the occupants from bullets or other destructive devices and that can perform rescues due to its ability to navigate difficult terrain.

**2.86.030 Prohibited Uses and Equipment**

(a) Prohibited Uses. A Critical Incident Response Team Armored Rescue Vehicle shall not be used in the following manner:

- (1) For the purpose of crowd control;
- (2) During non-violent public demonstrations.

(b) Prohibited Equipment. The following equipment is prohibited for use on the Critical Incident Response Team Armored Rescue Vehicle:

- (1) Affixed firearms;
- (2) Water cannons;
- (3) Any other affixed device capable of launching or firing a projectile.

SECTION 3. 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 4. 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, and after any required waiting and/or notice periods under Indiana law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
DOROTHY GRANGER, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington



PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

### **SYNOPSIS**

This ordinance is sponsored by all members of the Common Council and amends Title 2 (Administration and Personnel) of the Bloomington Municipal Code by adding a new Chapter to the Code, Chapter 2.86, entitled “Rules Governing the Use of Critical Incident Response Team Armored Rescue Vehicles.” The ordinance tracks the current Bloomington Police Department’s adherence to a the Guardian mindset, endorses that mindset, and codifies certain prohibited uses and features of a Critical Incident Response Team Armored Rescue Vehicle in the interest of assuring that such vehicle will not be misused well into the future – beyond the current Chief of Police and the current Mayor. These changes are made in the interest of protecting the health, welfare, and safety of the community and in the interest of providing that any future change to the prohibited uses of the Critical Incident Response Team Armored Rescue Vehicle is subject to the Council’s democratic rule-making process.

**Board of Public Safety**  
**Resolution 18-02**

*A Resolution supporting the implementation of an updated Critical Incident Response Team  
General Order and a new Armored Rescue Vehicle General Order*

WHEREAS, on March 29, 2018, Mayor John Hamilton reported his decision to move forward with the procurement of a new Critical Incident Response Team (“CIRT”) vehicle (“Armored Rescue Vehicle”); and

WHEREAS, the Board of Public Safety (“Board”) is a five-member civilian board that oversees the Police and Fire Departments and represents the interests of the Bloomington community; and

WHEREAS, in his written decision, the Mayor directed the Police Chief, with the consultation of the Board of Public Safety, to develop deployment protocols for the CIRT team and Armored Rescue Vehicle; and

WHEREAS, the Mayor further directed the Police Chief, with the consultation of the Board, to update the risk assessment matrix that guides when CIRT deployments are appropriate; and

WHEREAS, the Mayor also asked the Board to conduct regular public reviews of the use of the Armored Rescue Vehicle and the deployment of the CIRT team; and

WHEREAS, the Police Chief, in consultation with the Board, has updated the CIRT General Order in light of these directives; and

WHEREAS, the Police Chief, in consultation with the Board, has prepared a new General Order regulating the use of the Armored Rescue Vehicle; and

WHEREAS, the Police Chief, in consultation with the Board, has updated the risk assessment matrix that governs when CIRT deployments are appropriate; and

WHEREAS, the two General Orders and risk assessment matrix have been provided to the Board for review, revision, and comment; and

WHEREAS, among other items, the updated CIRT General Order discussed by the Board and governing the deployment of the CIRT team contains the following requirements:

- (1) All deployments of the CIRT team shall be approved through the chain of command;
- (2) Pre-planned deployments may involve fewer than all members of the team when the nature of the operation dictates such;

- (3) The use of noise flash diversion devices, chemical munitions, controlled explosives designed to breach a location, the Armored Rescue Vehicle's ram attachment, or counter-snipers require following a detailed permissions protocol;
- (4) Within 72 hours of the conclusion of each CIRT activation, the CIRT commander, or his/her designee, shall prepare and submit documentation of the event through the chain of command;
- (5) After receiving the post-incident report, command staff shall prepare a written administrative review of the overall event as a companion document;
- (6) The documentation of the event and companion document will form the basis for a statistical report on CIRT activity that will be provided to the Board at intervals and in a format that the Board determines is appropriate; and

WHEREAS, the new General Order governing the use of the Police Department's Armored Rescue Vehicle contains the following requirements:

- (1) Use of the Armored Rescue Vehicle is limited so that it may only be used to transport members of the CIRT team to and from high-risk incidents, for tactical use by the CIRT team in resolving high-risk incidents, for rescue operations related to high-risk incidents or disasters, for training, and for public education;
- (2) Use of the Armored Rescue Vehicle is explicitly prohibited for general crowd control or during public demonstrations;
- (3) The Armored Rescue Vehicle shall not have affixed water cannons, affixed firearms, or any other affixed device capable of launching a projectile;
- (4) The ram associated with the Armored Rescue Vehicle shall not be affixed to the Vehicle but shall instead be carried in a support vehicle and may only be utilized with specific authorization from the Police Chief or his/her designee;
- (5) Documentation of the deployment of the Armored Rescue Vehicle will be provided the Board as part of the Board's regular and public statistical CIRT team report in a format that the Board determines is appropriate; and

NOW, THEREFORE, be it resolved by the City of Bloomington Board of Public Safety that:

1. The Board of Public Safety has reviewed, discussed, and offered input into the Police Department's updated CIRT General Order, the Police Department's new Armored Rescue Vehicle General Order, and the Police Department's new risk assessment matrix.
2. The Board of Public Safety supports the Police Chief's adoption and implementation of the updated CIRT General Order, Armored Rescue Vehicle General Order, and risk assessment matrix.
3. The Board of Public Safety welcomes future discussion related to the CIRT team and the Armored Rescue Vehicle and looks forward to receiving regular, public reports

from the Police Department regarding the deployment of the CIRT team and the Armored Rescue Vehicle.

PASSED AND ADOPTED by the City of Bloomington Board of Public Safety upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

---

Susan Yoon, Chair  
Board of Public Safety

DRAFT

# BLOOMINGTON POLICE DEPARTMENT

## GENERAL ORDER: Use of Armored Rescue Vehicle

**Original Date of Issuance: PROPOSED**

**Dates of Review:**

**Current Effective Date:**

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### I. Purpose.

The purpose of this General Order is to provide guidelines for the use of the Department's Armored Rescue Vehicle.

### II. Policy.

It is the policy of the Department that the use of the Armored Rescue Vehicle shall be limited to those situations where use of the Critical Incident Response Team (CIRT) is indicated and authorized by the Chief or his/her designee. It is only to be used under high-risk circumstances where there is an articulable threat to officers or citizens as a result of the actual use, or potential use, of firearms or other destructive devices against them.

### III. Definitions.

**A. Armored Rescue Vehicle.** A specially-designed vehicle that is armor-plated to protect the occupants from bullets or other destructive devices and that can perform rescues due to its ability to navigate difficult terrain.

**B. Critical Incident Response Team (CIRT).** A special operations group whose members are sworn employees of the Bloomington Police Department and employees of other agencies assigned through a Memorandum of Understanding (MOU). The primary mission of CIRT is to preserve life and protect property. CIRT achieves this by utilizing specially equipped officers who have received tactical training in the handling of especially hazardous police duties.

### IV. Legal & Other Reference(s).

**A. General Order, Critical Incident Response Team.**

**B. General Order, Operational Readiness for Department Owned Property**

**V. Procedure(s).**

**A. The Armored Rescue Vehicle shall only be used in conjunction with authorized incidents involving the Department's Critical Incident Response Team (CIRT).**

1. Authorized use of the Critical Incident Response Team (CIRT) shall be obtained by following the procedures outlined in the Department's General Order, *Critical Incident Response Team*.

**B. The Department's Armored Rescue Vehicle shall only be used for:**

1. Transporting members of the Critical Incident Response Team (CIRT) to and from high-risk incidents.
2. Tactical use by the Critical Incident Response Team (CIRT) while engaged in high-risk incidents.
3. Rescue operations related to high-risk incidents or as needed due to natural or man-made disasters.
4. Training.
5. Public education.

**C. Use of the Armored Rescue Vehicle is prohibited for:**

1. General crowd control.
2. Public demonstrations.

**D. Use of the Ram.**

1. Use of the ram attachment for the Armored Rescue Vehicle requires specific authorization from the Chief or his/her designee utilizing the same chain of command procedure used when seeking authorization of the CIRT Team for an event.
2. An exception to this authorization requirement is when exigent circumstances exist where any delay in the tactical use of the ram attachment places officers, civilians, or suspects at risk of serious bodily injury or death.
3. Any tactical use of the ram attachment under the exigent circumstances exception shall be documented in a report prepared by the CIRT Team Leader and provided to the Chief within seventy-two (72) hours of the

conclusion of the CIRT event. The report shall describe the exigent circumstances that existed and why the decision was made to immediately use the ram attachment.

4. The ram shall not be carried or stored affixed to the Armored Rescue Vehicle but instead shall be carried in a support vehicle provided by the Department for CIRT Team use.

## **VI. Equipment.**

- A. The following equipment shall be available on the Armored Rescue Vehicle and ready for immediate use:
  1. Medical Kit.
  2. Fire Extinguisher.
- B. The following equipment is prohibited for use on the Armored Rescue Vehicle:
  1. Affixed firearms.
  2. Water cannons.
  3. Any other affixed device capable of launching or firing a projectile.
- C. The CIRT Team Commander or his/her designee shall be responsible for ensuring the permitted equipment listed above is readily available on the Armored Rescue Vehicle.

## **VII. Training.**

- A. Individuals designated as those who will drive the Armored Rescue Vehicle shall be members of CIRT and selected by the CIRT Team Commander.
- B. Designated drivers of the Armored Rescue Vehicle shall complete any specific training on basic operation(s) of the vehicle as provided by the manufacturer.
- C. On an annual basis, designated drivers of the Armored Rescue Vehicle shall pass an Emergency Vehicle Operations (EVO) course as determined by Department EVO Instructors.

## **VIII. Vehicle Maintenance.**

- A. The CIRT Team Commander shall be responsible for ensuring that regular maintenance is scheduled and completed on the Armored Rescue Vehicle.



- B.** The CIRT Team Commander is charged with ensuring that any damage or defects that might affect operational readiness of the Armored Rescue Vehicle are reported and immediately addressed.

DRAFT

**ORDINANCE 18-13**

**TO ADD A RESIDENTIAL SINGLE FAMILY (RS) ZONED PARCEL AND MAKE OTHER AMENDMENTS TO A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ORDINANCE AND APPROVE THE ASSOCIATED PRELIMINARY PLAN  
- Re: 2005 S. Maxwell Street and 1280 & 1325 E. Short Street  
(Loren Wood Builders, Petitioner)**

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-02-18, and recommended that the petitioner, Loren Wood Builders, be granted an approval to rezone 0.64 acres from Residential Single Family (RS) to Planned Unit Development (PUD) and to approve a PUD District Ordinance and preliminary plan to allow a new single family development; and

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the PUD District Ordinance and Preliminary Plan shall be approved for the PUD on the property located at 2005 S. Maxwell Street and 1280 & 1325 E. Short Street. The property is further described as follows:

Lot 77 of Huntington Park as recorded in Plat Cabinet B, envelope 94 in the office of the Recorder of Monroe County, Indiana.

Also a part of the Northwest quarter of Section 10, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Beginning at a stone found marking the southeast corner of said Northwest quarter; Thence on the south line of said quarter section South 89 degrees 45 minutes 12 seconds West 1668.56 and to the True Point of Beginning;

Thence continuing on said south line South 89 degrees 45 minutes 12 seconds West 440.73 feet; Thence leaving said south line North 01 degree 02 minutes 37 seconds West 271.51 feet and to the south line of Short Street; Thence on said south line North 89 degrees 47 minutes 15 seconds East 441.62 feet to the west line of Mayfair Addition as record in Plat Cabinet B, envelope 224 in said office of the Recorder; Thence leaving said south line and on said west line of Mayfair Addition South 00 degrees 51 minutes 24 seconds East 271.24 feet to the Point of Beginning. Containing 2.75 ACRES, more or less.

Excluding a portion of Short Street as shown on the plat of Huntington Park subdivision as shown on the Plat recorded in Plat Cabinet B, Envelope 94 in the office of the Recorder of Monroe County, Indiana, described as follows:

Commencing at the Southwest corner of Lot 77 in said subdivision, being the Northeast corner of Maxwell and Short streets; thence along the South line of said subdivision and the North line of Short Street North 89 degrees 47 minutes 15 seconds East 5.00 feet to the Point of Beginning; thence continuing along said North line of Short Street North 89 degrees 47 minutes 15 seconds East 235.85 feet to the East line of said lot 77 thence leaving said South line and along the extension of the East line of said Lot 77 South 00 degrees 51 minutes 24 seconds East 40.00 feet to the South line of Short Street; thence along the said South line South 89 degrees 47 minutes 15 seconds West 235.91 feet; thence leaving said South line and running parallel with the East line of Maxwell Street North 00 degrees 58 minutes 57 seconds West 40.00 feet to the Point of Beginning. Containing in all 9434.71 square feet (0.0217 acres).

SECTION 2. This District Ordinance and the Preliminary Plan shall be approved as attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance 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 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
DOROTHY GRANGER, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

Ordinance 18-13 would amend the boundaries of a previously approved Planned Unit Development (PUD) and approve a PUD District Ordinance and Preliminary Plan to allow a new single family development based upon the concept of a Cohousing community.

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 18-13 is a true and complete copy of Plan Commission Case Number PUD-02-18 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on May 14, 2018.

Date: May 22, 2018

  
 \_\_\_\_\_  
 Terri Porter, Secretary  
 Plan Commission

Received by the Common Council Office this 22<sup>nd</sup> day of May, 2018.

Stephen Lucas  
 \_\_\_\_\_  
~~Nicole Bolden, City Clerk~~ Stephen Lucas, Chief Deputy Clerk

Appropriation Ordinance # \_\_\_\_\_ Fiscal Impact Statement Ordinance # \_\_\_\_\_ Resolution # \_\_\_\_\_

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure \_\_\_\_\_ Emergency \_\_\_\_\_  
 Unforeseen Need \_\_\_\_\_ Other \_\_\_\_\_

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)





Ord 18-13 – Amending Co-Housing PUD and Approving Associated Preliminary Plan  
 Map of Surrounding Area

By: shermand  
 6 Jun 18



For reference only; map information NOT warranted.

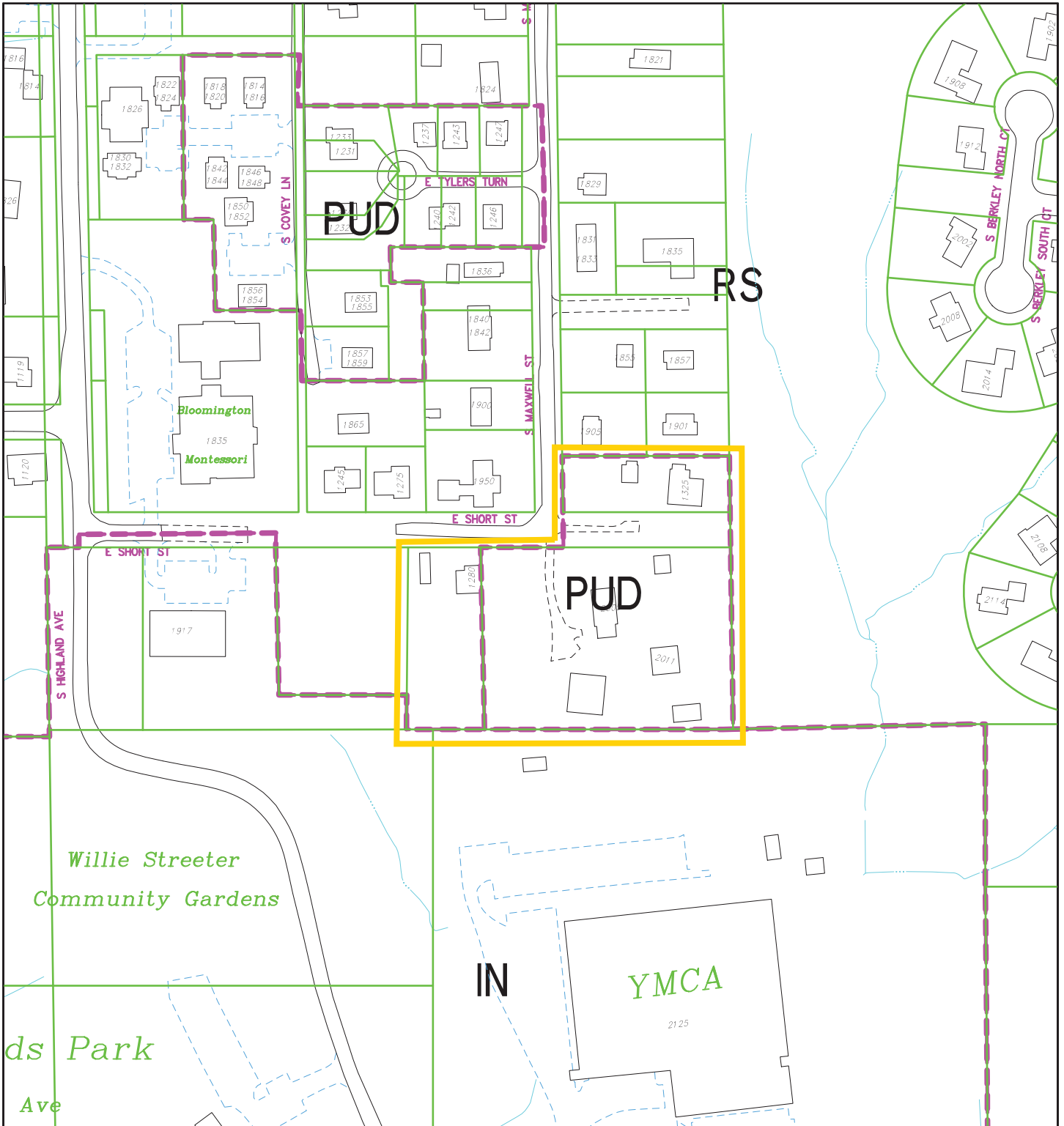


City of Bloomington  
 Council Office

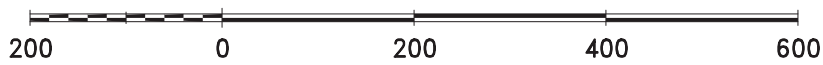


Scale: 1" = 800'

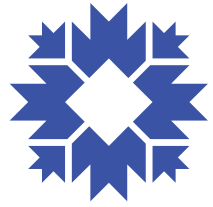




By: lewisa  
21 Feb 18

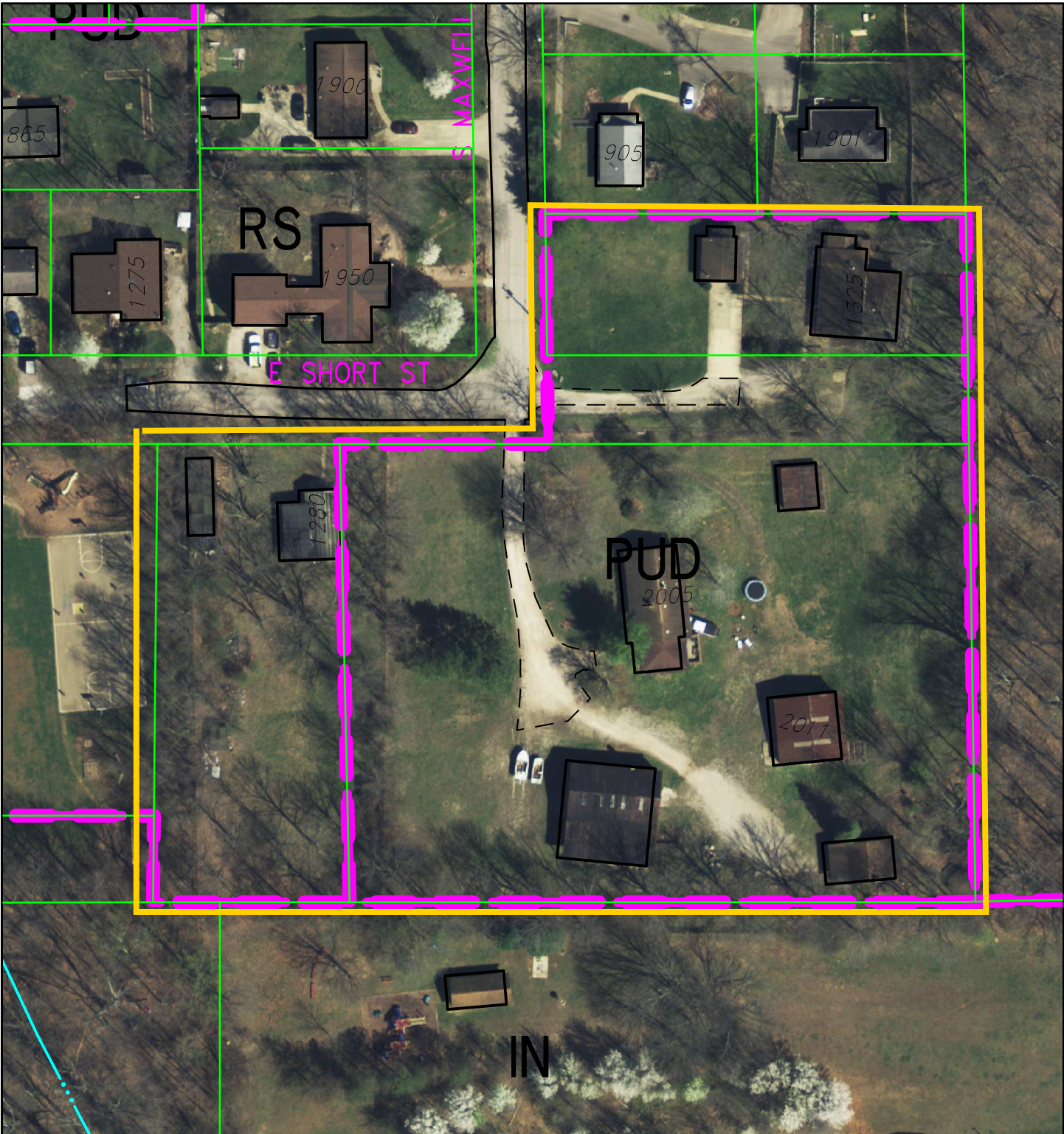


City of Bloomington  
Planning & Transportation

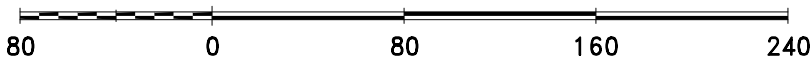


Scale: 1" = 200'

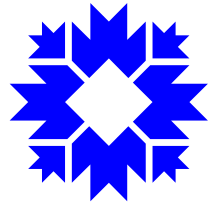
For reference only; map information NOT warranted.



By: lewisa  
21 Feb 18



City of Bloomington  
Planning & Transportation



Scale: 1" = 80'

For reference only; map information NOT warranted.



## Interdepartmental Memo

**To:** Members of the Common Council  
**From:** Amelia Lewis, Zoning and Long Range Planner  
**Subject:** PUD-02-18  
**Date:** June 4, 2018

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case PUD-02-18. The Plan Commission heard this petition at the May 14, 2018 hearing and voted 7-0 to send this petition to the Common Council with a favorable recommendation.

The Plan Commission report is attached. The report below has been amended following changes made since the Plan Commission hearing. These changes included changes to Accessory Dwelling Units, Short Street connection and sidewalks.

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**REQUEST:** The petitioner is requesting a Preliminary Plan Amendment to a previously approved Planned Unit Development.

---

### **BACKGROUND:**

<b>Area:</b>	3.18 (3.41 acres including City owned right of way)
<b>Current Zoning:</b>	PUD and RS
<b>GPP Designation:</b>	Urban Residential
<b>Existing Land Use:</b>	Single Family Residences
<b>Proposed Land Use:</b>	Single Family Residences
<b>Surrounding Uses:</b>	North – Single Family Residences
	West – Bloomington Montessori School playground
	East – Land Conservancy/Single Family Residences
	South – Institutional/YMCA

---

**REPORT:** The site is located at the south end of South Maxwell Street where the street connects with Short Street. With the exception of the property to the far west the properties are located within the Planned Unit Development (PUD), known as the Cohousing PUD, which was approved under PUD-03-14.

This petition would amend the existing boundaries of the PUD to include the lot to the west which is zoned Residential Single Family (RS). Surrounding land uses include single family residences to the north, a green area (conservancy easement) for the Mayfair Subdivision to the east, the Bloomington Montessori School playground to the west, and the YMCA to the south.

The petitioner is proposing a design built around the concept of a Cohousing community which "combines the autonomy of privately owned dwellings with the advantages of community living," per the petitioner's statement. This PUD would redevelop the property with 27 single family houses on individual lots, located around a common garden and common house for residents with parking on the perimeters. Each lot would be individually purchased, similar to other single family developments. The proposed density for this development is 9.38 dwelling units per acre (including the right of way along the east portion of Short Street & including the five (5) Accessory Dwelling Units (ADUs)).

Three existing structures will remain on site, including: a single family house at the northeast corner of the site, a cabin at the southeast corner of the site and an existing barn north of the cabin. The intent and design is similar to the previously approved PUD with some changes. The original plan included 22 attached single family units as well as the existing single family house, cabin and units in the common house. With the additional property that would be included in the new boundaries of the PUD and additional houses included, the overall proposed density is comparable to the approved plan which was 9.68 units/acre.

The petitioner will be requesting a right of way encroachment from the Board of Public Works for the eastern portion of Short Street which includes parking and trash service.

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**GROWTH POLICIES PLAN/COMPREHENSIVE PLAN:** The District Intent of PUDs as outlined in the UDO should implement the guiding principles and land use policies of the Growth Policies Plan (BMC 20.04.010). This petition was filed under the 2002 Growth Policies Plan while the 2018 Comprehensive Plan has since been adopted. This section will review the guidance in both plans for the site:

**Urban Residential (2002 GPP, page 31)**

*“Develop sites for predominantly residential uses; however, incorporate mixed residential densities, housing types, and nonresidential services where supported by adjacent land use patterns.”*

The proposed site plan is single family residential, with home sizes ranging from ADUs to three bedrooms.

*“Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods as well as to commercial activity centers.”*

This project makes improvements to the connections available to future residents and the neighborhood. By connecting Short Street, access to the site is improved for residents, neighbors and emergency service vehicles.

Following guidance from the adopted 2008 Bicycle and Pedestrian Transportation & Greenways System Plan, the petitioner has proposed a 5 foot wide sidewalk adjacent to the Short Street improvements extending through the site, transitioning to a 8’ wide asphalt path to the north of the parking located at the northeast corner of the site.

*“Ensure that each new neighborhood has a defined center or focal point. This center could include such elements as a small pocket park, formal square with landscaping, or a neighborhood serving land use,” and*

*“Ensure that new common open space is truly usable and accessible. Provide linkages between such open space and other public spaces.”*

The proposed development is centered around a common green and provides valuable shared outdoor space for the residents of this development. The access to the YMCA at the southwest corner of the site will provide a link for residents and neighbors to the north.

*“Provide for marginally higher development densities while ensuring the preservation of sensitive environmental features and taking into consideration infrastructure capacity as well as the relationship between the new development and adjacent existing neighborhoods.”*

The proposed density is higher than that of most single family developments, including the surrounding neighborhood. The development is designed to create smaller single family homes on smaller lots, choosing to focus on the common space.

The Department and petitioner have taken into consideration the increased density and factors associated with 27 new single family homes being created on an existing dead end street by providing ample parking; the extension of Short Street to alleviate some strain on the road infrastructure and provide additional access; and sidewalks to connect the existing neighborhood with the proposed development.

**Neighborhood Residential, (2018 Comprehensive Plan)**

*“Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods and other 20-minute walking destinations.”*

*“Ensure that appropriate linkages to neighborhood destinations are provided.”*

Addressed above.

*“Redevelopment or rehabilitation of existing structures, or new infill development of single lots or developments less than one acre, should complement the context of the surrounding land uses. Furthermore, single lots or small-scaled developments should not dominate or detract from the neighborhood context.”*

The proposed development is substantially larger than 1 acre and located in the middle of an existing neighborhood. This development is consistent with existing land uses and provides additional housing in an area with many amenities. The proposed development does not dominate or detract from the existing context of the neighborhood, but provides housing and infrastructure consistent with the existing neighborhood.

*“Support incentive programs that increase owner occupancy and affordability (including approaches promoting both permanent affordability and home ownership for all income levels).”*

A condition of the Plan Commission approval is that the petitioner shall work with the City to identify potential permanent affordability incorporation in these owner occupied homes.

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**CONCLUSION:** The proposed PUD aligns with and takes into consideration many of the development goals of the City including compact urban design, infill development, green building practices and ideally the provision of housing opportunities for a diverse set of home buyers. One of the intentions behind a PUD is to “provide a public benefit that would not occur without deviation from the standards of the Unified Development Ordinance” (BMC 20.04.010).

As proposed, this development provides substantial benefits to the future home owners, the existing neighborhood and the public. By creating a development with consistent land uses and enhancing the available vehicular, bicycle, and pedestrian connections, the development provides benefits to the City and surrounding neighborhoods.

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**DEVELOPMENT STANDARDS:** Please see attached.

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**PUD REVIEW:**

**Density:** The proposed PUD contains 27 single family structures and 5 ADUs, for a total density of 9.38 units/acre (including the-right-of-way).

With the intention of creating a high density development, the original PUD followed many standards of the RH (Residential High Density) Zoning District including the maximum density at 15 units/acre.

The original PUD included calculations for DUEs, dwelling unit equivalents. Single family developments are not regulated by DUEs the same way multi-family developments are. In this development, it is more appropriate to look at the number of units on the site as a whole as opposed to the number of bedrooms per house. Additionally, the number of bedrooms is unknown and only an estimate. These houses will have smaller footprints to accommodate more compact design.

As a single family development, using the minimum lot standards for RS (Residential Single Family) at 8,400 square feet, the site (3.18 acres) would be able to accommodate approximately 16.5 single family lots. With other site development standards considered, such as individual lot width the number is more likely nine (9) or ten (10) lots with nine (9) or ten (10) single family homes.

**Occupancy:** Occupancy for the single family houses and the ADUs, on the same lots as the houses, shall be limited to the Single Family definition of family, including not more than three (3) unrelated adults per lot. This shall also be indicated in the Bylaws of the development. As this is determined by the lot, for a property with a single family house and an ADU the maximum occupancy for the lot is three (3) unrelated adults.

**Accessory Dwelling Units (ADUs):** The five (5) detached garage structures shall be permitted to have ADUs following the standards of B.M.C. 20.05.0333 with the exception that the minimum lot size (20.05.0333(e)) standard, proximity standard (20.05.0333(f)), and minimum setback standards for detached ADUs (20.05.0333(4)(B)) be waived. They shall meet all other requirements including maximum allowable size for a detached ADU at 440 square feet.

These units shall be required to receive a conditional use approval.

**Pedestrian Facilities:** The petitioner is proposing five (5) foot wide sidewalks and five (5) foot wide tree plots along public rights of way adjacent to the project site. This would be adjacent to the proposed Short Street connection, the existing Short Street and Maxwell Street.

At the north entrance to the parking in the right-of-way, the five (5) foot wide sidewalk will transition to an eight (8) foot wide asphalt path as shown in the 2008 Bicycle and Pedestrian Transportation & Greenways System. This path would lead to the green area (conservancy easement) to the east, leaving the option open for a future bike/ped trail.

The 2008 Bicycle and Pedestrian Transportation & Greenways System called for a sidepath running west to east, from S. Highland Avenue to the east across the site. A sidepath is defined as a hard-surface path physically separated from the road with a grass or tree plot within the road right-of-way for use by two-way bicyclists, pedestrians, and other non-motorized users. Through discussions with the petitioner regarding the proposed Short Street Connection and existing grade challenges, the Department agreed that the sidewalk would suffice as this connection.

The Short Street Connectivity Plan also details a path through the driveway on the western part of the site to the southwest corner of the site leading to the YMCA property. As shown, this path

extends through the proposed detention pond. The type of connection or path material is not identified. The petitioner should continue to work with the YMCA to ensure that this access point remain safe and accessible with lighting, clear pathways and potential signage.

A sidewalk connection along the east side of Maxwell will connect to existing sidewalk on the property to the north. While this sidewalk does not extend further north, a pedestrian could cross Maxwell Street to access existing sidewalk on the west side of the street, which continues north.

**Bicycle Parking:** The petitioner has included the number of bicycle parking spaces available since the second Plan Commission hearing to meet a condition of approval. There will be 10 spaces for bikes in the Common House and 4 bicycle parking spaces located in common areas of the development for visitors.

**Public Transit:** The 4 Bloomington Transit Bus has a stop at Miller and Maxwell, approximately 0.2 of a mile to the north of the site.

**Vehicular Access:** Currently, there is only one public road, S. Maxwell Street that leads to the site as E. Short Street to the west does not connect to S. Highland Avenue. There is a parking area proposed in the eastern right of way that bisects the project. Emergency Service access is provided via the street cut along Short Street, continuing south through the western parking lot and to the rear of the site through a dedicated emergency access lane and turn-around.

**Short Street Past Recommendations:** In the April report and hearing, the Department proposed that this connection be designed as a neighborhood street connection as detailed in The Master Thoroughfare Plan. This would be a street 20 feet in width, with 6 inch curbs and a five (5) foot tree plot and five (5) foot wide sidewalk on the north side and a five (5) foot tree plot and a eight (8) foot sidepath (a hard-surface path physically separated from the road with a grass or tree plot within the road right-of-way for use of two-way bicyclists, pedestrians, and other non-motorized users) on the south side of Short Street.

The original PUD had proposed a 12 foot wide “alley like connection” without curbs or sidewalks. This was a requirement of the original PUD, to allow for a second vehicular access to the site. At the Council hearing in 2014, this connection was removed as a requirement due to concerns about increased vehicular traffic near the Montessori School as the street connection is located between the school and its playground.

At the May Plan Commission hearing, the petitioner proposed a “skinny street/alley” 12 feet in width. This alley would have no curbs, sidewalks, or multi-way paths. The curb-less design would result in sheet drainage of storm-water at or close to existing grade along its length in the low area. To address safety concerns of students from the adjacent Montessori School crossing Short Street to access their playground immediately to the west of the PUD, a raised path surface (speed-hump) with signage will be created. To accommodate the multi-way nature of the design, this street can be marked on the street surface (the petitioner gives the example of Allen Street Greenway).

The Department agreed that the proposal to create a speed hump and place signage at the school crossing to be a positive solution, and this was kept in the revised version. However, the proposal to not include a sidewalk does not improve or provide connectivity for residents of the PUD and the existing neighborhood.

The petitioner has included several photos and examples of “skinny streets” and alleys to be representative of how their proposed connection would look and function. These are existing conditions in already built out neighborhoods, a situation that is not similar to this project where the opportunity exists to put road and pedestrian infrastructure in place, designed for safety and connectivity.

**Short Street:** During the Plan Commission hearing, the condition of approval for the connection of Short Street was revised to read, *“The Short Street connection shall include the following, a paved road adequate for fire, police and emergency access, plus a paved path adequate to serve both local users and east-west through traffic of pedestrians and bicyclists consistent with the 2008 Bicycle and Pedestrian Transportation & Greenways System Plan. This paved path shall be multi-use and clearly delineated and shall be separated adequately from vehicular traffic on Short Street with the specific route and the specific separation to be determined to staff’s satisfaction through continued negotiation between the petitioner and staff and with staff’s approval not to be unreasonably withheld.”*

The petitioner proposes to connect Short Street with a section of pavement, matching the existing pavement widths, approximately 16 feet in width. On the south side of Short Street, along the property line of the PUD and along the length of the Short Street connection, there should be a five (5) foot wide sidewalk separated from pavement by a five (5) foot wide tree plot. With the connection and the sidewalks immediately adjacent to this development, this would result in approximately 500 feet of sidewalk along Short Street, connecting to sidewalk constructed on the east side of Maxwell Street.

**Vehicular Parking:** The proposed site plan includes a total of 52 parking spaces: 42 parking spaces and 5 individually owned 2 car garages. Twenty-eight (28) spaces in the right-of-way on the northeast portion of the site and seven (7) surface spaces and seven (7) carports along the western edge of the property. In addition, there are five (5) two car detached garages for some property owners. That amounts to almost 2 spaces per house, which is the standard for single family residences in the UDO.

**Architecture and Design:** The petitioner has submitted schematic renderings of the potential architecture as well as architectural standards for the various house types. These standards include several roofing types (Corrugated Metal, Single-Ply Membrane, Translucent Polycarbonate panels (on porch roof only)) and exterior finish types (Corrugated Metal, Steel) that are not typically permitted. Given the experimental nature of this PUD, staff finds all of these materials to be appropriate, except for the Translucent Polycarbonate roof panels. The Department recommends this material be struck from the material list in condition #6. It will be a condition of approval that the building permit application shall include a list of proposed materials.

**Green Building:** After the first hearing, the petitioner was encouraged to develop the project’s green building practices and features. The Department finds that the revised petitioner’s statement includes many of the same items from the first hearing including, and does not exceed expectations of any other development that would occur in town.

The petitioner has committed to providing recycling which was a condition of approval by the Plan Commission.

**Landscaping:** No landscaping plans have been submitted at this time. The site features a significant amount of green space, with an overall impervious surface amount of 41% of the total site (including parking area in the right-of-way). For comparison, the maximum impervious surface coverage for the RS (Residential Single Family) Zoning District is 40% of the lot area and the maximum impervious surface coverage for the RH (Residential High Density) Zoning District is 50% of the lot area.

Two dry retention ponds will be created on the east edge and southwest corner of the site.

Members will pay a monthly homeowners association (HOA) fee to maintain the common spaces.

**Signage:** No signage has been proposed or approved for the PUD at this time. The residential sign standards for single family and condominium subdivisions allow for one free standing sign per development entrance with the following standards: a sign face no more than 32 square feet and a maximum of 6 feet in height. As the two entrances to the development are very close, the Department finds that one freestanding is suitable for the development.

**Utilities:** A schematic utility plan has been submitted to CBU and is under review. Water and sewer are already available on the site. There is an existing sanitary sewer connection in the Short Street right-of-way, which will be recorded in a utility easement. Final acceptance and approval of a utilities plan is required prior to issuance of a building permit.

**Sanitation Services:** The petitioner has worked with the Public Works Department to determine that city trash and recycling services will be available to the development with service at communal locations as shown in the proposed site plan.

**Lighting:** A specific lighting plan has not been received. A lighting plan meeting UDO requirements must be submitted prior to issuance of a grading permit.

**Fencing:** The fence regulations shall abide by the fence regulations in the UDO. The PUD District Ordinance submitted by the petitioner shall be amended to reflect these changes.

**Housing Diversity:** The petitioner's statement details the average housing price for homes in the PUD, in the mid \$300,000s. The petitioner has offered to reduce the sale prices to around \$250,000 for a limited number of homes. The petitioner is still working on this component of the project with the City, but has agreed to continue discussions toward inclusion of permanently affordable housing.

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**ENVIRONMENTAL COMMISSION RECOMMENDATIONS:** The report from the last Plan Commission hearing is attached.

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**RECOMMENDATION:** The Plan Commission voted 7-0 to forward PUD-02-18 to the Common Council with a favorable recommendation and the following conditions of approval:

1. The Short Street connection shall include the following, a paved road adequate for fire, police and emergency access, plus a paved path adequate to serve both local users and east-west through traffic of pedestrians and bicyclists consistent with the 2008 Bicycle and Pedestrian Transportation & Greenways System Plan. This paved path shall be multi-use and clearly delineated and shall be separated adequately from vehicular traffic on Short

Street with the specific route and the specific separation to be determined to staff's satisfaction through continued negotiation between the petitioner and staff and with staff's approval not to be unreasonably withheld.

2. The petitioner shall continue to work with the City in a good faith effort to provide permanent affordable housing options in the development.
3. The petitioner will provide recycling for residents.
4. The petitioner will work with the YMCA to make the proposed connection between the properties safe and accessible.
5. The petitioner will provide a minimum of 6 bicycle parking spaces or determine an appropriate number by the time this project is heard by Council.
6. A list of proposed building materials shall be submitted with future building permits. Translucent Polycarbonate roof panels are not a permitted material.
7. The development shall be allowed one sign not to exceed 32 square feet in area and 6 feet in height.
8. Prior to the issuance of a grading permit, all items in the Short Street right-of-way shall receive an encroachment agreement from the Board of Public Works.
9. Current UDO landscaping requirements shall be required for this development, including parking lot landscaping and multi-family (RH) interior plantings.
10. Prior to the issuance of a grading permit, a landscaping plan shall be approved by the Planning and Transportation Department.
11. All fencing shall be limited to not more than 8 feet tall. All potential fencing locations shall be clearly indicated on the Final Plan.
12. Occupancy of each lot shall be limited to the Single Family definition of family, including not more than three (3) unrelated adults. This shall be indicated in the Bylaws of the development.
13. Per BMC 20.04.080(g)(2)(B) the petitioner shall dedicate required right-of-way along Short Street and Maxwell Street within 180 days of approval by the City Council.
14. If there are no significant changes, Final Plan review shall be conducted at staff level. If any significant changes are proposed, the Final Plan shall be reviewed by Plan Commission.



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## CO HOUSING DEVELOPMENT STANDARDS

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**Use:** Single Family

**Minimum Building Setbacks** (from the PUD property lines):

North, East and South Property Lines: 5 feet

West Property Line: 7 feet (must be landscaped)

**Minimum Building Setbacks** (for all internal lots): Side, Front and Rear 0 feet

**Minimum Parking Setbacks:** 5 feet from the property line

**Maximum Building Height:** 40 feet\*

**Maximum Accessory Structures:** 25 feet

**Maximum Impervious Surface Coverage:** 45% of total site

\*Existing structure to be used as common house is currently 45 feet and remain as so, but the height will not be increased.

**Density:** Any future development exceeding 27 single family homes and 5 ADUs shall receive Plan Commission approval.

**Occupancy:** Occupancy for the single family houses and the ADUs shall be limited to the Single Family definition of family, including not more than three (3) unrelated adults per lot. This shall also be indicated in the Bylaws of the development. As this is determined by the lot, for a property with a single family house and an ADU the maximum occupancy for the lot is three (3) unrelated adults.

**Accessory Dwelling Units (ADUs):** The five (5) detached garage structures shall be permitted to have ADUs following the standards of B.M.C. 20.05.0333 with the exception that the minimum lot size standard (20.05.0333(e)), proximity standard (20.05.0333(f)) and minimum setback standards for detached ADUs (20.05.0333(i)(4)(B)) be waived. They shall meet all other requirements including maximum allowable size for a detached ADU at 440 square feet.

These units shall be required to receive a conditional use approval as required by the Unified Development Ordinance.

**Home Occupations:** Permitted, following the requirements of the Unified Development Ordinance.

**Landscaping:** Parking Lot Landscaping Standards

Residential High Density (RH) Standards

Maximum Impervious Surface Coverage: 45% of total site

**Parking:** A maximum of 42 surface parking spaces and 5 two car detached garages.

**Bicycle Parking:** A minimum of 6 spaces.

**Signage:** One free standing sign per development entrance with the following standards: a sign face no more than 32 square feet and a maximum of 6 feet in height

**Fencing:** The fence regulations shall abide by the fence regulations in the UDO.

# MEMORANDUM

Date: May 14, 2018  
To: Bloomington Plan Commission  
From: Bloomington Environmental Commission  
Subject: PUD-02-18, Second Hearing, B-TOWN Cohousing  
South Maxwell Street and East Short Street

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The purpose of this memo is to convey the concerns and recommendations of the Environmental Commission (EC) with the hope that action will be taken to enhance the promised environment-enriching attributes of this proposed plan.

The request is for a PUD amendment to add property, redesign the site plan, and change the requirements in the PUD District Ordinance from what had been approved in 2014.

The EC supports the idea of a co-housing neighborhood, as condensed housing decreases a growing population's negative environmental impact; however, the EC wishes this plan included more green building and site designing practices. While many features are admirable, others seem exaggerated as to their green benefits.

Upon review, it appears this neighborhood will contain smaller lots, more houses, and more impervious surface coverage than the UDO allows; and hold a vision of a "sharing community", but provide little public benefits in the form of a sustainable development.

Because the EC is disappointed with the level of environmental protection and sustainability provided by the green building practices promised, a brief response or request to the listed "green features" in the revised Petitioner's Statement will be provided below.

*Infill development or sites near public transit and services.*

Infill development is the most practical way to develop, given less new infrastructure is required. In Bloomington, almost anywhere is considered "near" to transit and some services.

*Advanced framing techniques (about 25% less wood than typical framing per sq. ft.)*

Please explain the term 'advanced framing'. Is this something other than framing using 24 or more inches between studs instead of 16 inches?

*Tight building envelope (Energy Star)*

Please describe what you mean by the term “tight”. Is your plan to follow all of the “Seal and Insulate with Energy Star” recommended steps for improving the envelope of the homes or something else?

Will all of the dwelling units be Energy Star Certified 3, or is the plan to incorporate certain Energy Star products? An Energy Star Certified home earns the label by undergoing a process of third-party inspections, testing, and verification to meet requirements set by the US EPA. The EPA claims Energy Star houses use significantly less energy than typical new homes; deliver better comfort, quality, and durability; are built better from the ground up; and offer reduced utility and maintenance costs.

*Passive cooling (Skinny House designs for natural cross-ventilation)*

Please explain how the cross ventilation will work. The illustrative elevations of the house types don’t necessarily look as if they are only one room wide; especially Type E. To enable cross ventilation in a house requires more than having windows.

*High R-value blow-in cellulose or fiberglass insulation*

Cellulose or fiberglass are not the most environmentally friendly or effective insulations available. Although inexpensive, fiberglass is associated with black mold, and can lose tiny bits of its fiber into the air, possibly causing respiratory problems. Have you considered wool, cotton, sprayed soybean foam, Nanogel, Icyene, polyurethane foam, or structural insulated panels (SIPs)? What is the R-value of the whole envelope planned to be?

*Renewable energy systems (Solar Panel ready construction)*

The EC recommends including solar panel installation in the project design. The fact that a homeowner may have solar panels installed in the future carries no weight in this evaluation.

*Low-water and Low-energy-use appliances and plumbing fixtures (Energy Star)*

Most appliances use less water and energy than older models. Will the windows and doors be rated Energy Star also?

*Low-toxic and low/zero-volatile organic compounds (VOC) adhesives, sealants and paints*

Most currently available products are low VOC.

*Storm-water use including rain barrels and cistern for gardening*

Please show these on the plan and describe the plumbing that will be used.

*Permaculture landscape principles (Edible gardens, Native grasses for wildlife habitat, Fruit trees, Raspberries in fence-rows/Property lines)*

The definition of permaculture encapsulates more than what was identified in the Petitioner’s Statement. Employing “permaculture” principles must include more than vegetable gardens and native plants.

*Front and back porches as extensions of indoor space (unconditioned living space)*

Will the porches have ceiling fans and winter side guards to assist in the energy efficiency of the homes?

*Build a tight house, with minimal air-leakage rates*

See comments above.

*Incorporate applicable universal design principles*

Universal design used for these houses is praiseworthy, although not necessarily correlated with green building practices. Please explain the universal design features that will be used and how the two are associated.

Other questions the EC requests answers to are as follows.

- ~ Illustrate the 5 ft. tree plot and the 5 ft. sidewalk along Short St. more accurately. Continue both along the new part of Short Street.
- ~ The path to YMCA goes through a retention pond that is required to be planted with native plants, and the surface material of the path is not identified. Please explain how this will work.
- ~ How many bicycle parking spaces will there be?
- ~ Where is the recycling pick up area?

4-5-2018

Revised 6-1-2018

B-Town Cohousing PUD

Petitioners Statement:

Dear City of Bloomington, Common Council Members

On behalf of Loren Wood Builders, we are pleased to present the proposed 2018 B-Town Cohousing PUD.

The PUD Development,

B-TOWN Cohousing Developers is respectfully submitting to the City of Bloomington Common Council a request for approval of the PUD District Ordinance overlay process to obtain permission to design and build a Cohousing community in Bloomington. The site is located at 2005 S. Maxwell St. We have a total of 3.19 acres (not including the Short St ROW) with the intention of creating a sustainable community within an existing neighborhood to link land-use and development with municipal services, public transportation, and infrastructure.

PUD Team:

Project Developer:	Loren Wood Builders; Loren Wood
Architecture and Urban Planning:	MCA; Marc Cornett, Architect
Civil Engineering:	BFA; Jeff Fanyo, Civil Engineer

The original Cohousing PUD project presented by Marion Sinclair, Janet Greenblatt and Nancy Shin was approved in 2014 with 26 units total on 2.58 acres for a density of approximately 10.07 units per acre. They have since sold the property to Loren Wood Builders who is currently continuing the original PUD goals.

The Underlying Zoning is RS, Residential Single-family and the PUD Overlay proposes to use RM Zoning Standards, Residential Multi-family. We are proposing (27) Single-family Residential Lots and (5) of those Lots could also contain ADU's, Accessory Dwelling Units (shown on the site plan). The houses will consist of one, two and three bedroom with front porches on small lots. The proposed Density is approximately 8.5 Lots/Acre not including ADU's. We are proposing Perimeter Site Parking Lots containing up to (42) spaces and (5) two car garages containing (10) spaces for a total of up to (52) Spaces. The site also contains a Common-house, Trash-enclosures, Bike-facilities (parking for a minimum of 10 bikes in the Common House Basement and a minimum of 4 bikes for visitors on-site), Recycling-facilities, Picnic-facilities, Mailbox-kiosk, and a Common Garden. The Design Principles include Small Private Lots and Set in a Common Space Landscape (HOA Maintained) that is reflective of the Cohousing Design Philosophy.

As a part of the PUD approval process the connection of Short Street to the West of the site will be a part of the PUD process, Ref: drawing exhibit SH-1, dated 6-1-2018. An at-grade solution, is being negotiated, with a section of 16' wide asphalt street, and on the South side of the street a 5' tree-plot with street-trees and a 5' sidewalk/path. This new section will retain existing trees where possible and most importantly, try to minimize impact on the existing storm-water conditions in the existing North/South drainage-way.

Page 2:

4-5-2018

Revised 6-1-2018

B-Town Cohousing PUD

Petitioners Statement, continued:

Cohousing provides a way to live lighter on the land while providing a child-and senior-friendly neighborhood.

In Cohousing, each household has a private residence designed to be self-sufficient, but every household shares extensive common facilities within the neighborhood such as a large Common House that includes a big kitchen and dining room, children's playrooms, workshops, guest rooms, and laundry facilities. The community will include a large garden and vehicle-free common spaces with walking paths and trails. The values include bike riding and car-sharing, whenever possible. Thus, one goal of the community is to conserve resources while building community.

We plan to build houses that sit on a smaller footprint relative to the larger site. We also plan to cluster our houses on small lots, to foster community, to economize on building materials and to save on future energy costs. Energy saving techniques and green technology will be used during construction of the homes.

We would also like to request final plan review and approval at the City of Bloomington Planning Department, staff level, so that we can begin to implement utilities and corresponding site work as early as possible this summer for the site improvements as listed. This would allow us to focus on building the first houses so that the new residents can enjoy the many benefits of Co-housing.

We will be happy to provide any additional information needed at your request.

Thank you very much for your time and consideration.

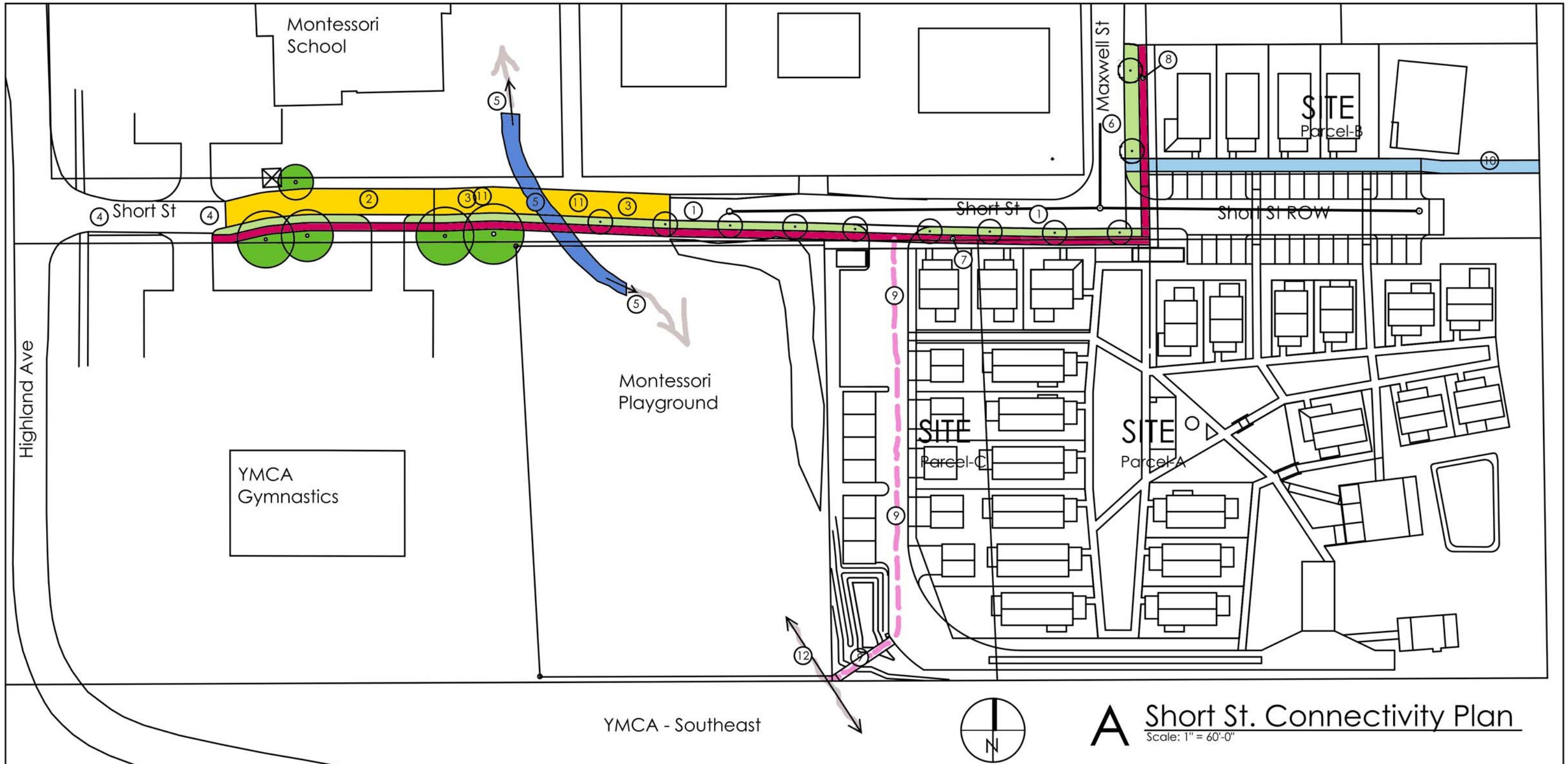
Respectfully Submitted,

Marc Cornett, Architect









**KEY LEGEND**

- ① Existing Short St (paved) 16' width, 265' length to Maxwell St. no curbs, gutters, sidewalks or storm-water system
- ② Existing Short St (gravel) 20'-15' widths, 110' length
- ③ Existing Short St ROW (no street) low area, 135' length Connectivity Solution: 12' Alley/Cueing Street for 225' length. See PUD Revisions for Details
- ④ Existing Short St (paved parking drive) 20' width, 135' length no curbs, gutters, sidewalks or storm-water system

- ⑤ Existing pedestrian path crossing (Montessori School)
- ⑥ Existing Maxwell St (paved) 20' width, no curbs, gutters, sidewalks or storm-water system
- ⑦ New 5' Sidewalk and Tree-plot along PUD Site on Short St.
- ⑧ New 5' Sidewalk and Tree-plot along PUD Site on Maxwell St.
- ⑨ New North/South Path thru Site from Short St. at North to Southeast Corner to connect to existing YMCA/Montessori Trail (path uses emergency access drive)
- ⑩ New 8' wide Asphalt Multi-use Trail

- ⑪ New 16' wide Asphalt Street Connection, 5' Sidewalk and Tree-plot on Short St. ROW
- ⑫ Existing Path from Montessori to YMCA
- Existing Canopy Tree
- New Street Tree
- New 5' Tree Plot
- New 5' Sidewalk

- New 8' Multi-way Path
- New 5' Sidewalk

**B-TOWN CoHousing**

Date: 6-1-2018

Developer:  
Loren Wood Builders

Urban Design and Architecture:  
M C A Marc Cornett, Architects + Urbanists

**SH-1**

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, May 30, 2018 at 6:32pm with Council Vice-President Isabel Piedmont-Smith presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
May 30, 2018

Roll Call: Ruff, Sturbaum, Chopra, Piedmont-Smith, Sandberg, Sims, Rollo  
Members Absent: Granger, Volan

ROLL CALL [6:32pm]

Council Vice-President Isabel Piedmont-Smith gave a summary of the agenda.

AGENDA SUMMATION [6:32pm]

Councilmember Susan Sandberg moved and it was seconded to approve the minutes of April 18, 2018. The motion was approved by voice vote.

APPROVAL OF MINUTES [6:33pm]

April 18, 2018 (Regular Session)  
May 02, 2018 (Regular Session)  
May 16, 2018 (Regular Session)

Sandberg moved and it was seconded to approve the minutes of May 02, 2018. The motion was approved by voice vote.

Sandberg moved and it was seconded to approve the minutes of May 16, 2018. The motion was approved by voice vote.

Councilmember Chris Sturbaum spoke about a conference that he attended in Savannah, Georgia.

REPORTS

- COUNCIL MEMBERS [6:35pm]
- The MAYOR AND CITY OFFICES
- COUNCIL COMMITTEES [6:37pm]

There were no reports from the Mayor or City Offices.

Councilmember Dave Rollo moved and it was seconded to accept a Disclosure of Conflict of Interest form from Council Attorney Dan Sherman. The motion was approved by voice vote.

Rollo presented the Council Sidewalk Committee 2018 Report to the Council.

Council Sidewalk Committee 2018 Report

Piedmont-Smith asked how effective the flashing pedestrian crossing was at Olcott Drive.

Council Questions:

Councilmember Allison Chopra clarified that the flashing light at the Olcott Drive crosswalk was intended for speeding cars instead of pedestrians.

Andrew Cibor, Transportation and Traffic Engineer, confirmed that the flashing light at Olcott was intended to reduce speed.

Piedmont-Smith asked if the Moores Pike crossing at Clarizz project would include warning signs for a pedestrian crossing.

Cibor said the signage would be compliant with best practices.

Chopra asked if the implementation of a sidewalk would be included in the cost to the developer of a planned unit development (PUD) on Maxwell Street.

Rollo answered that he had not yet seen plans for the PUD.

Sturbaum said that a sidewalk on Maxwell Street was a public safety concern but he did not think the City could insist the developer take on the burden of the sidewalk.

Councilmember Jim Sims said that the lower cost of the Maxwell Street design phase was because of the anticipated assistance of the PUD developer.

Piedmont-Smith asked if the biggest concern on Maxwell Street was whether the city or the developer would pay for a sidewalk.

Council Sidewalk Committee 2018 Report (*cont'd*)

Cibor said that the Maxwell Street PUD was going through the Planning Commission process and that the commission discussed the possibility of the developer assisting with sidewalks.

Piedmont-Smith asked if the Council would be committed to paying for future traffic calming devices.

Rollo said he did not think so.

Chopra moved and it was seconded to divide the question between the Maxwell Street project and all other recommended projects.

The motion to divide the question received a roll call vote of Ayes: 3 (Ruff, Chopra, Piedmont-Smith), Nays: 4, Abstain: 0. FAILED.

Vote to Divide the Question [7:32pm]

Piedmont-Smith supported the report but thought the City should not pay for the design of the Maxwell Street sidewalk.

Council Comment:

Sandberg thanked the councilmembers who served on the Sidewalk Committee and said she would vote for the report.

Councilmember Andy Ruff said he had hoped to have more discussion on the report per Chopra's request but that he would vote yes for the report.

Sturbaum said he thought the estimate on the sidewalks would be useful for the future.

Rollo said that a sidewalk on Maxwell Street would be needed in the future and the approval of the report began the process.

Sims thanked staff for their expertise and emphasized the importance of public input.

Chopra moved and it was seconded to adopt the Council Sidewalk Report.

The motion to adopt the Council Sidewalk Report received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to Adopt Council Sidewalk Report [7:40pm]

Sims moved and it was seconded to suspend the rules to allow a presentation by local high school students.

- PUBLIC [7:41pm]

The motion to suspend the rules received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote to Suspend Rules [7:41pm]

Veera Shah, Maddie Clemmer, Peter Grumbling, Caroline Cherry, Jerrett Alexander, Sydney Piercy, and Frances Sheets of the Bloomington Youth for Environmental Sustainability (Y.E.S.) presented the "Society's Resolution for Environmental Responsibility and Improvement."

There were no appointments to boards or commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Sandberg moved and it was seconded that Ordinance 18-07 be introduced and read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis.

Sandberg moved and it was seconded that Ordinance 18-07 be adopted.

Rachel Ellenson, Program Manager of Historic Preservation, presented the legislation.

Rollo asked if the proposal included the entire property.

Ellenson said that both the home and carriage house were proposed for historic designation.

Chopra moved and it was seconded to adopt Amendment 01 to Ordinance 18-07.

Amendment 01 Synopsis: This amendment is sponsored by Councilmembers Chopra, Granger, and Piedmont-Smith and changes the name of the historic designated structure at 506 South High Street from "The Ralph Rogers House" to "The Ralph and Ruth Rogers House."

The motion to adopt Amendment 01 to Ordinance 18-07 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Jeff Goldin, Chair of the Historic Preservation Commission, spoke in support of historical designation for the property.

The motion to adopt Ordinance 18-07 as amended received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Sandberg moved and it was seconded that Ordinance 18-08 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sandberg moved and it was seconded that Ordinance 18-08 be adopted.

Ellenson presented the legislation. She noted that the owners had been informed of the Council meeting taking place that evening.

Sandberg asked if there was feedback from the property owners.

Ellenson said she had reached out to the property owners but they had not yet responded.

Sims asked if residents in the apartments supported the designation.

Ellenson explained that residents had not explicitly stated support.

Rollo asked why the building was rated as "notable" as opposed to "outstanding".

Ellenson explained that the building in question did not have all original elements and was in some disrepair. She believed the building could reach an "outstanding" rating at some point in the future.

## LEGISLATION FOR SECOND READING AND RESOLUTIONS

Ordinance 18-07 – To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" To Establish a Historic District – Re: The Ralph Rogers House at 506 South High Street (Bloomington Historic Preservation Commission, Petitioner) [7:58pm]

Council Questions:

Amendment 01 to Ordinance 18-07

Vote to adopt Amendment 01 to Ordinance 18-07 [8:02pm]

Public Comment:

Vote on Ordinance 18-07 as amended [8:04pm]

Ordinance 18-08 – To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" To Establish a Historic District – Re: The Willow Terrace Apartment Building at 605 South Fess Avenue (Bloomington Historic Preservation Commission, Petitioner) [8:04pm]

Council Questions:

Ruff asked Ellenson what negative consequences the property owners might expect if the property were designated historic.

Ellenson answered that the property owners might expect higher maintenance costs due to higher standards for historic buildings.

Piedmont-Smith asked what the penalty would be to the owner if the historic designation regulations were ignored.

Ellenson explained that there was a system of fines that depended on the violation.

Goldin emphasized the need to protect the historic architecture of the building.

Sturbaum spoke in support of the ordinance and the importance of recognizing historic buildings in the community.

Sandberg said she would support the ordinance and emphasized the importance of preserving historic buildings.

Sims felt it was necessary that the owner support the designation and was unsure the ordinance should pass without owner support.

Rollo said the building was important to Bloomington and lamented that the owner was not present at the meeting.

Chopra thanked Ellenson for reaching out to the owner and said she would support the ordinance.

Piedmont-Smith supported the ordinance, particularly because of the building's multi-family usage in the neighborhood.

The motion to adopt Ordinance 18-08 received a roll call vote of Ayes: 6, Nays: 1 (Sims), Abstain: 0.

Sandberg moved and it was seconded that Ordinance 18-09 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Sandberg moved and it was seconded that Ordinance 18-09 be adopted.

Cibor and Neil Kopper, Project Engineer, presented the legislation.

Rollo asked if they collected student feedback on popular walking routes to school.

Kopper said they coordinated with Monroe County Community School Corporation and individual input was welcomed.

Sturbaum asked if a speed warning would be present on Hillside Drive or Henderson Street.

Kopper explained that an area of Henderson Street would be included in the school speed zone, but that Hillside Drive would not include a school speed zone. He said locations were not yet final.

Rollo asked how effective beacon lights were for lowered speeds.

Cibor answered that the beacon light was proven to be effective in lowering the speed limit whereas feedback signs were effective initially but lost effectiveness over time.

Ordinance 18-08 (cont'd)

Public Comment:

Council Comment:

Vote on Ordinance 18-08 [8:34pm]

Ordinance 18-09 – To Amend Title 15 of the Bloomington Municipal Code, Entitled "Vehicles and Traffic" – Re: Increased or Decreased Speed Limits, School Speed Zones, and Park and Playground Speed Zones [8:37pm]

Council Questions:

Ruff asked if a local match was required for funding through the state.

Kopper said a 10% local match was required.

There was no public comment.

Piedmont-Smith asked if there was a drawback in making the changes in the code while the project was still two years away.

Kopper explained that the procedure mandated that the design phase occur as soon as possible and that the update in the code was necessary to continue the design phase.

Sandberg said she thought the ordinance was useful for planning and thanked staff.

Sturbaum emphasized the importance of looking at individual school areas when choosing speed zones and expressed hope for flashing lights in school zones.

The motion to adopt Ordinance 18-09 received a roll call vote of Ayes: 6, Nays: 1 (Sturbaum), Abstain: 0

There was no legislation for first reading.

There was no public comment.

There was a brief discussion about the council schedule.

The meeting was adjourned at 9:19pm.

Ordinance 18-09 (cont'd)

Public Comment:

Council Comment:

Vote on Ordinance 18-09 [9:17pm]

LEGISLATION FOR FIRST READING

ADDITIONAL PUBLIC COMMENT

COUNCIL SCHEDULE [9:18pm]

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington