

# City of Bloomington Common Council

## Legislative Packet

**Wednesday, 5 December 2018  
Regular Session**

- For legislation and background material regarding Resolution 18-24 (Parking Garage Bond), please see the [24 October 2018 Legislative Packet](#).
- For legislation and background material regarding Ordinance 18-21 (Meadowood PUD) and Ordinance 18-22 (Chandler's Glen PUD), please see the [31 October 2018 Legislative Packet](#) and the [14 November 2018 Legislative Packet](#).
- For legislation and background material regarding Appropriation Ordinance 18-06, Ordinance 18-20 (Overlay Districts) and Ordinance 18-24 (Fixed Salaries), please see the [14 November 2018 Legislative Packet](#).

All other legislation and background material contained 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**  
**Date: 05 December 2018**

<b>LEGISLATIVE PACKET CONTENTS</b>	
<b>REGULAR SESSION: WEDNESDAY, 05 DECEMBER 2018, 6:30 PM</b>	
<ul style="list-style-type: none"><li>• Memo from Council Office</li><li>• Agenda</li><li>• Notice</li><li>• <u>Resolution 18-24</u> (Amendment by Substitution) and <u>Resolution 18-25</u> (New Legislation)</li><li>• <u>Ordinance 18-22</u> (new petitioner materials)</li><li>• <u>Ordinance 18-10</u> (new legislation)</li><li>• <u>Ordinance 18-26</u> (new legislation)</li><li>• <u>Ordinance 18-27</u> (new legislation)</li><li>• <u>Resolution 18-26</u> (new legislation)</li><li>• Proposed Annual Council Schedule</li></ul>	

**Legislation and Schedule for Consideration at the Regular Session**

**Second Readings:**

- Resolution 18-24: the Redevelopment Bonds-Amendment by Substitution-4<sup>th</sup> Street Garage (*Postponed to this date at the 14 November meeting*)
- Resolution 18-24: the Redevelopment Bonds-Trades District Garage (new legislation)
- Ordinance 18-24: Amendment to the 2018 Salary Ordinance to Provide Incentive Pay to Dispatchers Who Train Other Dispatchers.
- Appropriation Ordinance 18-06: the End-of-Year Appropriation Ordinance
- Ordinance 18-21: the Meadowood PUD amendment – No new materials
- Ordinance 18-22: the PUD amendment for Trinitas on Arlington Park Drive and Arlington Road (Chandler’s Glen), with new petitioner materials
- Ordinance 18-20: the Extension of the Expiration Date of Ordinance 17-45 (UDO development and architectural standards for Commercial Downtown Overlay Districts)

**First Readings:**

- Ordinance 18-10: Amending Title 2 (Administration and Personnel) to Require Additional Council Oversight of Certain City Fiscal Actions.
- Ordinance 18-26: Amending Title 15 (Vehicles and Traffic) Re: Periodic Changes

- Ordinance 18-27: Amending Title 9 (Water) - Re: Inserting Chapter 9.24 - Backflow Regulations
- Resolution 18-26: Approving a Lease-Purchase Agreement for the Purchase and Installation of Utility Metering Improvements  
*Note: Historically, resolutions have not been put to a first reading as there is no statutory requirement to do so. However, some Councilmembers have recently indicated that resolutions with a significant fiscal impact should be put to a first reading to alert the public earlier. This resolution has a significant fiscal impact, and for that reason, will be read into the record next week. Thanks to City Legal and the Controller for providing Council staff with some material for this legislation earlier than anticipated. Please note that terms of the Agreement are still being negotiated. Complete material will be sent to the Council no later than Wednesday, 05 December 2018.*

**Council Schedule:**

- Annual Council Legislative Schedule

**Second Readings and Resolutions – Material in this Packet**

**Resolution 18-24**: Redevelopment Bonds – Amendment by Substitution (4<sup>th</sup> Street Garage)  
 → Please see the [24 October 2018 Legislative Packet](#) for legislation and background material.  
 → Please see the [31 October Legislative Packet](#) for Am 01 offered by Councilmember Volan.  
 → Included herein, please find:

- Res 18-24 – Amendment by Substitution – 4<sup>th</sup> Street Garage
- Memo to the Council from Larry Allen, Assistant City Attorney

**Resolution 18-25**: Redevelopment Bonds – New Resolution – Re: Trades District Garage  
 • Memo to the Council from Larry Allen, Assistant City Attorney

**Ordinance 18-21**: the Meadowood PUD amendment  
 → Please see [31 October Legislative Packet](#) for legislation.  
 → Please see [14 November Legislative Packet](#) for the Report from the Land Use Committee and draft version of Reasonable Condition RC 01 (Piedmont-Smith).  
 → Included herein, please find:

- Reasonable Condition RC 01 (Piedmont-Smith) as distributed at the 14 November Regular Session

**Ordinance 18-22**: the PUD amendment for Trinitas on Arlington Park Drive and Arlington Road (Chandler’s Glen)  
 → Please see [31 October Legislative Packet](#) for legislation.  
 → Please see [14 November Legislative Packet](#) for the Report from the Land Use Committee.  
 → Included herein, please find revised materials from Petitioner including:

- Letter from Petitioner to Jackie Scanlan, Development Services Manager
- Comprehensive Plan Matrix
- Response to Environmental Commission Recommendations
- Letter to Alex Crowley, Economic and Sustainable Development Director
- Memo from Petitioner re: Transit

- Petitioner’s Material
  - Petitioner’s Statement revised 11-20-2018
  - Maps
  - Traffic Map
  - Communication from the Crescent Bend Neighborhood Association
  - Communication from Glick Family Housing Foundation

**First Readings – Material in this Packet**

**Ordinance 18-10** To Amend Title 2 of the Bloomington Municipal Code (BMC) Entitled “Administration and Personnel” (Inserting BMC 2.26.200 to Provide for Additional Council Oversight of Intra-Category Transfers of \$100,000 or More within Certain Funds; Inserting BMC 2.26.205 to Require Submittal and Approval of Capital Plans Associated with Such Funds for the Applicable Year and Council Review of Capital-Related Expenditures of \$100,000 or More Not Identified in those Plans; and, Inserting BMC 2.26.210 to Require that Certain Other Expenditures in Such Funds of \$100,000 or More be Identified and, if Not Previously Identified, then be Reviewed by the Council)

- Memo to Council from Sponsors, Cms. Granger (President) and Piedmont-Smith (Vice President)

Contact

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**Ordinance 18-26** To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Amending Chapter 15.08 (Administration) to Extend the Time Period Permissible for Temporary, Experimental, or Emergency Traffic Regulations, Chapter 15.12 (Stop, Yield and Signalized Intersections) to Codify 90-Day Orders, Chapter 15.24 (Speed Regulations) to Codify 90-Day Orders, Chapter 15.26 (Neighborhood Traffic Safety Program) to Add Traffic Calming Locations, Chapter 15.32 (Parking Controls) to Make Changes to No Parking and Limited Parking Zones; Chapter 15.34 (Accessible Parking for People with Physical Disabilities) to Authorize the Transportation and Traffic Engineer to Approve Changes in Accessible Parking; and, Chapter 15.40 (Municipal Parking Lots, Garages and On-Street Metered Parking) to Grant Authority to the Parking Services Director to Modify Parking Fees for Special Events and to Make Changes to Non-Reserved Monthly Garage Permits

- Memo from Staff
- Maps

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**Ordinance 18-27** To Amend Title 9 of the Bloomington Municipal Code Entitled “Water” (Adding Chapter 9.24 - Standards for the Control of Backflow and Cross Connections)

- Memo to Council
- Enforcement Response Plan

- Insert for BMC Title 9 “Water” – Showing Heading for New Chapter in Table of Contents (and referring reader to the ordinance for the text of the new chapter).

Contacts

*Vic Kelson, Director CBU, at 812.349-3650 or kelsonv@bloomington.in.gov*

*Chris Wheeler, Assistant City Attorney, at 812-349-3426 or wheelech@bloomington.in.gov*

**Resolution 18-26** To Approve an Equipment Lease Purchase Agreement and Other Related Matters -  
Re: Purchase and Installation of Utility Metering Improvements

- Memo to Council
- USB Resolution

Contacts

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*Vic Kelson, Director CBU, at 812.349.3650 or kelsonv@bloomington.in.gov*

*Chris Wheeler, Assistant City Attorney, at 812.349.3426 or wheelech@bloomington.in.gov*

**Council Schedule – Material**

**Annual Council Legislative Schedule for 2019**

- **Packet Summary from 14 November 2018 - Overview of the Schedule** – with Variants and Associated Motion to Make those Changes
- **Alternative 1** – Summer Recess – Starting end of June
- **Alternative 2** – Summer Recess – Starting mid-June
- **IU List of Religious Holidays** (*to enlist the help of Council members in identifying days when meetings should not be held*).

Contact: *Dan Sherman at 349-3409, shermand@bloomington.in.gov*

**Second Readings and Resolutions – Summary of New Material**

**Item 1:**

**Res 18-24 – Approving the Issuance of Redevelopment District Bonds for the Acquisition, Construction, and Financing of Two Garages – Amendment by Substitution to Address the 4<sup>th</sup> Street Parking Garage**

**&**

**Item 2:**

**Res 18-25 – Approving the Issuance of Redevelopment District Bonds for the Acquisition, Construction, and Financing of Trades District Parking Garage**

Recall that Res 18-24 was postponed from Regular Sessions on 31 October 2018 and 14 November 2018 to the Regular Session on 05 December 2018. It proposed approval of RDC bonding for two parking garages. Early on, Cm. Volan proposed Am 01 which would approve bonding for the 4<sup>th</sup> Street Garage, but not the Trades District Garage. This packet provides two resolutions that, together, would have the effect of dividing the question on these two projects. *As a procedural matter, please note that Res 18-24 as presented in this packet would need to be offered as an amendment to the Res 18-24 as was forwarded from previous meetings.*

Discussion regarding the size and features of these two projects have been ongoing. In the event an agreement is reached on those features, it appears that the Council would be comfortable knowing that the RDC has approved those features in a Development Review and Approval (DRAF) Form. DRAF forms are considered by the RDC at various stages of capital projects. A DRAF for these projects was approved on 22 October 2018 and modified on 5 November 2018. Further amendments are contemplated at the 03 December 2018 meeting. See RDC [packet](#) issued for that meeting. The features listed in the proposed Amended DRAF, however, may not satisfy a majority of Council members.

Please see the attached memos for what is being proposed for each parking facility.

**Ordinance 18-21: the Meadowood PUD amendment, with a report from the Council's Land Use Committee - Update**

Recall that both this ordinance ([Ord 18-21](#) - Meadowood) and the next, [Ord 18-22](#) (Chandler's Glen), are PUDs and were referred to the Land Use Committee (LUC) on 31 October 2018, which on 07 November 2018 and reported back to the Regular Session on [14 November 2018](#). Please note that the 90-day period for Council review will expire in mid-January, but for the sake of efficiency (e.g. another ordinance would need to be introduced for consideration in 2019), it would be best if the Council wrapped these matters up in 2018.

At the last meeting, the Petitioner sent an email requested postponement in order to: consider RC-01, which would require keeping the two single-family homes on North Dunn and any development to comply with Residential Estate (RE) standards; prepare requested elevations, which it thought would entail meeting with neighbors; and, address some landscaping issues. Please note that a planned meeting with the neighbors did not materialize. Please also note that the petitioner expects to provide further information before the next meeting.

**Ordinance 18-22: the PUD amendment for Trinitas on Arlington Park Drive and Arlington Road (Chandler's Glen) - New Petitioner Materials**

Recall that this PUD came forward from the Plan Commission without a recommendation and received a 1 (Sturbaum) – 2 (Chopra and Piedmont-Smith) – 1 (Volan) Do Pass recommendation from the LUC. Since the last meeting, the Petitioner has compiled a 40+ page packet of materials to address unresolved issues at the Plan Commission and at the LUC. Please note in the event the Council fails to act, this PUD would be defeated at the expiration of the Council review period in mid-January.

## First Readings – Summaries

### Item 1:

#### **Ord 18-10 - Amending Title 2 (Administration and Personnel) to Provide for Additional Council Oversight of Certain High-Dollar Fiscal Actions - Summary**

Council President Granger and Vice President Piedmont-Smith are sponsoring Ord 18-10, which amends Title 2 of the BMC (Administration and Personnel) to require additional Council oversight before the City may take certain fiscal actions. As stated in their memo, it follows the proposed purchase of the Critical Incident Response Team (CIRT) vehicle earlier this year and is intended to prevent this type of “high-dollar” surprise from happening again.

The premise of the ordinance is that public discussion of proposed expenditures ordinarily occurs during the annual budget deliberations and that expenditures of at least \$100,000 should be identified and discussed at that time. Those deliberations begin in May, lead to four evenings of Departmental Hearings in August, and culminate with formal hearings in September and October. It is here where the public and Council learn about the anticipated revenues and proposed expenditures for the coming year and where understandings with the Administration in that regard are reached. And, once the budget has been approved, the Administration is generally free to use funds as appropriated. After adoption of the budget, formal approval by the Council typically occurs only when unappropriated balances in Funds are made available for use or appropriations are moved from one Fund to another, one Department to another, or from one Category to another within a departmental budget.<sup>1</sup>

Based upon the above premise, the ordinance requires that high-dollar expenditures be identified and detailed during the annual budget deliberations and ones that have not been so identified in either a capital plan or other budget materials should be reviewed and approved by the Council.

**Manner of Oversight.** The Council review would work as follows:

- the Administration submits a resolution prior to the transfer/expenditure setting forth the particulars of the requested transfer/expenditure (which would be made available to the public by the City Clerk); and
- the Council reviews the resolution by the Council in the ordinary course of business or by Special Session called by the Council President, and approves it prior to the transfer/expenditure.

*(Note that the adoption of the resolution merely adds a step in an existing process and transfer/expenditures approved by the resolution must also comply with all other laws and regulations.)*

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<sup>1</sup> At a technical level, the adoption of the budget legislation in October fixes the budget, tax levies and tax rates for the next year and, in so doing, makes money available in the following “buckets” within “buckets:”

- Funds;
- Departments (within each Fund);
- Categories – 1 (Personnel), 2 (Supplies), 3 (Other Services and Charges), and 4 (Capital) (within each Department); and
- Line-Items (within each Category)

**Scope of Oversight.** The Council oversight would apply to fiscal actions that:

- Amount to \$100,000 or more;
- Are within funds listed in the Annual Budget Ordinance for the Civil City (DLGF Form 4)), except some routine or State-reimbursed funds (i.e. debt service, fire and police pension, fleet maintenance and self-insurance funds); and,
- Are limited to:
  - intra-category transfers within Category 2 (Supplies), Category 3 (Other Services and Charges), and Category 4 (Capital);
  - expenditures in Category 4 that are not part of an approved capital plan; and,
  - other expenditures in Category 2 and Category 3 that have not been previously identified and approved through the budget and appropriation process.

**Exceptions.** The Council oversight would not be required in the event:

- There is a critical, urgent, and unforeseen need to be addressed (which is further particularized in the ordinance and the following footnote<sup>2</sup>); and
- The Controller, with approval of the Mayor, provides notice to the Council and others no later than 48 hours after the Transfer/Expenditure.

**Conclusion.** As noted in the memo to the Council from the sponsors: “This ordinance has been developed in consultation with the Office of the Mayor and Controller. A copy was also sent to the State Board of Accounts who, aside from suggested clarifications, indicated that the Council oversight procedures proposed in this ordinance would not result in an audit exception. It is intended to provide for a public review of significant unforeseen transfers and expenditures in advance of payment. In formulating this ordinance, we are aware that the City is a very large entity with an annual budget in excess of \$100 million and wanted to avoid unnecessarily hindering the normal operations of a City. We believe this ordinance has reached the right balance, but are open to changes as we experience it being put into practice.”

## **Item 2:**

### **Ord 18-26 – Periodic Changes to Title 15 “Vehicles and Traffic”**

Ord 18-26 makes various changes to Title 15, “Vehicles and Traffic.” These changes are the result of feedback from the Traffic Commission, Planning and Transportation Department, and the Parking Enforcement Department. The Parking Commission will consider these changes before Council Second Reading on the measure.

Title 15 is a title that is subject to frequent change and revision and Council has historically requested that the Administration propose changes to Title 15 in manageable installments.

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<sup>2</sup> These critical, urgent, and unforeseen needs include: 1) an emergency, as determined by the department head and approved by the controller and Mayor, where the failure to act would cause an immediate danger to the health, safety, and welfare or loss to the City; or 2) the replacement current capital equipment with the same type of equipment and when delaying replacement would be detrimental to public health or safety or prevent normal operations of city services.



Notwithstanding the most recent parking changes, long ago, the Council requested that the Administration propose changes to Title 15 in manageable installments, rather than by way of protracted, “omnibus” legislation. Ord 18-26 represents such an installment.

The changes associated with Ord 18-26 include the following:

**Changes in Duration: Temporary, Experimental, or Emergency Traffic Regulations**  
(Section 1)

The ordinance doubles the time allowed for temporary orders and the time in which orders that are recommended to be permanent are forwarded to the City Council.

- **90-Day Orders Become 180-Day Orders**. Either the Chief of Police or the Transportation or Traffic Engineer (TTE) is authorized to implement temporary, experimental, or emergency regulations. Currently, these orders may not remain in effect for longer than 90 days. This changes the effective period to a maximum of 180 days.
- **60-Day Window to Submit Proposed Changes to Council Becomes 120-Day Window**. Where the Chief, the TTE, or the Traffic Commission recommends that any temporary order become permanent, currently, they’ve 60 days from the date of the entry of the order. This ordinance extends that period to 120 days.

**Stop Intersections** (Section 2)

The ordinance deletes one stop intersection and adds seven new stop intersections. *Please see map for details*

**Multi-Stop Intersections** (Section 3)

The ordinance deletes a four-way stop at Clark and Seventh Street. *Please see map for details*

**Speed Limits** (Section 4)

The ordinance adds posted speed limits to 8 segments of road. *Please see map for details.*

**Traffic Calming Locations** (Section 5)

Five new street segments on Allen Street are added for traffic calming. Depending on the segment, the calming is accomplished by speed cushions, street narrowing, or some combination thereof. *Please see map for details*

**Angle Parking** (Section 6)

The ordinance adds one street segment, on Eighteenth from Dunn to 100’ west of Dunn on the South side for pull-in angle parking. *Please see map for details*

**“No Parking Zones” Additions and Deletions** (Sections 7 and 8)

The ordinance adds 13 new “no parking zones” and deletes 5. *Please see map for details.*

**Limited Parking Zones** (Section 9)

The ordinance adds two new limited parking zone segments. One on Cottage Grove from Woodlawn to 75’ East of Woodlawn, north side for 15 minutes and another on Washington Street

from 80' N. of Second Street to 200' N. of Smith Avenue, west side of the street for 2 hours.

**Bus Zone** (Section 10)

The ordinance adds as a new segment as a bus zone: Washington Street from 2<sup>nd</sup> Street to 80' N. of 2<sup>nd</sup> Street. Designation as a bus zone means that “[w]hen appropriate signs are erected no person shall stop, stand or park a vehicle other than a bus in a bus zone.” BMC 15.32.110.

**Parking for Persons With Physical Disabilities** (Sections 11-13)

The ordinance deletes the schedule of enumerated accessible parking spaces and instead provides that the Transportation and Traffic Engineer or his or her designee will designate accessible parking spaces on public streets and in City parking facilities. According to the staff memo, this will “allow the City to respond more quickly to requests for accessible parking or changing circumstances” as the designation of each new space will be determined by the Engineer and will not require approval of the Council.

**On-Street Metered Parking Locations** (Section 14)

The ordinance adds four block faces to the list on on-street metered parking locations. 300 W. 10<sup>th</sup>; 400 W. 10<sup>th</sup>; 600 N. Madison; and, 400 W. Trades Street

**Hourly Charge for Special Events and Situations in Which Equipment is Non-Functional**  
(Section 15)

The ordinance allows the Parking Services Director, instead of the Board of Public Works, to modify the hourly parking charges in municipal lots and garages in conjunction with special events and promotional activities. The ordinance further provides that the Parking Services Director may impose a daily rate of no more than \$10.00 a day for parking when equipment is non-functional. According to the staff memo, “[t]his will allow parking garages to continue to function when equipment is not working.”

**Change in Hours for Half-Day Non-Reserved Monthly Parking Permits**

This request comes at the observation of Parking Garage Manager Ryan Daily and shifts the current hours of the half-day Nonreserved Permits for the garages from Mon-Fri, 6:00am-6:00pm; Sat & Sun, 6:00 am – Noon to 7 Days per Week Any 12-hour Period Per Day to better accommodate the work schedules of many in the service industry. Otherwise, persons working outside of the former hours would be required to buy the more expensive 24/7 permits. (\$40 v. \$67/month)

**Item 3:**

**Ord 18-27 - Amending Title 9 (Water) to Add Chapter 9.24 – Standards for Control of Backflow and Cross Connections**

Ord 18-27 amends BMC Title 9 (Water) to add Chapter 9.24, which provides standards and procedures for the control of backflow and cross connections. According to the memo from Chris Wheeler, Assistant City Attorney, this chapter is modeled after an ordinance recommended by the Indiana Department of Environmental Management (IDEM) and is intended to prevent the contamination of the City’s drinking water that may occur from the “backflow” of water, liquids,

or other substances at the numerous user connections (cross connections) to the public water system. The memo also provides some background and FAQs and indicates that “by adopting the ordinance, CBU will have an effective mechanism needed to implement an effective cross connection program.”

**Enforcement Response Plan** Currently, the only response available to a violation is to shut off the water service. Among other things, the ordinance authorizes an Enforcement Response Plan (ERP), which is included in the packet material. At its core, the ERP sets forth four categories of violations,<sup>3</sup> three kinds of circumstances,<sup>4</sup> and seven enforcement response actions<sup>5</sup> in a matrix which is intended to provide measured and uniform responses that will make more customers aware of, and improve their compliance with, the program.

**Summary of the Chapter.** The Chapter is set forth in nine sections which are briefly noted below:

**9.24.010 Purpose and authority** In paraphrase, this ordinance enables the CBU to comply with all state and federal laws protecting the contamination of the City’s water supply via customer’s connections to the public water system.<sup>6</sup> Its objectives are to:

- Isolate contaminants and pollutants within the customer’s water systems and preventing backflow into the public water system; and
- Promote elimination or control of cross connections (whether actual or potential) between the customer’s facilities and the public water system; and
- Maintain a continuing Backflow Prevention Program to “systematically and effectively prevent the contamination or pollution” of the City potable water supply.

**9.24.020 Responsibility** The Utilities Director is responsible for protecting the public water system from contamination due to backflow at cross connections and shall give a customer notice to install an “approved backflow prevention assembly” if in his/her judgment, it was required for the safety of the water system. The customer, in turn, must install the assembly at his/her own expense and will be subject to penalties and fees (including discontinuance of service) for failure to install, have tested, or maintain the assembly.

**9.24.030 Definitions** The Chapter includes about 20 definitions and refers the reader to the City of Bloomington Utilities’ “[Rules, Regulations and Standards of Service](#)” for the meanings of words not defined in the Chapter. Here are some key terms:

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<sup>3</sup> The four categories of violations are broken down as follows: 1) testing and reporting; 2) cross connections; 3) compliance schedule; and 4) violations detected through inspections.

<sup>4</sup> The three kinds of circumstances are: 1) isolated; 2) recurring; and 3) any instance.

<sup>5</sup> The seven enforcement response actions include: 1) Telephone Notices (TXN); 2) Site Visits (SV); 3) Notice of Violations (NOV); 4) Administrative Order (AO); 5) Compliance Schedule (CS); 6) Administrative Fines (AF); and 7) Legal Action (LA).

<sup>6</sup> The ordinance mentions the following: Federal Safe Drinking Water Act of 1974 (42 USC 300) (see this link to the [EPA webpage – Summary of Safe Drinking Water Act](#) with link the law); Indiana Administrative Code (IAC) 327 Section 8 Rule 10 (see link to [IDEM webpage on Water Quality in Indiana – including link to 327 IAC 8-10](#)), and City of Bloomington [Rules, Regulations and Standards of Service](#), Section 17.

“Approved” means accepted by the Utilities Director as meeting an applicable specification stated or cited in this chapter,<sup>7</sup> or as suitable for the proposed use.

“Backflow” means the flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

“Cross Connection” means any physical arrangement, including cross connection control devices not in working order, whereby a public water supply distribution system is directly connected, either continuously or intermittently, with any secondary source of supply, sewer, drain, conduit, pool, piping, storage reservoir, plumbing fixture, or other device that contains, or may contain, and is capable of imparting to the public water supply, contaminants, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality. Fire line usage other than for fire suppression or testing shall be considered a cross connection unless determined otherwise.

**9.24.040 Administration** The Utility administers the cross connection control program in compliance with IDEM regulations (see link above) and CBU Rules, Regulations, and Standards of Service (see link above). Unless provided otherwise in this chapter, the Director or his/her designated employee administers, implements and enforces its provisions. Customers shall allow their property to be inspected for possible cross connections and must follow local and State law if a cross connection is permitted.

**9.24.050 Requirements and policy** This section sets forth the requirements for selecting, installing, maintaining, inspecting, and replacing backflow prevention assemblies and cross connection control devices, and authorizes the Director to “make all necessary and reasonable rules and policies with respect to enforcement of this ordinance.”

At the outset, this section prohibits water service connections which do not protect the water supply and provides for the discontinuance of service (by putting a physical break in the service line) until the underlying conditions or defects are corrected.

It requires an “approved backflow prevention assembly” to “be installed on each service line ... after the water meter and immediately inside the building being served before the first branch line leading off the service line” where there is/are on the premise:

- an auxiliary water supply which is not or may not be of safe quality and is not deemed acceptable by the Director;
- designated cross connection hazards where industrial fluids or any other objectionable substance is handled in a way that creates an actual or potential hazard to the public water supply;
- internal cross connections that can’t be protected or corrected, or that are located so that it is impossible or impracticable to determine the presence and extent of a hazard to the public water supply;
- a cross connection has caused contamination to the customer’s or City’s water system;

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<sup>7</sup> Please note that statute and the Chapter’s own definition for “Approved Backflow Prevention Assembly” cites secondary sources for standards which are, in part, also found in various plumbing codes.

- an irrigation system with low-lying outlets (where, for example, flooding may contaminate the system); or
- use of a hydrant for other than firefighting or flushing<sup>8</sup> (where extreme changes in pressure can affect the direction of water and result in contamination).

Depending upon the circumstances and the degree of hazard, the following kinds of approved protective assembly may be required within the customer's water system:

- an air gap;
- a reduced pressure principle backflow prevention assembly or pressure type vacuum breaker; or
- a double check valve backflow prevention assembly.

Otherwise, customers must assure that all backflow prevention assemblies<sup>9</sup> are:

- approved by the Director (i.e. make, model, and size), accessible without use of a ladder, and not subject to flooding, excessive heat, or freezing;
- tested annually at the customer's expense by a State-registered cross connection control device inspector (and that the relevant records are kept for at least 3 years and submitted to the Director within 30 days of testing); and;
- repaired, overhauled, or replaced if defective.

**9.24.060 Admission to property** Authorized City personnel shall have the right to enter property at all times and without prior notice to inspect, observe, record review under this chapter.

**9.24.070 Enforcement procedures** The chapter refers to the City's "Cross Connection Control Enforcement Response Plan" (ERP) [attached] which provides a range of enforcement responses available to the Director" in the event of a violation. The "type and circumstances of the violation" are tied to "the range of enforcement responses [which] include telephone notice, site visit, notice of violation, agreed order, compliance schedule, administrative fine, or legal action"

**9.24.080 Exemptions** The Director has discretion to make exemptions to this chapter.

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<sup>8</sup> Hydrant use for other reasons is prohibited unless authorized by the Director.

<sup>9</sup> Devices that were approved at the time of installation, comply with current testing and maintenance requirements, and will, according to the Director, satisfactorily protect the water supply, need not meet the other requirements of these rules. However, in a manner analogous to the "vesting" and "grandfathering" provisions found elsewhere in the BMC, these devices will need to be replaced if the: line is modified or fitted with a higher-capacity meter; the device is moved; the premises is remodeled; or the maintenance of the device is more than minimum or constitutes a hazard to health. BMC 9.24.050(g)

**9.24.090 Right to appeal** The Chapter provides for an appeal of any written order or ruling under this chapter by the Director. Except in an emergency, the appeals stay all enforcement activity until the Board (USB) issues written findings. The appeal, with contact information, copy of the rule or order, and remedy sought, must be filed within 14 days of the receipt of the order or ruling. The USB must hear the matter at a regular or special meeting and promptly issue written findings, which are final, but may be appealed in court no later than 14 days after receipt of those findings.

**Item 4:**

**Res 18-26 - Approving a Lease Purchase Agreement for the Purchase and Installation of Utility Metering Improvements**

Res 18-26 approves an equipment lease purchase agreement for the installation of utility metering improvements. Specifically, Res 18-26 provides for a lease purchase agreement for the implementation of an Advanced Metering Infrastructure (AMI) for the City of Bloomington Utilities Department (CBU). Similar to the issuance of bonds, Council approval is required for the lease-purchase agreement.

**On Advanced Metering Infrastructure**

Recall that CBU outlined this project in its 2019 Budget presentation. According to CBU Director Vic Kelson, AMI is:

an integrated system of smart meters, communication networks, and data management systems that enable two-way communication between utilities and customers. The system provides a number of important functions that were not previously possible or had to be performed manually. Such functions include on-demand reading, the ability to automatically and remotely measure water usage, connect and disconnect service, detect tampering, identify and isolate pressure issues and potential water loss.<sup>10</sup>

As mentioned in Director Kelson's presentation to the Council during Budget Hearings, by allowing CBU to detect leaks remotely, AMI is also anticipated to save customers money and assist with customers' own conservation efforts. The new system will consist of 27,250 water meters.

*Please see* Director Kelson's memo submitted to Council for further details.

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<sup>10</sup> Memo to USB, 26 November 2018.

**Cost Estimate: \$9 million**

The estimated cost of the project is \$9 million. The project includes both the purchase and installation of the AMI system.

- **Hardware, Base Stations and Software -- \$6.7 million**

AMI Hardware (Base Stations)	\$	318,000.00
Meter Hardware & Smart Points		360,098.00
Software		99,061.00

This material was “sole sourced,” a procurement method used when there is “only one good or service that can reasonably meet the need and there is only one vendor who can provide the good or service.”<sup>11</sup> According to CBU, CBU already has 2,220 meters in the ground using this technology and has already invested in tools and training associated with this technology. Given this, only one vendor could meet CBU’s need to integrate into existing CBU systems. Laura Pettit, Assistant Director for finance at CBU, adds that an additional benefit of the network associated with AMI (Flex Net) is that other City services could potentially use this network. For example, if the City moved to smart *parking* meters, those meters could utilize this network.

- **Meter Installation -- \$1.7 million**

The meter installation will be competitively bid. The above range reflects the results of a RFQ.

- **Contingency -- \$415, 922**

Any balance would be devoted to covering matters discovered in the field of which CBU was unaware when the work commenced. Contingency monies would cover labor and additional materials for the additional work.

- **Legal and Consulting Costs -- \$50,000**

**The Lease Purchase Agreement**

A lease-purchase agreement is a common and flexible financing mechanism. Recall that the City is financing the work covered by the Guaranteed Savings Contract through a lease purchase agreement and that two of the City’s parking garages are being financed through a lease-purchase agreement.<sup>12</sup> Similar to a bond, a lease-purchase agreement does not constitute “debt” and does not count toward statutory debt limits.

A lease purchase of equipment allows a lessee to acquire all the equipment it presently needs and spread the cost of such equipment over timer rather than acquiring the equipment on a pay-as-you-go basis. Indeed, the AMI system was accounted for when the City increased the water rates in 2016 and funds are collecting for this project. However, the lease-purchase agreement is anticipated to accelerate the project execution. Instead of a pay-as-you-go system wherein the project is completed over the course of 5-6 years, the project is expected to be completed in 12-14 months. The project is expected to be complete by March 1, 2020. Note that under the purchase agreement, the City is the lessee and CBU will be paying the City for these costs through an interlocal agreement.

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<sup>11</sup> Indiana Department of Administration

<sup>12</sup> Those two garages are at 7<sup>th</sup> and Morton and 7<sup>th</sup> and Walnut.

## **Terms of the Agreement**

*Please note: Due to the expedited schedule of issuing this legislation for first reading, the final negotiations on this agreement have not yet been reached. While unlikely, the terms included in the resolution may change.*

The key terms of the agreement include:

- **Maximum Principal:**       **\$9,000,000.00**
- **Term:**                       **11 years**
- **Maximum Interest Rate:** **3.40%**
- **Lessee:**                   **City of Bloomington**
- **Lessor:**                   **First Internet Bank**  
(Note: The City's financial advisors, Otto W. Khron solicited bids for the financing of this project. First Internet Bank was selected by the City.)
- **Escrow Agent:**           **First Internet Bank**

## **Terms of the Resolution**

- **The Project:** The agreement provides financing for “the purchase and installation of utility metering improvements,” described as “the Project.”
- **Escrow Account:** The resolution provides that the proceeds of the lease-purchase will be deposited into an escrow account.
- **Reimbursement of Expenditures:** The resolution indicates the City's intent to reimburse itself for expenditures made in interest of the project made prior to the execution and delivery of the Agreement.
- **Annual Appropriation Requirement:** Payments on the agreement will be made on a semi-annual or annual basis from money in the General Fund or “any other legally available funds of the City.” Payments on the lease-purchase agreement are subject to an annual appropriation by the Council.
- **Approval of Lease-Purchase Agreement and Escrow Agreement:** The resolution approves these documents, attached as Exhibits A and B, respectively.
- **Finding by Council:** The resolution finds that entering into these agreements “is in the best interests of the City and its citizens.”
- **Authorization of Mayor and Controller to Execute and Deliver the Agreements** in substantially similar form as that attached hereto.
- **Authorizes Maximum Principal, Interest Rate, and Temporal Terms** as outlined above.
- **No General Liability:** The resolution provides that nothing in the resolution, the agreements, and associated documents “shall be construed with respect to the City as incurring a pecuniary liability or charge upon the general credit of the City or against its tax power, nor shall the breach [of any of the agreements or associated documents] impose any pecuniary liability upon the City or any charge upon its general credit or against its taxing power.”



- **Engages Tax Counsel** to serve as special counsel in connection with the execution and delivery of the lease-purchase agreement.

The Utilities Services Board passed a resolution on 26 November 2018 recommending that the Council approve the execution and delivery of the lease-purchase agreement, escrow agreement, and associated documents and actions. The resolution is included in this material.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
6:30 P.M., WEDNESDAY, 5 DECEMBER 2018  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. APPROVAL OF MINUTES FOR:** *none*
- IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)
  - 1. Councilmembers**
  - 2. The Mayor and City Offices**
  - 3. Council Committees**
  - 4. Public\***
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

- 1. Resolution 18-24 Approving the Issuance of Tax Increment Revenue Bonds of the City of Bloomington Redevelopment District to Finance the Costs of Acquisition and Construction for Two Parking Garages in the Bloomington Consolidated Economic Development Area and Costs Incurred in Connection with the Issuance of Such Bonds  
*This resolution was postponed until 5 December at the 14 November meeting.*  
Committee Recommendation Do Pass: 4 – 1 – 4  
Amendment by Substitution: Cm. Volan Do Pass: N/A
- 2. Resolution 18-25 Approving the Issuance of Tax Increment Revenue Bonds of the City of Bloomington Redevelopment District to Finance the Costs of Acquisition and Construction of the Trades District Parking Garage in the Bloomington Consolidated Economic Development Area and Costs Incurred in Connection with the Issuance of Such Bonds.  
Committee Recommendation Do Pass: N/A
- 3. Ordinance 18-24 An Ordinance to Amend Ordinance 17-37, Which Fixed Salaries for Certain City of Bloomington Employees for the Year 2018 – Re: Additional Pay for Dispatch Employees Who Assume Training Responsibilities  
Committee Recommendation Do Pass: 9 – 0 – 0
- 4. Appropriation Ordinance 18-06 – To Specially Appropriate from the, Cumulative Capital Development Fund, Municipal Arts Fund and Rental Inspection Program Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General Fund, Parking Facilities Fund, Risk Management Fund, Police Pension Fund, Alternative Transportation Fund; and, Appropriating Additional Funds from the Cumulative Capital Development Fund, Municipal Arts Fund and Rental Inspection Program Fund)  
Committee Recommendation Do Pass: 9 – 0 – 0
- 5. Ordinance 18-21 To Rezone a Property from Residential Estate (RE) to Planned Unit Development (PUD) and to Amend the Associated PUD District Ordinance and Preliminary Plan - Re: 800 E. Tamarack Trail (Meadowood Retirement Community, Petitioner)  
*This resolution was postponed until 5 December at the 14 November meeting.*  
*The Land Use Committee reported back this PUD after referral at the 31 October 2018 Regular Session.*  
Land Use Committee Recommendation (11/7/18): Do Pass: 1 – 0 – 3  
*An additional reasonable condition is anticipated this evening.*
- 6. Ordinance 18-22 To Rezone a Property from Planned Unit Development (PUD), Business Park (BP), and Residential Single Family (RS) to Planned Unit Development (PUD) and to Amend the Associated District Ordinance and Preliminary Plan – Re: 1550 N. Arlington Park Drive & 1723 W. Arlington Road (Trinitas Development, Petitioner)  
*This resolution was postponed until 5 December at the 14 November meeting.*  
*The Land Use Committee reported back this PUD after referral at the 31 October 2018 Regular Session.*  
Land Use Committee Recommendation (11/7/18): Do Pass: 1 – 2 – 1
- 7. Ordinance 18-20 An Ordinance to Amend Ordinance 17-45 Which Made Changes to Chapter 20.03 “Overlay Districts” to Provide Clear Guidance on Downtown Overlay Development and Architectural Standards – Re: Extending the Expiration Date from the End of December 2018 to the Earlier Date of December 31, 2019 or the Adoption of a New Unified Development Ordinance  
Committee Recommendation Do Pass: 9 – 0 – 0

**VII. LEGISLATION FOR FIRST READING**

- 1. Ordinance 18-10 To Amend Title 2 of the Bloomington Municipal Code (BMC) Entitled “Administration and Personnel” (Inserting BMC 2.26.200 to Provide for Additional Council Oversight of Intra-Category Transfers of \$100,000 or More within Certain Funds; Inserting BMC 2.26.205 to Require Submittal and Approval of Capital Plans Associated with Such Funds for the Applicable Year and Council Review of Capital-Related Expenditures of \$100,000 or More Not Identified in those Plans; and, Inserting BMC 2.26.210 to Require that Certain Other Expenditures in Such Funds of \$100,000 or More be Identified and, if Not Previously Identified, then be Reviewed by the Council)

2. Ordinance 18-26 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” – Re: Amending Chapter 15.08 (Administration) to Extend the Time Period Permissible for Temporary, Experimental, or Emergency Traffic Regulations, Chapter 15.12 (Stop, Yield and Signalized Intersections) to Codify 90-Day Orders, Chapter 15.24 (Speed Regulations) to Codify 90-Day Orders, Chapter 15.26 (Neighborhood Traffic Safety Program) to Add Traffic Calming Locations, Chapter 15.32 (Parking Controls) to Make Changes to No Parking and Limited Parking Zones; Chapter 15.34 (Accessible Parking for People with Physical Disabilities) to Authorize the Transportation and Traffic Engineer to Approve Changes in Accessible Parking; and, Chapter 15.40 (Municipal Parking Lots, Garages and On-Street Metered Parking) to Grant Authority to the Parking Services Director to Modify Parking Fees for Special Events and to Make Changes to Non-Reserved Monthly Garage Permits
3. Ordinance 18-27 To Amend Title 9 of the Bloomington Municipal Code Entitles “Water” (Adding Chapter 9.24 – Standards for the Control of Backflow and Cross Connections)
4. Resolution 18-26 To Approve an Equipment Lease Purchase Agreement and Other Related Matters – Re: Purchase and Installation of Utility Metering Improvements

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

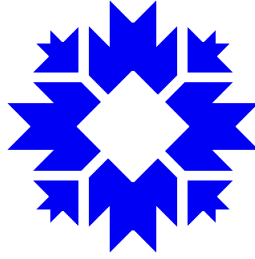
**IX. COUNCIL SCHEDULE**

1. Annual Council Legislative Schedule For 2019

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



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

**NOTICE**

Members of the Bloomington Common Council  
have been invited to attend

***Bloomington Chamber of Commerce***

***Elect Connect Event***

**Thursday, 06 December 2018**

**4:00pm - 6:00pm**

**Fountain Square Ballroom**

**101 W. Kirkwood Ave, Bloomington**

As a quorum of the Council may be present, this gathering may constitute a meeting of the Common Council under Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

**Legislative Materials Related to:**

**RESOLUTION 18-24**  
**(Amendment by Substitution)**

Approving the Issuance of Tax Increment Revenue Bonds of the City of Bloomington Redevelopment District to Finance the Costs of Acquisition and Construction of the 4<sup>th</sup> Street Parking Garage in the Bloomington Consolidated Economic Development Area and Costs Incurred in Connection with the Issuance of Such Bonds.

**and**

**RESOLUTION 18-25**  
**(New)**

Approving the Issuance of Tax Increment Revenue Bonds of the City of Bloomington Redevelopment District to Finance the Costs of Acquisition and Construction of the Trades District Parking Garage in the Bloomington Consolidated Economic Development Area and Costs Incurred in Connection with the Issuance of Such Bonds

*Note: Res 18-24 (Amendment by Substitution – Approving RDC bonds for 4<sup>th</sup> Street Parking Garage) and Res 18-25 (new – approving RDC bonds for Trades District Parking Garage) together divide the question regarding the bonding of these two projects.*

*Link to Legislation for initial Resolution 18-24 issued in [24 October 2018 Legislative Packet](#).*

**Related Materials in this Packet:**

**Resolutions and Memos**

**RESOLUTION 18-24**  
**(Amendment by Substitution)**

**APPROVING THE ISSUANCE OF TAX INCREMENT REVENUE BONDS OF THE CITY OF BLOOMINGTON REDEVELOPMENT DISTRICT TO FINANCE THE COSTS OF ACQUISITION AND CONSTRUCTION OF THE 4<sup>TH</sup> STREET PARKING GARAGE IN THE BLOOMINGTON CONSOLIDATED ECONOMIC DEVELOPMENT AREA AND COSTS INCURRED IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS**

WHEREAS, on October 15, 2018, the City of Bloomington Redevelopment Commission (the “Commission”), as governing body of the City of Bloomington Redevelopment District (the “District”), adopted a resolution (the “Bond Resolution”), authorizing the issuance of tax increment revenue bonds of the District, acting in the name of the City of Bloomington, Indiana (the “City”), designated as “City of Bloomington, Indiana Redevelopment District Tax Increment Revenue Bonds, Series 2018,” in an aggregate principal amount not to exceed Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000) (the “Bonds”), for the purpose of financing the costs of acquisition and construction for two parking garages to be located in the District’s Bloomington Consolidated Economic Development Area, together with the costs incurred in connection with and on account of issuance of the Bonds (collectively, the “Project”); and

WHEREAS, Ind. Code 36-7-14-25.1 and Ind. Code 6-1.1-17-20.5 require the approval of the issuance of the Bonds of the District by the legislative and fiscal body of the City; and

WHEREAS, under Ind. Code 36-7-14-25.1 in particular, the Common Council of the City (the “Council”) must adopt a resolution specifying the public purpose of the bond, the use of the bond proceeds, the maximum principal amount of the bond, the term of the bond, the maximum interest rate of the bond and any provision for redemption before maturity and payment of capitalized interest; and

WHEREAS, the Commission’s Bond Resolution permitted the two garages in the Project to be considered independently, and the Council wishes to consider the Project in two parts described and with the maximum aggregate principal amount as set forth below:

- Project Part A: the acquisition, demolition, and construction of the 4<sup>th</sup> Street Parking Garage, located at the south west corner of 4<sup>th</sup> and Walnut Streets in Bloomington, Indiana, in the aggregate principal amount not to exceed Eighteen Million Five Hundred and Forty Thousand Dollars (\$18,540,000);
- Project Part B: the acquisition and construction of the Trades District Parking Garage to serve the City’s certified technology park, known as the Trades District, in the aggregate principal amount not to exceed Ten Million Nine Hundred and Sixty Thousand Dollars (\$10,960,000);

WHEREAS, the Council, as the legislative and fiscal body of the City, now desires to approve the issuance of the Bonds for Project Part A, the 4<sup>th</sup> Street Parking Garage.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

SECTION 1. The Council hereby approves the sale and issuance of the Bonds in order to provide funds to finance the costs of the Project Part A, regarding the 4<sup>th</sup> Street Garage, subject to the following conditions: (a) the maximum aggregate original principal amount of the Bonds for the Project Part A shall not exceed Eighteen Million Five Hundred and Forty Thousand Dollars (\$18,540,000); (b) the Bonds shall have a term not longer than twenty-two (22) years, commencing on the date of issuance of the Bonds; (c) the maximum interest rate on the Bonds shall not exceed

six percent (6.0%) per annum; (d) there shall be no capitalized interest on the Bonds; and (e) the Bonds may be subject to redemption prior to maturity on any date not earlier than five (5) years following the date of issuance thereof, with such specific dates and redemption terms determined by the City Controller, upon the advice of the financial advisor to the Commission, at the time of the sale of the Bonds.

SECTION 2. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby repealed. The foregoing is not intended, nor shall it be construed, to adversely affect any ordinance or resolution (or parts thereof), applicable to the 2009 Bonds, the 2015 Bonds or the 2017 Bonds (as such terms are defined in the Bond Resolution) while such bonds are outstanding.

SECTION 3. If any sections, sentence or provision of this Resolution, 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 Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

SECTION 4. This Resolution shall be in full force and effect from and after its passage by the Council and its approval by the Mayor of the City.

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

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

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

#### Synopsis

This resolution authorizes the issuance of Tax Increment Revenue Bonds by the City of Bloomington Redevelopment Commission for the acquisition, construction, and bond issuance costs associated with the 4<sup>th</sup> Street Parking Garage in the Bloomington Consolidated Economic Development Target Area in an amount not to exceed \$18.54 million.

*Note: This version of Res 18-24 amends the resolution by substitution. Rather than proposing the approval of RDC bonds for two parking garages, it proposes issuance of bonds for the 4<sup>th</sup> Street parking garage alone. A second resolution, Res 18-25, proposes the issuance of such bonds for the Trades District parking facility. These actions effectively divide the question on the two projects.*



**CITY OF BLOOMINGTON  
LEGAL DEPARTMENT  
MEMORANDUM**

**TO: Members of the Common Council of the City of Bloomington**

**FROM: Philippa Guthrie, Corporation Counsel  
Jeff Underwood, Controller**

**CC: Dan Sherman, Council Administrator/Attorney**

**RE: Resolution 18-24: 2018 Redevelopment Commission Bonds for the Fourth Street Parking Garage**

**DATE: December 5, 2018**

Staff has submitted for your consideration a resolution authorizing the Bloomington Redevelopment Commission's (RDC) issuance of Tax Increment Revenue Bonds (the "Bonds"). These Bonds will be used for the demolition and reconstruction of the 4th Street Parking Garage, and to construct a new Trades District Parking Garage (the "Project").

Indiana Code Section 36-7-14-25.1 authorizes the RDC to issue bonds that are backed by its special taxing districts, also known as the Tax Increment Financing (TIF) districts. The RDC has passed its declaratory resolution authorizing the bonds, contingent upon Council approval, in RDC Resolution 18-68 on October 15, 2018.

The RDC's resolution allowed for consideration of the Project as separate parts, and Council has expressed a desire to consider these projects in two parts, as follows:

- Project Part A: the acquisition, demolition, and construction of the 4<sup>th</sup> Street Parking Garage, located at the south west corner of 4<sup>th</sup> and Walnut Streets in Bloomington, Indiana, in the aggregate principal amount not to exceed Eighteen Million Five Hundred and Forty Thousand Dollars (\$18,540,000);
- Project Part B: the acquisition and construction of the Trades District Parking Garage to serve the City's certified technology park, known as the Trades District, in the aggregate principal amount not to exceed Ten Million Nine Hundred and Sixty Thousand Dollars (\$10,960,000);

Prior to the issuance of bonds, Indiana Code Section 36-7-14-25.1 requires that this Council adopt a resolution specifying the public purpose of the bond, the use of the bond proceeds, the maximum principal amount of the bond, the term of the bond, the maximum interest rate of the bond, and any provision for redemption before maturity and payment of capitalized interest.



City Staff has brought Resolution 18-24 before the Council seeking approval of the Bonds for Project Part A permitting the acquisition, demolition, and construction of the 4<sup>th</sup> Street Parking Garage.

Project Part A will be for an aggregate principal amount not to exceed Eighteen Million Five Hundred and Forty Thousand Dollars (\$18,540,000). The term will not exceed twenty-two (22) years and have a maximum 6.00% interest rate. The bonds will be financed with net revenue from all parking garages within the City and by TIF revenue as needed. The call date for the bonds will be no earlier than five years from the date of issuance.

The new 4<sup>th</sup> Street Garage will have a maximum of no more than 550 parking spaces and will include many sustainable features, including, but not limited to, the following:

- A structure that allows for part or most of the garage to be converted into office, retail, or living space should downtown needs change over the life of the garage;
- At least six (6) electric vehicle charging stations in an area of priority parking with a design that allows for the garage to be retrofitted for more charging stations as demand for the stations requires;
- Solar panels to offset the reliance on coal-powered energy for power and the electric vehicle charging stations;
- Bicycle parking;
- 25% of all parking spaces in the garage designed for use by compact vehicles;
- Dedicated carpool parking;
- A maintenance and caretaking plan for the life of the garage;
- At least one public restroom;
- A designated area for transportation pickup and dropoff (car share, taxi, Uber, Lyft, etc.);
- Parksmart Sustainability Certification; and
- The design should also explore the options of attractive retail space on the ground floor, public art, and architecturally significant design that would enhance the space of downtown Bloomington.

## RESOLUTION 18-25

### APPROVING THE ISSUANCE OF TAX INCREMENT REVENUE BONDS OF THE CITY OF BLOOMINGTON REDEVELOPMENT DISTRICT TO FINANCE THE COSTS OF ACQUISITION AND CONSTRUCTION OF THE TRADES DISTRICT PARKING GARAGE IN THE BLOOMINGTON CONSOLIDATED ECONOMIC DEVELOPMENT AREA AND COSTS INCURRED IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS

WHEREAS, on October 15, 2018, the City of Bloomington Redevelopment Commission (the “Commission”), as governing body of the City of Bloomington Redevelopment District (the “District”), adopted a resolution (the “Bond Resolution”), authorizing the issuance of tax increment revenue bonds of the District, acting in the name of the City of Bloomington, Indiana (the “City”), designated as “City of Bloomington, Indiana Redevelopment District Tax Increment Revenue Bonds, Series 2018,” in an aggregate principal amount not to exceed Twenty-Nine Million Five Hundred Thousand Dollars (\$29,500,000) (the “Bonds”), for the purpose of financing the costs of acquisition and construction for two parking garages to be located in the District’s Bloomington Consolidated Economic Development Area, together with the costs incurred in connection with and on account of issuance of the Bonds (collectively, the “Project”); and

WHEREAS, Ind. Code 36-7-14-25.1 and Ind. Code 6-1.1-17-20.5 require the approval of the issuance of the Bonds of the District by the legislative and fiscal body of the City; and

WHEREAS, under Ind. Code 36-7-14-25.1 in particular, the Common Council of the City (the “Council”) must adopt a resolution specifying the public purpose of the bond, the use of the bond proceeds, the maximum principal amount of the bond, the term of the bond, the maximum interest rate of the bond and any provision for redemption before maturity and payment of capitalized interest; and

WHEREAS, the Commission’s Bond Resolution permitted the two garages in the Project to be considered independently, and the Council wishes to consider the Project in two parts described and with the maximum aggregate principal amount as set forth below:

- Project Part A: the acquisition, demolition, and construction of the 4<sup>th</sup> Street Parking Garage, located at the south west corner of 4<sup>th</sup> and Walnut Streets in Bloomington, Indiana, in the aggregate principal amount not to exceed Eighteen Million Five Hundred and Forty Thousand Dollars (\$18,540,000);
- Project Part B: the acquisition and construction of the Trades District Parking Garage to serve the City’s certified technology park, known as the Trades District, in the aggregate principal amount not to exceed Ten Million Nine Hundred and Sixty Thousand Dollars (\$10,960,000);

WHEREAS, the Council, as the legislative and fiscal body of the City, now desires to approve the issuance of the remainder of the Bonds for Project Part B, the Trades District Parking Garage.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

SECTION 1. The Council hereby approves the sale and issuance of the Bonds in order to provide funds to finance the costs of the Project Part B, subject to the following conditions: (a) the maximum aggregate original principal amount of the Bonds for Project Part B shall not exceed Ten Million Nine Hundred and Sixty Thousand Dollars (\$10,960,000); (b) the Bonds shall have a term not longer than twenty-two (22) years, commencing on the date of issuance of the Bonds; (c) the maximum interest rate on the Bonds shall not exceed six percent (6.0%) per annum; (d) there shall be no capitalized interest on the Bonds; and (e) the Bonds may be subject to redemption prior

to maturity on any date not earlier than five (5) years following the date of issuance thereof, with such specific dates and redemption terms determined by the City Controller, upon the advice of the financial advisor to the Commission, at the time of the sale of the Bonds.

SECTION 2. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby repealed. The foregoing is not intended, nor shall it be construed, to adversely affect any ordinance or resolution (or parts thereof), applicable to the 2009 Bonds, the 2015 Bonds or the 2017 Bonds (as such terms are defined in the Bond Resolution) while such bonds are outstanding.

SECTION 3. If any sections, sentence or provision of this Resolution, 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 Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

SECTION 4. This Resolution shall be in full force and effect from and after its passage by the Council and its approval by the Mayor of the City.

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

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

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

### Synopsis

This resolution authorizes the issuance of a maximum of \$10.96 million in Tax Increment Revenue Bonds by the City of Bloomington Redevelopment Commission for the acquisition, construction, and bond issuance costs associated with the Trades District Parking Garage in the Bloomington Consolidated Economic Development Target Area, which the Council has labeled as Project Part B.



**CITY OF BLOOMINGTON  
LEGAL DEPARTMENT  
MEMORANDUM**

**TO: Members of the Common Council of the City of Bloomington**

**FROM: Philippa Guthrie, Corporation Counsel  
Jeff Underwood, Controller**

**CC: Dan Sherman, Council Administrator/Attorney**

**RE: Resolution 18-25: 2018 Redevelopment Commission Bonds for the Trades District Parking Garage**

**DATE: December 5, 2018**

Staff has submitted for your consideration a resolution authorizing the Bloomington Redevelopment Commission's (RDC) issuance of Tax Increment Revenue Bonds (the "Bonds"). These Bonds will be used for the demolition and reconstruction of the 4th Street Parking Garage, and to construct a new Trades District Parking Garage (the "Project").

Indiana Code Section 36-7-14-25.1 authorizes the RDC to issue bonds that are backed by its special taxing districts, also known as the Tax Increment Financing (TIF) districts. The RDC has passed its declaratory resolution authorizing the bonds, contingent upon Council approval, in RDC Resolution 18-68 on October 15, 2018.

The RDC's resolution allowed for consideration of the Project as separate parts, and Council has expressed a desire to consider the Project in two parts, as follows:

- Project Part A: the acquisition, demolition, and construction of the 4<sup>th</sup> Street Parking Garage, located at the south west corner of 4<sup>th</sup> and Walnut Streets in Bloomington, Indiana, in the aggregate principal amount not to exceed Eighteen Million Five Hundred and Forty Thousand Dollars (\$18,540,000);
- Project Part B: the acquisition and construction of the Trades District Parking Garage to serve the City's certified technology park, known as the Trades District, in the aggregate principal amount not to exceed Ten Million Nine Hundred and Sixty Thousand Dollars (\$10,960,000);

Prior to the issuance of bonds, Indiana Code Section 36-7-14-25.1 requires that this Council adopt a resolution specifying the public purpose of the bond, the use of the bond proceeds, the maximum principal amount of the bond, the term of the bond, the maximum interest rate of the bond, and any provision for redemption before maturity and payment of capitalized interest.

City Staff has brought Resolution 18-25 before the Council seeking approval of the Bonds for Project Part B permitting the construction of the Trades District Parking Garage. Project Part B will be for an aggregate principal amount not to exceed Ten Million Nine Hundred and Sixty Thousand Dollars (\$10,960,000). The term will not exceed twenty-two (22) years and have a maximum 6.00% interest rate. The bonds will be financed with net revenue from the all parking garages within the City and by TIF revenue as needed. The call date for the bonds will be no earlier than five years from the date of issuance.

The Trades District Garage will have a maximum of no more than 300 parking spaces and will include many of the same sustainable features listed for the Fourth Street Garage, including, but not limited to, the following:

- A structure that allows for part or most of the garage to be converted into office, retail, or living space should downtown needs change over the life of the garage;
- At least six (6) electric vehicle charging stations in an area of priority parking with a design that allows for the garage to be retrofitted for more charging stations as demand for the stations requires;
- Solar panels to offset the reliance on coal-powered energy for power and the electric vehicle charging stations;
- Bicycle parking;
- 25% of all parking spaces in the garage designed for use by compact vehicles;
- Dedicated carpool parking;
- A maintenance and caretaking plan for the life of the garage;
- Parksmart Sustainability Certification; and
- The design should also be an architecturally significant design that would enhance and highlight the Trades District.

Like the 4th Street Garage, the Trades District garage is envisioned as a transportation hub that will bring activity and investment to the area around it. The Trades District was established with the intent that it become the commercial centerpiece of Bloomington's Certified Technology Park. It is centrally located between the B-Line Trail, residential neighborhoods to the west, and the north of the City's commercial downtown. Initially envisioned more than 10 years ago, the Trades District has been brought to life over the past two years with the renovation and opening of the Mill—a 19,000 square foot co-working, business incubator, and event space, and the construction of infrastructure and upgrades that will provide the needed energy, broadband, water, sewer, and drainage to encourage further the development of the district.

The Trades District is vital for Bloomington's long-term growth and to stem the recent trend of slipping GDP per capita and slower than expected wage growth.<sup>1</sup> Bloomington faces competition both from other cities in Indiana and cities throughout the country. Because of that competition, the next phase of the Trades District development is arguably the most important. This phase will focus on attracting employers who can provide skilled, high-wage jobs that bring economic growth to the near West side of Bloomington. Marketing efforts will highlight downtown Bloomington as an attractive location for domestic and foreign direct investment, and as a place

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<sup>1</sup> Sources: [clustermapping.us](https://clustermapping.us) (US Economic Development Association | Harvard Business School); [factfinder.census.gov](https://factfinder.census.gov) (American Factfinder, Bloomington city, Indiana)

where the pool of talented young professionals moving through our City and Indiana University can imagine being hired and becoming long-term residents and members of our community.

We will need more parking in the Trades District in order to make our vision a reality. The need for parking in the Trades District was featured in the [2013 Certified Technology Park Master Plan](#), which called for the City to build two parking garages to serve the area and attract future business. The [Desman 2018 Downtown Parking Study](#) echoed the Master Plan, estimating a need for 500 parking spaces in the Trades District area by 2022, 1,000 spaces by 2014, and 1,500 spaces by 2026. That this need exists has been underscored by market forces--several companies have indicated that City-led development of parking is a necessary commitment to attracting their business to the Trades District. Some employers have declined to consider the Trades District at all because of the lack of parking.

Admittedly, developing the Trades District requires all of us to balance many competing interests. Among these are how much parking is needed for encouraging economic growth, the environmental impact of development decisions, and ensuring the highest and best use of this valuable urban land. These interests can in fact be satisfactorily balanced. First, we must address the parking needs in order to move forward with the Trades District development, and a garage is a better and more compact use of valuable urban land than other alternatives. However, while the Master Plan and the Desman study call for far higher numbers of parking spaces, the City believes it can demonstrate its commitment to environmentally responsible development and best use of the land with a Trades District parking garage that contains no more than 300 parking spaces. In addition, the City is committed to including and certifying sustainable features in the facility; to incorporating features for the life of the garage that will encourage alternative and sustainable modes of transportation such as biking, carpooling, electric vehicles, and more fuel efficient, compact vehicles; and to building a structure for adaptive reuse that one day can be transformed from a garage to office, retail, or residential space.

The City believes that now is the best time for construction of the Trades District Garage. In addition to the urgency of activating the Trades District for our local economy, there are also significant cost savings to be achieved by combining the Trades District Garage project with the 4th Street Garage project. This is because we gain construction, material, and bonding efficiencies by doing these projects together. Construction and financing costs are rising, and if we were to wait, construction and financing inefficiencies could cost approximately \$1.0 million dollars more.

This increased cost estimate includes the following:

- Site management/general condition costs of \$300K-\$400K. By undertaking both projects together, we can use some of the same construction oversight concurrently over a 10-month period, which represents about \$30K-\$40K per month of savings.
- Approximately \$210K in mobilization/demobilization costs, which is a somewhat conservative assumption based on a 300 basis point reduction in the costs associated with the Trades District garage.

- Lost economies of scale of approximately \$500K in purchasing construction materials—again this is somewhat conservatively estimated as a 5% increase on roughly \$10 million in cumulative materials costs.
- The fixed costs of a second bond issuance, which are estimated to be \$180K.
- The escalating cost of construction—currently forecasted as compounding at 5% per year.
- The increasing interest rates associated with municipal bonds, which are on the rise and will work against us if we wait.

All told, the impact of increased financing and construction costs could be as high as \$1.0 million or more, depending on how long the projects are delayed.

We ask the Council to consider these costs, as well as the benefits of moving forward with the garage now, and to approve this Resolution so that progress on the Trades District is not delayed for the foreseeable future.

## **Ordinance 18-21**

To Rezone a Property from Residential Estate (RE) to Planned Unit Development (PUD) and to Amend the Associated PUD District Ordinance and Preliminary Plan - Re: 800 E. Tamarack Trail (Meadowood Retirement Community, Petitioner)

- Please see [31 October Legislative Packet](#) for legislation and [14 November 2018 Legislative Packet](#) for additional materials.

## **Relevant Materials:**

***Reasonable Conditions Issued in this Packet***

***Reasonable Condition 01 (Piedmont-Smith)***



**\*\*\* Reasonable Conditions Form \*\*\***

**Ordinance #:** 18-21  
**Reasonable Condition #:** 01  
**Submitted By:** Cm. Piedmont-Smith, District V  
**Date:** November 8, 2018

**Proposed Reasonable Condition:**

1. This PUD authorizes the demolition of two single family houses and the construction of 20 townhomes along North Dunn with Residential Multi-family (RM) development standards. This Reasonable Condition requires the retention of the two single-family homes and application of Residential Estate (RE) development standards for the parcels adjacent to North Dunn Street.

**Synopsis**

This Reasonable Condition is sponsored by Cm. Piedmont-Smith and would retain the existing single family homes and remove the approval for additional townhomes along North Dunn Street. The primary reason for this Reasonable Condition is that the two single-family homes proposed to be demolished are historically and aesthetically consistent with the surrounding neighborhood, including the Matlock Heights Historic District across the street, whereas the proposed townhomes are not. In addition, the proposed 20 new townhomes would not fit with the density of the neighboring homes on North Dunn St.

**11/7/18 Committee Action:** None  
**11/14/18 Regular Session Action:** None  
**12/05/18 Regular Session Action:** Pending

(11/11/18)

Continuation of Rationale:

As to preservation of older neighborhoods, the City's Comprehensive Plan states:

“Many neighborhoods in Bloomington were developed during a span from the late 1800s through the 1950s. These older homes are generally well built and have distinctive architectural features. They also often have smaller footprints compared to more modern homes. As seen in communities across the nation, this can lead to the phenomenon of people purchasing these homes purely for their desirable urban locations and tearing down the existing structure to make way for a brand-new home, which often features an excessively large footprint and a contemporary architectural style. Such homes may not fit into the period context of their surroundings and can negatively impact the fabric of the entire neighborhood. Unchecked, this practice can lead to the large-scale loss of a community's historic integrity and also the loss of affordable housing stock.” (pg. 62)

In the chapter on Environment, we also find the following program recommendation under “Built Environment”:

Encourage adaptive reuse and rehabilitation as a viable option to demolition of existing facilities.  
(pg. 47)



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Indianapolis Office  
6300 Cornell Avenue  
Indianapolis, IN 46220

November 20, 2018

Terri Porter  
Director, Planning & Transportation  
City of Bloomington  
401 N. Morton Street  
Bloomington, IN 47404

Jacqueline Scanlan  
Development Services Manager  
City of Bloomington  
401 N. Morton Street  
Bloomington, IN 47404

RE: Trinitas Planned Unit Development (PUD), "Cottages at Chandler's Glen."

Dear Terri and Jackie,

Trinitas Ventures is pleased to submit the enclosed updated PUD for your consideration in advance of the December 5, 2018 City Council meeting. This information responds to the Staff Report on Case# PUD-13-18 petition.

Our team has been working to address many of the comments received in the Staff Report. As a result, we kindly offer the following changes to the enclosed site plan:

1. Revised layout to protect more of the environmentally sensitive areas including possible wetlands and ephemeral streams.
2. The changes made to the site layout represents a reduction in beds from 845 to 802.
3. The average beds per unit stayed similar going from 3.18 to 3.20 overall.
4. The 'complete streets' were revised to contain the bicycle paths on a 10' wide all-purpose trail. This kept the bike lanes separated from the on-street parking.
5. The 'complete streets' now provide for a six (6)-foot minimum distance from the back of walk to the front porches (in most places). The average front yard setback is now 10.9 feet.
6. The single-family homes have variation in the front setback from the streets.
7. The parking numbers provided were reduced from 91% to 71% overall (includes on-street and off-street parking).
8. Additional sidewalk connections were added the southeast section of the site plan.

Thank you very much for your time and effort in reviewing this updated information. Please contact me anytime if you wish to discuss.

Sincerely,

Jeffrey L. Kanable  
Project Executive  
Mobile: 765-637-5800

			Staff Report	Trinitas
			10/8/2018	Response
#	Comprehensive Plan	Project	Meets?	11/20/2018
1	Single-family is dominant land use	26 proposed single family/ 240 duplex, many with right-of-way frontage	Yes*	
2	Natural or landscaped yards	no substantial front yards or much variation	No	See updated BF Site Plan with setback table + BF Landscaping Exhibit
3	Most often two stories or less	two stories	Yes	
4	Protecting Sensitive habitats	have increased preservation area	Yes	
5	Public streets, sidewalks, to connect to other uses in district and adjacent	Connect to existing roads, no amenities to connect to and none proposed	Partial	Public amenities like the Clubhouse and playground are well connected with public, complete streets, sidewalks and all-purpose path.
6	Wide range of architectural styles	Five options for 146 buildings	No	See KJG Exterior Elevation exhibit showing variety of 9 duplex elevations.
7	Public streets, sidewalks, and other facilities provide access and mobility '20-minute neighborhood'	Not much to walk to, none provided	Partial	We are asking Lou May to attend next City Council meeting to describe his plan for connecting residents in this community to BT.
8	Complete streets' guidance to achieve well-connected active transportation network	Sidewalk width unclear	Partial	Complete Streets are provided with details available on sidewalk width, all-purpose path, landscape areas, etc.
9	Buildings face primary street with range of yard sizes	Fairly uniform, almost no front yards	No	See updated BF Site Plan with setback table + BF Landscaping Exhibit
10	Provide on-site parking in side or backyard areas	All non-street parking is in lots in common areas	No	Some single family served with onsite parking. Duplex units have combination of convenient onstreet or nearby parking areas many of which are placed in otherwise undevelopable areas (like utility easements)
11	Sidewalks and front yard landscaping further establish a more traditional neighborhood context	Sidewalks in front of most / 4-foot front yard setback	No	See updated BF Site Plan with setback table + BF Landscaping Exhibit
12	Optimize street, bicycle, and pedestrian connectivity to adjacent neighborhoods	Connections to 17th and Arlington	Yes	
13	Create neighborhood focal point, gateways, and centers (pocket park, formal square, neighborhood-serving land use). Convey a welcoming and open-to-the-general-public environment	Clubhouse for residents	No	The Clubhouse is a focal point for this community as are the sidewalks, all-purpose paths and protected open space. We are open to offering memberships in Clubhouse to surrounding community for enjoyment of its amenities.
14	Ensure appropriate linkages to neighborhood destinations are provided	Not much to walk to, none provided	No	Adequate connectivity provided to Clubhouse, playground, bus stops, etc., via sidewalks, complete streets and all-purpose path.
15	Large developments should develop a traditional street grid with short blocks to reduce the need for circuitous trips	Attempt at gridding	Partial	New environmental information identifies wetland/stream features that have been avoided on the site plan.
16	Support incentive programs that increase owner occupancy and affordability	No commitment, 100% rental	No	Commitment to contribute \$1,100,000 to Housing Development Fund.
17	On-street parking available on at least one side of the street	Parking on both sides of public roads	Yes	
	* If platted			
18	Comp Plan identifies student housing for Gateway North area	Comp Plan does not call for student housing on subject site. Subject site is too far away for student housing.		There is no vacant land available in Gateway North and not much variety in residential typology - much is already student housing here. Subject property is well suited for 2/3 students now with a possible transition to other demographic over time

**ENVIRONMENTAL COMMISSION RECOMMENDATIONS:** The Bloomington Environmental Commission (EC) made 16 recommendations concerning this development, which are listed below:

1.) Adhere to the EC's Habitat Connectivity Plan by reducing the size of the project significantly and protecting the high-quality wooded areas, riparian buffers, and all environmental features.

**Response:** *The site has been redesigned to preserve the high-quality wooded areas at the north, northwest and southwest portions of the property. An environmental firm was hired to delineate perennial and intermittent streams. Three intermittent streams were identified and have been protected in a conservancy easement with riparian buffers.*

2.) The Petitioner should redesign the site to protect and preserve the environmentally sensitive areas as least as stringently as is required in the UDO.

**Response:** *The site has been redesigned to preserve all wetlands and flow to these features. Easements have been placed around all wetlands per 20.05.043 (5)*

3.) Karst features have been identified on the site; therefore, the Petitioner should provide a plan explaining what they intend to do should they encounter any karst features during construction.

**Response:** *A geotechnical engineering firm was hired to complete a karst investigation of the entire property. Electromagnetic sensing and rock coring were performed on the site and no karst features were found. When a topographic survey of the site was completed in 2014 there were areas that were labeled as potential karst features in the northern portion of the property. These areas were investigated and found not to be karst. However, these areas will be placed in the same conservancy easement that will protect the high-quality wooded areas and not disturbed. If karst features are uncovered during construction the geotechnical engineering firm will be contacted prior to any further construction taking place in that area.*

4.) The stream channels should be planted and protected with riparian buffers using native plants.

**Response:** *The intermittent streams identified will have riparian buffers and left in their natural state unless it is determined native planting needs to augment the existing conditions.*

5.) The notable forest areas between the power lines and SR 37, and at the north end of the site should be protected in a Tree Conservation Easement in order to protect the wooded wildlife habitat in perpetuity.

**Response:** *This has been done and shown on the revised plans.*

6.) Wetlands should be identified and placed in a Conservancy Easement.

**Response:** *This has been done and shown on the plans.*

7.) The invasive species should be eradicated from the Conservancy Easement areas.

**Response:** *This will be done in areas that will not damage existing features.*

8.) The UDO rules for steep slope protection should be followed.

**Response:** *This has been done and shown on the plans.*

9.) The design should be modified to designate a larger vegetated buffer between the highway and any development.

**Response:** *This has been done for the majority of the frontage.*

10.) The development design should incorporate environmentally-friendly, new-urbanism qualities.

**Response:** *A 10' wide bike lane along with on street parallel parking has been added to the site design. a gridded street layout has been incorporated into the design where possible which do not impact environmental features. A minimum of 1% of parking spaces will be "plug-in ready" and permeable pavers will be installed in certain locations. Also, the Clubhouse includes certain sustainable design features like low VOC materials, low flow plumbing fixtures, energy start appliances, and others.*

11.) The Petitioner should design with Low Impact Development practices.

**Response:** *This will be a part of the final plan design. A 10+ acre Conservation Easement is an example of a low impact development/design practice.*

12.) The Petitioner should use green, sustainable building practices to reduce the carbon footprint of homes, resulting in lower expenses for the homeowners.

**Response:** *This will be a part of the final plan design. The Clubhouse will feature many sustainable building design features.*

13.) Because the site is adjacent to native woodlands, all landscape material should be native to south central Indiana.

**Response:** *All landscape material shall be native to south central Indiana.*

14.) The parking areas for the multifamily units should have at least 2% of the spaces equipped for electric vehicle charging stations.

**Response:** *A minimum of 1% of parking spaces will be "plug-in ready."*

15.) The District Ordinance should specifically allow clothes lines to be installed.

**Response:** *The Petitioner will comply with local laws and ordinances.*

16.) Any required state and federal permits should be obtained before any city permits are granted.

**Response:** *We are working with an environmental consultant to comply with all state and federal permitting requirements and will comply with this recommendation.*



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November 7, 2018

Alex Crowley  
Director, Economic and Sustainable Development  
City of Bloomington  
401 N. Morton Street  
Bloomington, IN 47404

RE: Housing Development Fund Contribution

Dear Alex,

Alex it has been a pleasure to work with you and Doris on the affordable housing aspects of the Cottage at Chandler's Glen (the "Project") over the last 6 months. We understand the City's desire to have affordable housing as a part of every development, but it is also important to understand the concerns of the neighborhood. We have heard from the administration that the goal for our Project is to have 20% of beds or units as affordable; however, this number is not justified in the market.

In the case of the Crescent Bend Neighborhood Association (CBNA), they have stated that they believe enough affordable housing already exists in the area. The community has focused public and affordable housing projects in the northwest quadrant of the City for nearly 50 years. As a result, these areas are not very diverse or inclusionary with respect to housing types and social/economic diversity. The CBNA Executive Board reiterated this in their September 24, 2018 letter to the Plan Commission stating, "...it is a deal breaker if an affordable element is a requirement". In addition, the Glick Family Housing Foundation which has owned the Affordable housing property formally known as Arlington Park since 2012, supports the Project as planned without affordable housing.

In September we meet with Amber Skoby of the Bloomington Housing Authority to discuss a workforce housing program. The Housing Authority does not currently have a program, nor do they have funding to establish such a program, that would include marketing workforce/affordable beds with established guidelines, qualifying potential residents, and maintaining a list of residents and available properties. The Housing Authority believes there is a need for such housing, but they are not able to quantify this need. We have also explored the Workforce Housing Program of the City in its current form and found that it does not meet our development criteria. The program does not have a means of qualifying potential residents or demonstrating that there is a demand in our community for housing of this type at the proposed rates. While we believe many of our residents might qualify for such a program, we believe the City needs a framework for this program that is supported and administered by the City or another governmental agency.

Recent projects in Bloomington have made contributions to the Housing Development Fund as part of the entitlement process. Our cash contribution described below exceeds the other projects of record. One of the difficulties in proposing a contribution amount is that the Trinitas Project is still changing with respect



to units, bedrooms and other features that are important to Staff and the Common Council. These changes affect the economics of the Project and thus the potential of a contribution.

Assuming that our Project remains as proposed today, (251 units/802 bedrooms, 27 single family buildings, 112 duplex buildings, 10 acres of green space, community clubhouse), we are committed to a \$1,100,000 contribution to the Housing Development Fund. We believe this contribution will make a significant impact to the City's Housing Development Fund and its ability to provide affordable housing throughout the community.

We look forward to working with the City Staff, Administration and Common Council as we move forward with this Project.

Thank you kindly,

*Travis J. Vencel*

Travis J. Vencel  
Executive Vice President of Development  
Mobile: 812-320-0966



# Memo

To: City of Bloomington

From: Jeff L. Kanable

cc: Travis J. Vencel, Jennifer Lewis

Date: October 29, 2018

Re: Cottages at Chandlers Glen – Bloomington Transit

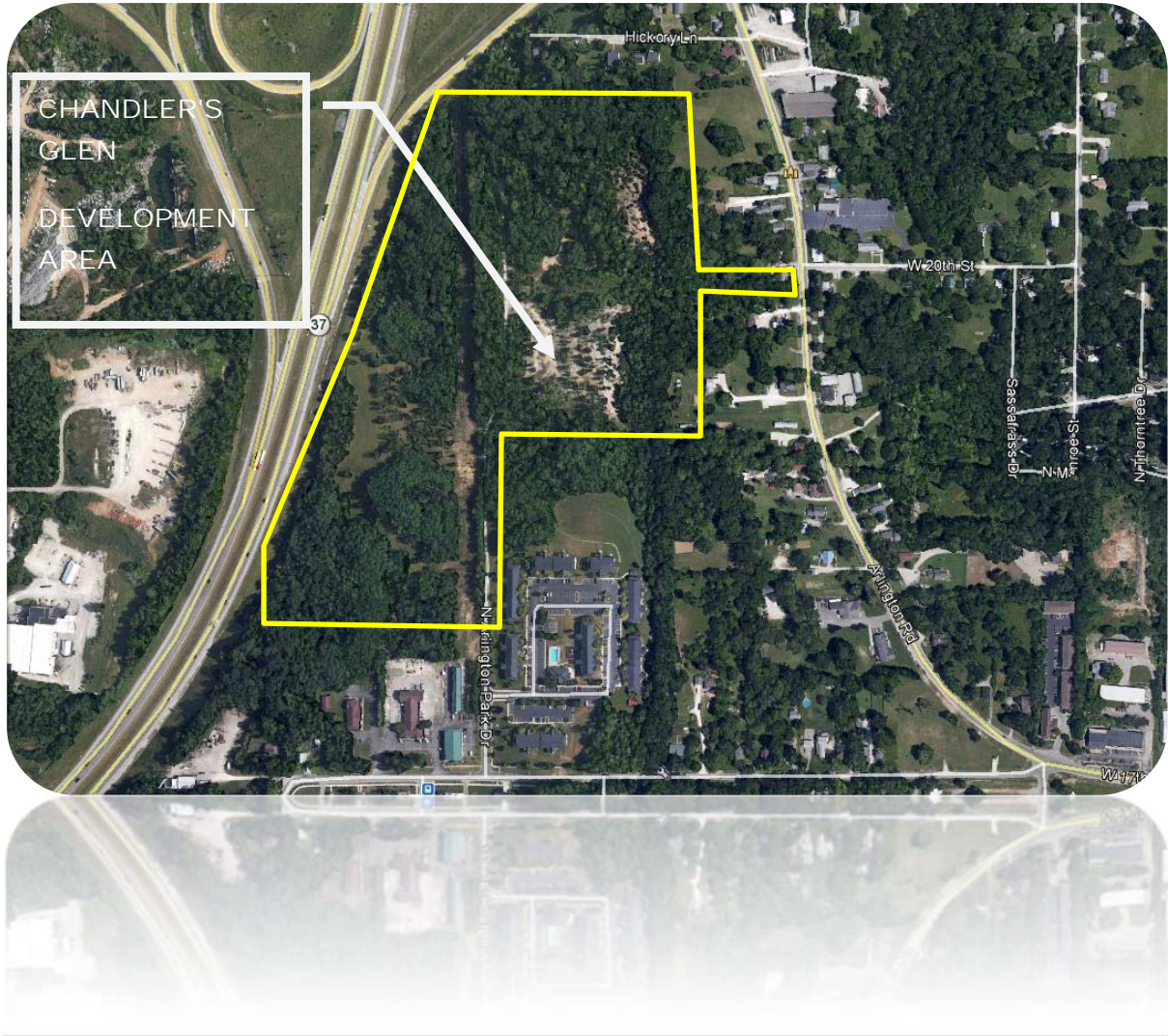
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We are continuing to have discussions with Bloomington Transit about bus service from the project to the IU Campus. The original proposal from Mr. May was to run a shuttle to the IU Campus Bus service at the IU Football Stadium, however IU Bus Services at the stadium is currently considered to be “Overwhelmed with ridership”. They (IU) feels that they are not able to accommodate any additional ridership at the stadium. This is significant information as the City looks to add additional housing to the near north side and the stadium with the intent of utilizing existing transit connectivity on North Dunn Street.

With this new information Mr. May has suggested that we look at a new route from West 17th Street to Campus. The route might look something like 17th to Fee Lane to 10th Street to Woodlawn and back to 17th Street. Such a route would get students to the Business School area which is within reasonable walking distance to major destinations such as the IU Library and the IMU. The feasibility of this route is still being reviewed and we hope that this information along with the valuation of the complete Bloomington Transit System (currently in process) will result in enhanced service to the 17th Street area. We hope that we will have initial cost estimates on this new service route in the next 30 days.

# Chandler's Glen

## Planned Unit Development



### Chandler's Glen PUD

November 20, 2018

Prepared by

Trinitas Ventures and Bynum Fanyo & Associates, Inc.

## Chandler's Glen

### Planned Unit Development

The Chandler's Glen Planned Unit Development proposes the development of a vacant former excavated site as a residential development. This residential development includes 41 acres of land for a total of approximately 251 residential units with an overall maximum density of 9.00 units/20 beds per acre. The property is located north of the 17th Street extension and adjacent to State Road 37, soon to become Interstate 69. With the development of I-69, 17th Street is now an over pass to Vernal Pike and a major connection on Bloomington's north side. These infrastructure improvements make this site appropriate for residential development, as direct access for commercial development will be limited with the roadway systems.

The area surrounding the site includes predominately residential properties with single family to the north and west, multi-family to the south and a small area of commercial/light industrial to the south as well. Historically this area has been single family residential; however recent development over the last 20 years had included multi-family government subsidized housing, including the two Section 42 properties (Arlington Park and Crescent Bend properties). The site has been an eyesore for the City of Bloomington since the construction State Road 37 in the 1970's when most of the top soil was removed for the road. Current conditions include exposed rock, overgrown scrub trees and limited healthy vegetation. Since that time the property has been marketed for business uses, however given the existing poor access and visibility the property has not had any serious offers. This development will substantially improve the aesthetic and economic value of the area and add to the compact urban form within the urban service boundary of the City of Bloomington. The recently adopted Growth Policy Plan calls for neighborhood residential—qualifying densities ranging from 2-15 units per acre. The proposed density for Chandler's Glen is 9.0 units per acre on average across the entire PUD and will include a mix of single family, duplex and triplex units.

The 2018 Comprehensive Plan identifies the development area with a Neighborhood Residential classification. As such, the allowable uses include single family, single family attached (duplex, tri-plex and four-plex buildings), bungalow courts, townhouses, row houses and multifamily residential uses among others. All of which are planned in the near term as rentals with amenities such as a clubhouse, pool, bicycle racks and playground and outdoor sports courts with appropriate design and density. The current plan attains traditional urban form by utilizing a gridded street pattern and complete streets as much as possible, while recognizing that access to 37/69 is not available and the only available streets are 17th Street and Arlington Road. The setbacks throughout the development will be staggered. They will range in size from 4 ft to 16 ft as measured from the back of sidewalk to front of porch. The average front yard set back for the entire development is 10.9 feet. The diverse resident mix will likely include professionals, students, seniors and families and will provide necessary expansion of the residential base to support the existing commercial along 17th Street and the College/Walnut corridor which is less than one (1) mile away.

Topography, parcel shape and limited access challenge the capacity to fully integrate a gridded street design on the site. There will be two points of ingress/egress off 17<sup>th</sup> Street and one point of ingress/egress off of Arlington. The property is located near to the existing Bloomington Transit bus stop located at 17<sup>th</sup> Street and Lismore Drive. The development plan for this PUD proposes to recreate the traditional

neighborhood design for “complete streets” by constructing residential streets that include sidewalks, all-purpose paths, bike lanes and landscaping, all to provide residents with a unique urban living experience set amongst the natural beauty and terrain of Bloomington.

Attention to green space and open space is a key component of the design. Common courtyards, front yards, backyards, open space, and recreational spaces allow residents and visitors to gather as a community. The area along the 37/69 includes a large setback and conservation easement to allow the residential developments to be buffered from the road way along with a bioswale detention strip. The area in the northern most portion of the site will be preserved in a conservation easement and will remain in its natural state and is depicted in the site plan found in this document. The development will plan to feature an all-purpose path that provides connectivity to 17<sup>th</sup> Street and Arlington Road. The development plans include a world-class clubhouse, outdoor sport court, and playground. Finally, the site and buildings are designed with sustainable features that add to the unique residential experience proposed in this PUD. Examples of those sustainable design features are provided in the Sustainability Initiatives section of this document.

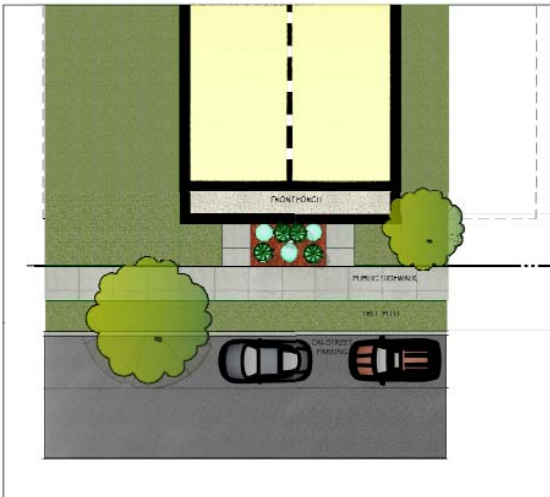
### **Development Standards:**

Chandler's Glen Planned Unit Development proposes residential uses and styles that complement and enhance the surrounding neighborhood. The development standards are based on those in the Unified Development Ordinance (UDO) for Residential Districts.

The following development standards shall apply to the overall development.

### **Architecture:**

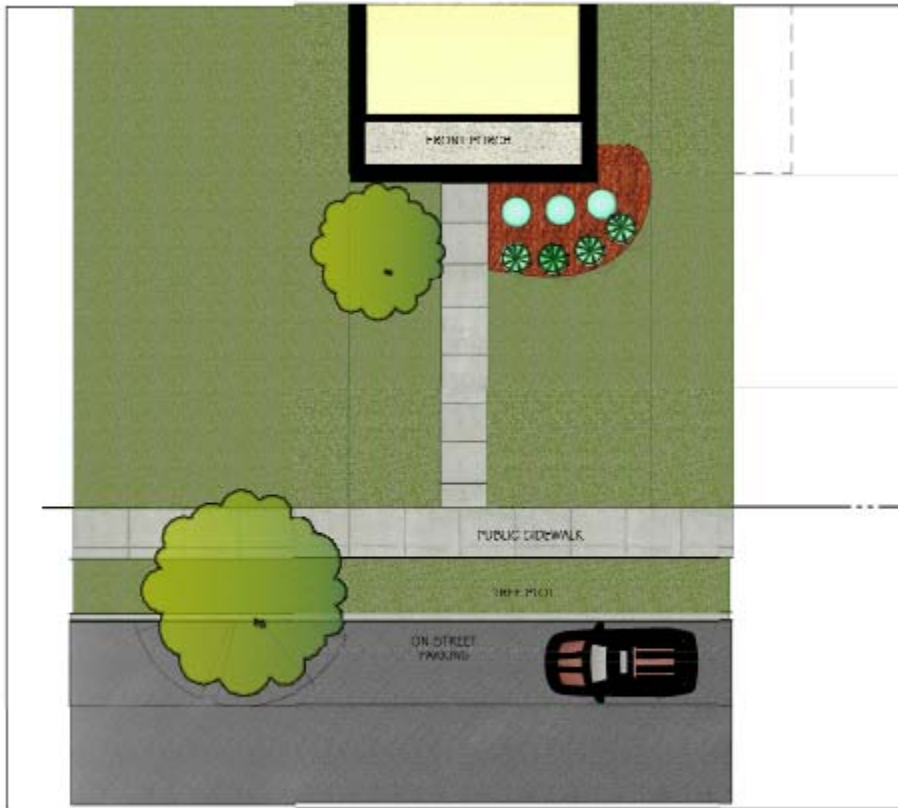
The structures are designed to reflect a traditional residential neighborhood and will feature unit types ranging from single family, duplexes and triplex product. Representative elevations of these products can be found contained within this document. A portion of the single family product will have the flexibility of offering either a detached garage or a concrete pad for parking. This shall be determined prior to occupancy. The single-family homes have potential to be offered for sale and or lease and this will be based on market demand. The sale of individual buildings or units may result in the formation of an HOA in accordance with applicable laws and ordinances that will be utilized to maintain the common elements of the site including but not limited to all common areas, parking as well as clubhouse and amenity features. The majority of the homes are one and two-story construction with front porches and rear patios. Most homes will have single private entrances near the front of every unit. The exteriors will include high quality siding, with some additional accents of architectural elements such as shake and or board and batten, residential windows and doors. The project will consist of a minimum of five (5) main building types and at least two building styles and will follow the anti-monotony standards as specified below. The community will be adequately landscaped with native plantings in a traditional neighborhood style. The development plan calls for landscape buffers with emphasis placed on the east and west property lines. Each dwelling unit shall feature landscaping as shown in the image below and will consist of native plantings, shrubbery and perennials.



TYPICAL LANDSCAPE LAYOUT WITH 4' SETBACK  
NOT TO SCALE



TYPICAL LANDSCAPE LAYOUT WITH 11' SETBACK  
NOT TO SCALE



TYPICAL LANDSCAPE LAYOUT WITH 16' SETBACK

A Conservation easement will be incorporated into the development and is depicted on the site plan included within this document.

**Density:**

Singles, doubles and triplexes are permitted. All units included in this PUD shall meet the following maximums:

- Maximum bed count = 802 or 20 beds per acre
- Maximum unit count = 9 per acre (includes up to 122 of units “converted”)

Converted units means, for example, converting a 4-bedroom unit into two (2), 2-bedroom units.

**Anti-monotony Code:**

The following design elements will be used to break up the monotony in the building design such that no two structures sitting side-by-side are identical in more than 2 of these elements. Examples of proposed colors and exterior materials are found within the body of this document.

- A. Roofline.
- B. Building footprint.
- C. Building color.
- D. Exterior materials.
- E. Building setback

**Sustainability Initiatives:**

The following sustainability/green initiatives will be implemented in designated areas of the development.

1. The parking areas for all units shall have a total of 1% or 6 spaces that are plug in ready for electrical vehicle charging stations. There will be wayfinding signage directing residents of there location.
2. Pervious pavement will be incorporated into the parking area in front of the clubhouse.
3. Designated areas accessible to waste haulers and building occupants for the collection and storage of recyclable materials have been positioned in three separate areas of the site and are noted on the site plan.
4. To reduce water usage on-site we will eliminate all irrigation and utilize native plantings.
5. The use of natural light in the clubhouse will be incorporated into the design to reduce interior light pollution.
6. Lighting controls and occupancy sensors within designated areas of the clubhouse will be utilized to reduce energy consumption.
7. Energy efficiency will be realized through the installation of energy star appliances throughout the clubhouse.
8. Water usage will be controlled throughout the clubhouse utilizing low flow plumbing fixtures.
9. Utilization of low volatile organic compounds during construction of the clubhouse including items such as paint, adhesives, sealants, flooring and insulation.
10. The development will target purchasing a minimum of 10% regional building materials (by cost) that are sourced and manufactured within 500 miles of the site.

11. The clubhouse will comply with ASHRAE 90.1-2007
12. The building envelope for the clubhouse will incorporate the following:
  - Window = 0.40 U Factor non-metal, 0.50 U Factor metal, 0.40 SHGC
  - Roof insulation value = R20
  - Wall Insulation value = R13 wood framed wall
13. Each ventilation system in the clubhouse that supplies outdoor air to occupied spaces will have particle filters or air cleaning devices that have a minimum efficiency reporting value (MERV) of 13 or higher, in accordance with ASHRAE Standards 52.2-2007.
14. Smoking is prohibited in all Community public areas at all times including but not limited to clubhouse, fitness areas, pool area, courtyard area, sports courts and study rooms.

### **Environmental Findings**

Both visual assessment and EM surveys do depict anomalies which could be indicative of low levels of rock dissolution, which is not itself indicative of karst development. Rock core samples from the site, showed no evidence of surface bedrock solutional development nor was there any bedding plane enlargement, solutional vugs, or secondary porosity observed at depth in the core samples. Areas of undulating bedrock surface or clay filled depressions are indicated but this is not indicative of a specific form of weathering. There was no evidence of extensive moderate to well-developed karst features associated with these areas of weathering. Instead, the surveys appear to indicate little to moderate weathering of the limestone surface and or contact between the two formations on the eastern portion of the property. The western portion of area appears to be dominated by surficial erosion by water runoff; which cuts through approximately 40 feet of soils and rock to the interstate elevation.

The site has been subject to a professional water/wetland delineation study. Based on this delineation, jurisdictional water/wetland features present on the site include intermittent streams, ephemeral streams and wetland features. The wetlands and intermittent streams are protected in accordance with the COB-UDO and applicable state and federal laws and have been left undisturbed by the proposed development plan in this PUD. The ephemeral streams have largely been protected with the exception of where streets cross those ephemeral streams on the current site layout.

### **Environmental Initiatives**

1. The new plan eliminates the lots in the northern most area of the site. This area will be preserved in its natural state by the creation of a conservation easement.
2. The revised site plan incorporates more pockets of stormwater treatment and detention rather than disturbing more area on the northwest side of the site for a large treatment and detention facility. These pockets of stormwater treatment and detention throughout the site will incorporate bio-filtration strips at the edge of some parking areas for stormwater to sheet flow right off and into these areas for immediate treatment.
3. Some of the proposed structures at the southwest part of the site were eliminated to create a 100' wide undisturbed buffer for 275' before tapering to the 30' wide undisturbed buffer strip when the tree canopy isn't as big along SR 37 to the north.

### **Lot Sizes and Setbacks:**



1. All lots shall be a minimum of 2,500 square feet.
2. Average front yard setback is 10.9 feet from back of proposed sidewalk (or all-purpose trail) to the front of porch of structure. However, the minimum front yard setback is 4 feet from back of proposed sidewalk to front of porch of structure.
3. Side yard setback minimum is 7.5 feet for duplex structures and 5 feet for single family building structures. This is measured to new created lot lines.
4. Required landscaped buffer yards for PUD perimeter property lines shall be at the outside with the required additional 15' setback on the inside. This is to allow UDO 20.05.077 encroachments of the proposed PUD building features into the setback.
5. No additional setback or buffer yard shall be required beyond the conservancy easements at the west and north sides of the PUD property.

**Maximum Impervious Surface Coverage:**

The requirements shall be met by each area or as an aggregate of the PUD as a whole but do not need to be met by an individual parcel. The maximum coverage area shall be 60 percent. The pervious or open space area shall consist of the listed qualifications in the 'open space' section below.

**Occupancy:**

Occupancy for any single rental unit is limited to the number of bedrooms in the unit for units exceeding 2 bedrooms.

1. 1, 2, 3-bedroom units occupancy is limited to 3 unrelated adult persons.
2. 4-bedroom unit occupancy is limited to 4 unrelated adult persons.

**Parking requirements:**

The requirements shall be met by each area or as an aggregate of the PUD as a whole, but do not need to be met by an individual parcel.

1. Off-street parking shall be no more than 0.7 spaces per bedroom.
2. Stackable off-street driveway parking is allowed for single family lots.
3. Parking requirements may be calculated and shared across all areas.
4. Bicycle Parking shall be 25 percent of the off-street automobile parking provided for the PUD, of which 50 percent shall be Class I. Such parking will be dispersed throughout the residential multi-family portions of the project and shall not be less than 1 space per 8 bedrooms. The current site plan provides for a total of 100 bicycle spaces dispersed throughout the site.

**Pedestrian access:**

The project is served by nearby transit services and has potential for private, point-to-point service, thus reducing the need for the personal automobile. As a result, the project should be well-connected for pedestrian access within and throughout the project to allow easy access to alternate

transportation options. This connectivity will be best accomplished by a series of interconnected sidewalks and all-purpose pathways throughout the development.

**Property Lines:**

If any property lines are created, they are not subject to the lot and setback requirements of the UDO. Said property lines shall not require side, front or rear setback for buildings or parking as defined in the UDO, unless otherwise stated herein.

**Services (including mechanical, utility and trash services):**

Utility services boxes, telecommunication devices, cables, vents, flues, chillers, fans, trash receptacles, dumpsters and service bays located on private property shall be screened from view from the public street. No dumpsters will be located within the front setback area of any public street.

**Sign Standards:**

The project will potentially have free-standing signs located near each of the entrances at 17<sup>th</sup> Street and Arlington Road. Each of these signs shall have a maximum square footage of 36 square feet per side and have a maximum height of six feet. Wall signs are allowed on primary commercial structures that conform to the UDO (20.05.078). Wall signs are not permitted on primary residential structures. Projection signs shall be allowed on a single structure in any area in accordance with the UDO (20.05.084), however limited to two signs per area.

**Easement Standards:**

Easements shall be 15-feet in width centered upon the utility unless otherwise noted on the plat and shall comply with the following Easement standards:

(a) General: All proposed plats submitted for approval shall allocate sufficient easement areas for features including, but not limited to drainage, utilities, tree preservation, environmental conservation, pedestrian access, vehicular access, and transit facilities, wherever necessary. All easements and corresponding utility location plans shall be approved prior to the approval of the plat. For features required to be in an easement but not required to be within common area, maintenance shall generally be the responsibility of the lot owner, except as expressly provided otherwise in this PUD ordinance or in the development approval. A grant of authority to the City of Bloomington to enter upon an easement for purposes of inspection, maintenance and/or repair of a feature within the easement shall not be construed as relieving the owner or owners of such responsibility.

(b) Recording of Easements: All necessary easements shall be clearly identified on Final Plats and shall be recorded per Monroe County processes.

(c) Existing Easements: All proposed plats shall clearly identify all existing easements on the property, including dimensions, bearings, and recorded instrument numbers.

(d) Environmental Features: All areas that are determined not to be developable shall be placed within preservation/conservation easements on the plat.

(e) Easement Types: Unless specifically defined on an approved plat or by condition of plat approval, the following requirements shall apply to these easements:

(1) *Sanitary Sewer Easement*:

(A) Shall allow the City of Bloomington Utilities Department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City of Bloomington Utilities Department in conjunction with the Preliminary Plat. Upon written permission from the City of Bloomington Utilities Department, encroachments may be permitted after the recording of the Final Plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within Sanitary Sewer Easements.

(D) Grading activity shall be prohibited within Sanitary Sewer Easements without written permission from the City of Bloomington Utilities Department.

(2) *Waterline Easement*:

(A) Shall allow the City of Bloomington Utilities Department exclusive access for installation, maintenance, repair, or removal of potable water facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City of Bloomington Utilities Department in conjunction with the Preliminary Plat. Upon written permission from the City of Bloomington Utilities Department, encroachments may be permitted after the recording of the Final Plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within Waterline Easements.

(D) Grading activity shall be prohibited within Waterline Easements without written permission from the City Utilities Department.

### Site Drainage Standards:

All drainage standards shall be in accordance with the City of Bloomington Utility standards and engineering practices except as stated below as discussed with the City of Bloomington drainage engineer on 04.08.14:

The following design considerations may be incorporated into the entire project site for the BMP plan including stormwater retention/detention and stormwater quality:

1. The drainage area (contributing or effective) of the entire project site is allowable to be served by one post-construction BMP or can be split into many throughout the site.
2. The maximum treatable ponding depth for stormwater quality areas may be up to 4 feet.

### Open Space Standards:

(a) General: 25% minimum open space for the PUD as a whole.

(b) Site Features that Qualify as Open Space: The following features count toward the minimum open space requirements as described.

(1) *Conservation Areas*: Any required preservation/conservation area shall count toward open space requirements.

(2) *Man-made Water Features*: Any man-made water feature (including retention facilities) shall count toward minimum open space.

(3) *Dry Detention Facilities*: Man-made storm water detention facilities (dry) shall count toward the minimum open

(4) *Regulated Floodplain*: The regulated floodplain of any stream, regulated drain, or river shall count toward the open space requirements.

(5) Other common areas set aside to meet open space requirements.

(6) Any other areas covered by grass, woodlands or landscaping material.

### Project Schedule:

Construction will commence in early 2019 with the intent for most, if not all, units to be fully operational by July 2020.



Examples representative of duplex styles, materials and prospective color palette's.



**KJG Architecture, Inc.**  
 2110 West 10th Street, Suite 100  
 West (Aurora), Idaho 83403  
 Phone: 208.372.1100 Fax: 208.372.1105  
 www.kjgarch.com

**DUPLEX DP3 - ELEVATION OPTION B - COLOR 6**  
1/4" = 1' ->

**DUPLEX DP3 - ELEVATION OPTION B - COLOR 3**  
1/4" = 1' ->

**DUPLEX DP3 - ELEVATION OPTION A - COLOR 6**  
1/4" = 1' ->

**DUPLEX DP3 - ELEVATION OPTION A - COLOR 3**  
1/4" = 1' ->

**DUPLEX DP3 - ELEVATION OPTION B - COLOR 5**  
1/4" = 1' ->

**DUPLEX DP3 - ELEVATION OPTION B - COLOR 2**  
1/4" = 1' ->

**DUPLEX DP3 - ELEVATION OPTION A - COLOR 5**  
1/4" = 1' ->

**DUPLEX DP3 - ELEVATION OPTION A - COLOR 2**  
1/4" = 1' ->

**DUPLEX DP3 - ELEVATION OPTION B - COLOR 4**  
1/4" = 1' ->

**DUPLEX DP3 - ELEVATION OPTION B - COLOR 1**  
1/4" = 1' ->

**DUPLEX DP3 - ELEVATION OPTION A - COLOR 4**  
1/4" = 1' ->

**DUPLEX DP3 - ELEVATION OPTION A - COLOR 1**  
1/4" = 1' ->

**EXCLUSIONS:**  
 1. All elevations are shown with a standard roof and gutters.  
 2. All elevations are shown with a standard window and door.  
 3. All elevations are shown with a standard porch and railing.  
 4. All elevations are shown with a standard landscaping.

**PROFESSIONAL SEAL:**

**PROJECT DATA:**  
 PROJECT NO: 002418  
 SHEET NO: 1  
 TOTAL SHEETS: 1

**DESIGN FIRM:** KJG ARCHITECTURE, INC.  
**ARCHITECT:** [Signature]  
**PROJECT TITLE:** EXTERIOR ELEVATIONS

**SHEET NUMBER:**  
**A202**

Examples of duplex structures in the proposed development:





Examples of amenities for proposed development



Representative images of single family dwellings.



Representative images of single family dwellings.

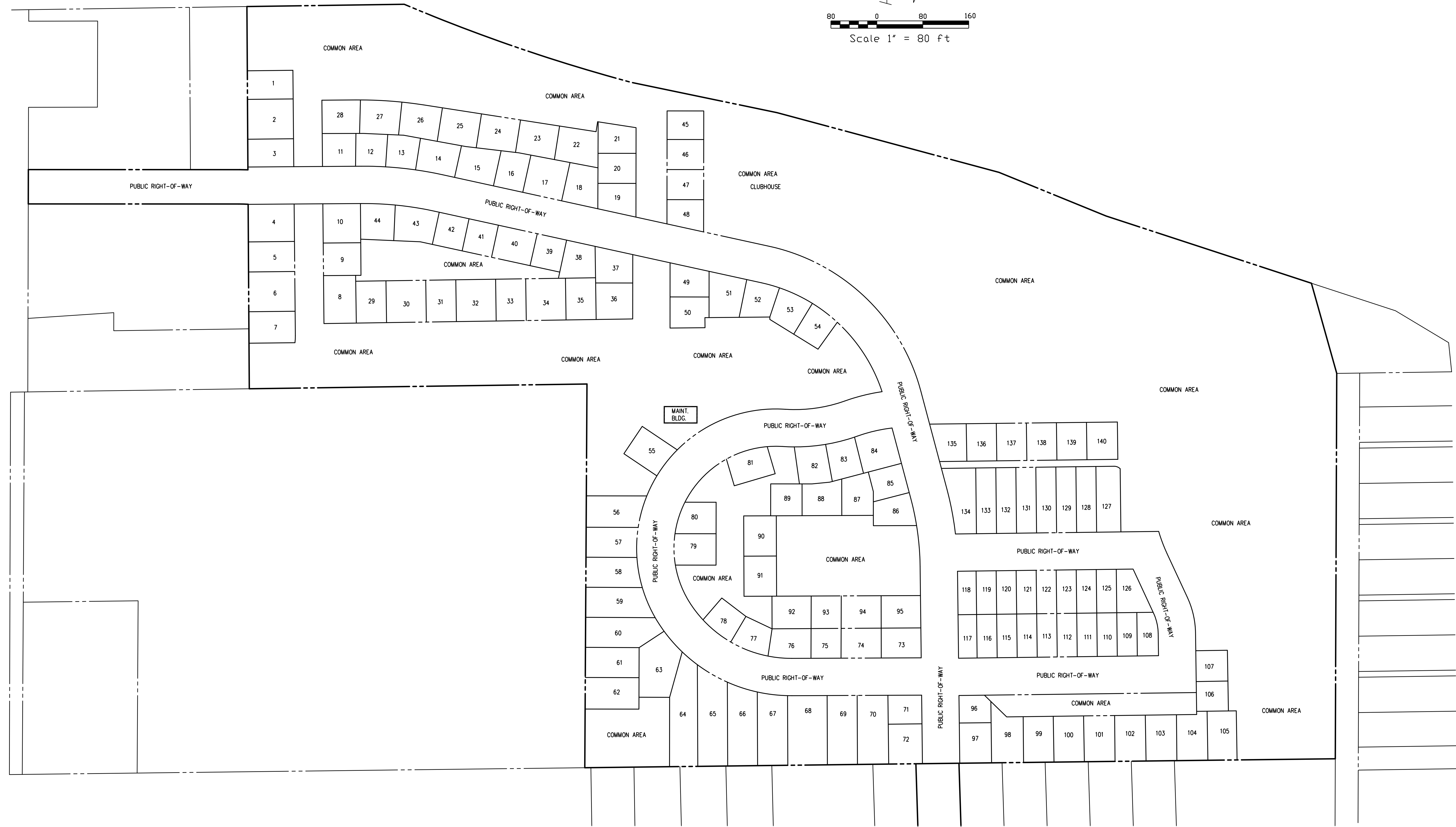
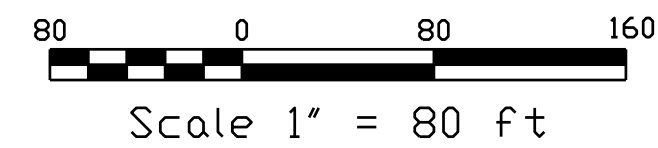
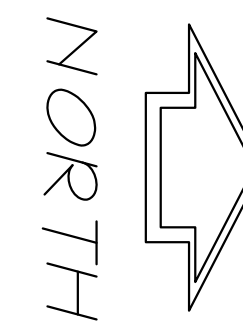


Attachments included for reference:

1. Existing Conditions Site Survey with an aerial photo background and without.
2. ALTA survey showing existing boundary lines and acreages.
3. Site Layout
4. Site Reference Plan
5. 17<sup>th</sup> Street Left Lane Concept
6. Site Landscape Plan
7. Site Details (showing 'complete streets')
8. Comprehensive Plan Matrix response dated November 20, 2018
9. Environmental Commission (EC) Recommendations response
10. Bloomington Transit Memo dated October 29, 2018
11. Housing Fund Letter dated November 7, 2018
12. Letter of Support from Glick Family Housing Foundation dated September 7, 2018
13. Crescent Bend Neighborhood Association (CBNA) letter dated November 10, 2018



- 1-bed Unit
- 2-bed Unit
- 3-bed Unit
- 4-bed Unit
- Amenity building

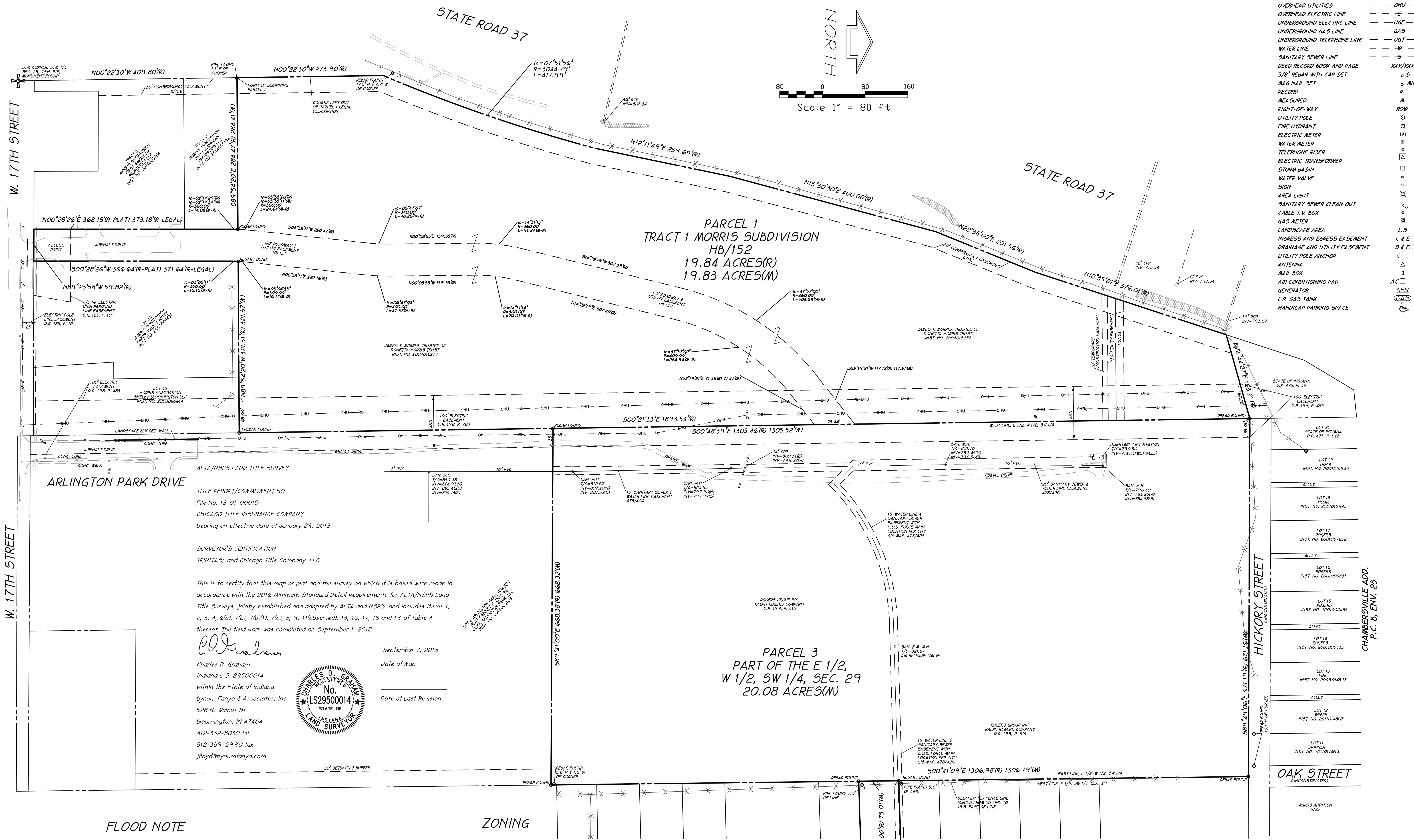
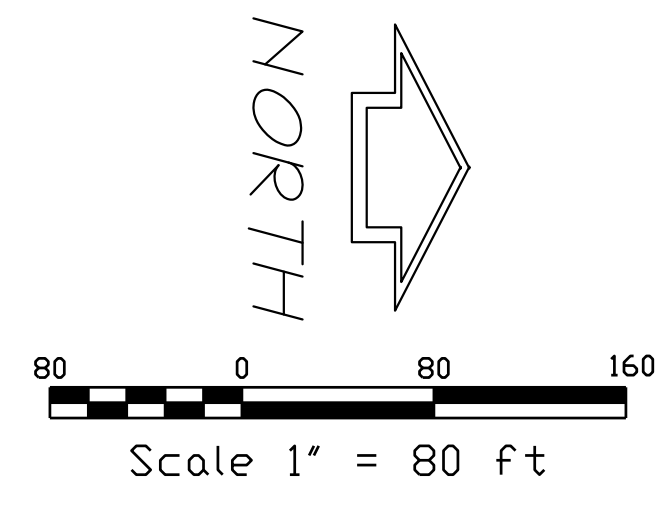


PRELIMINARY  
LOT SCHEMATIC  
W 17TH STREET,  
ARLINGTON ROAD &  
STATE ROAD 37

DRAWING NO. 401334  
SHEET 1 OF 1

LEGEND

PROPERTY LINE	---
EASEMENT LINE	---
FENCE	X---X
OVERHEAD UTILITIES	OHU
OVERHEAD ELECTRIC LINE	OHU
UNDERGROUND ELECTRIC LINE	UGE
UNDERGROUND GAS LINE	UGS
UNDERGROUND TELEPHONE LINE	UGT
WATER LINE	W
SANITARY SEWER LINE	SS
DEED RECORD BOOK AND PAGE	XXX/XXX
5/8" REBAR WITH CAP SET	o 5
MAG NAIL SET	o MV
RECORD	R
MEASURED	M
RIGHT-OF-WAY	ROW
UTILITY POLE	o
FIRE HYDRANT	o
ELECTRIC METER	o
WATER METER	o
TELEPHONE RISER	o
ELECTRIC TRANSFORMER	o
STORM BASIN	o
WATER VALVE	o
SIGN	o
AREA LIGHT	o
SANITARY SEWER CLEAN OUT	o
CABLE T.V. BOX	o
GAS METER	o
LANDSCAPE AREA	L.S.
INGRESS AND EGRESS EASEMENT	I. & E.
DRAINAGE AND UTILITY EASEMENT	D. & E.
UTILITY POLE ANCHOR	o
ANTENNA	o
MAIL BOX	o
AIR CONDITIONING PAD	o
GENERATOR	o
L.P. GAS TANK	o
HANDICAP PARKING SPACE	o



ARLINGTON PARK DRIVE

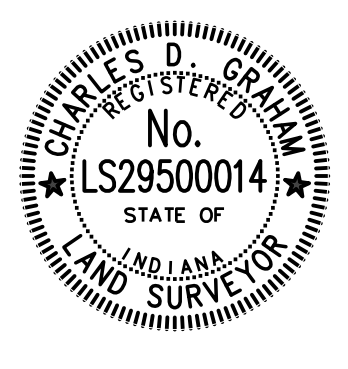
ALTA/NSPS LAND TITLE SURVEY  
 TITLE REPORT/COMMITMENT NO.  
 File No. 18-01-00015  
 CHICAGO TITLE INSURANCE COMPANY  
 bearing an effective date of January 29, 2018

SURVEYOR'S CERTIFICATION  
 TRINITAS; and Chicago Title Company, LLC

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(c), 8, 9, 11 (observed), 13, 16, 17, 18 and 19 of Table A thereof. The field work was completed on September 1, 2018.

*Charles D. Graham*  
 September 7, 2018  
 Date of Map

*Charles D. Graham*  
 Indiana L.S. 29500014  
 within the State of Indiana  
 Bynum Fanyo & Associates, Inc.  
 528 N. Walnut St.  
 Bloomington, IN 47404  
 812-332-8030 tel  
 812-339-2990 fax  
 jfloyd@bynumfanyo.com



FLOOD NOTE

According to Flood Insurance Rate Map (FIRM) Community-Panel Number: 18105C 0141D, Map Revised: December 17, 2010 subject Property is not located in a floodplain.  
 Source: FEMA

ZONING

Parcel 1 is zoned Business Park (BP). Parcel 2 is zoned Residential Single Family (RS). Parcel 3 is zoned Planned Unit Development (PUD).

Source: Bloomington Unified Development Ordinance having an Effective Date of February 12, 2007.

City of Bloomington Planning Department: 401 N. Morton St., Suite 160, P.O. box 100, Bloomington, IN 47402 (Phone: 812-349-3423)

PARCEL 3  
 PART OF THE E 1/2,  
 W 1/2, SW 1/4, SEC. 29  
 20.08 ACRES(M)

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

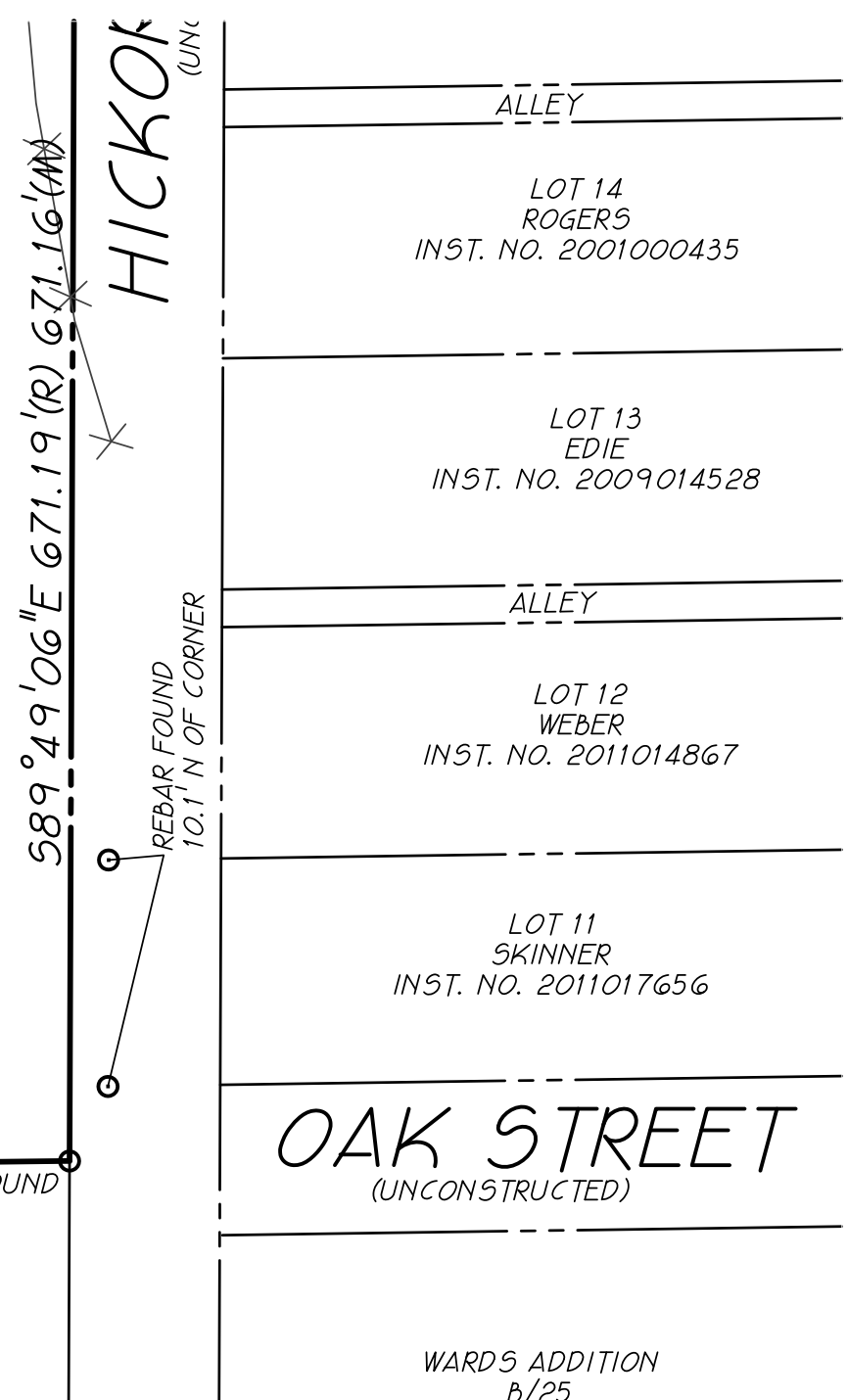
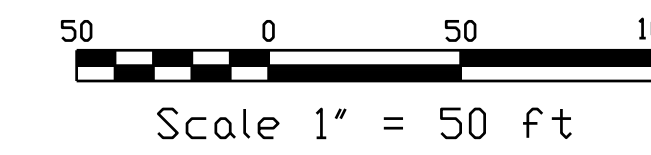
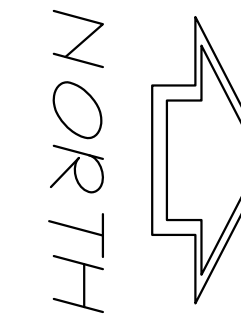
Charles D. Graham  
 This instrument prepared by Charles D. Graham

ALTA/ACSM  
 LAND TITLE SURVEY  
 W 17TH STREET,  
 ARLINGTON ROAD &  
 STATE ROAD 37

DRAWING NO. 5118008  
 SHEET 1 OF 3

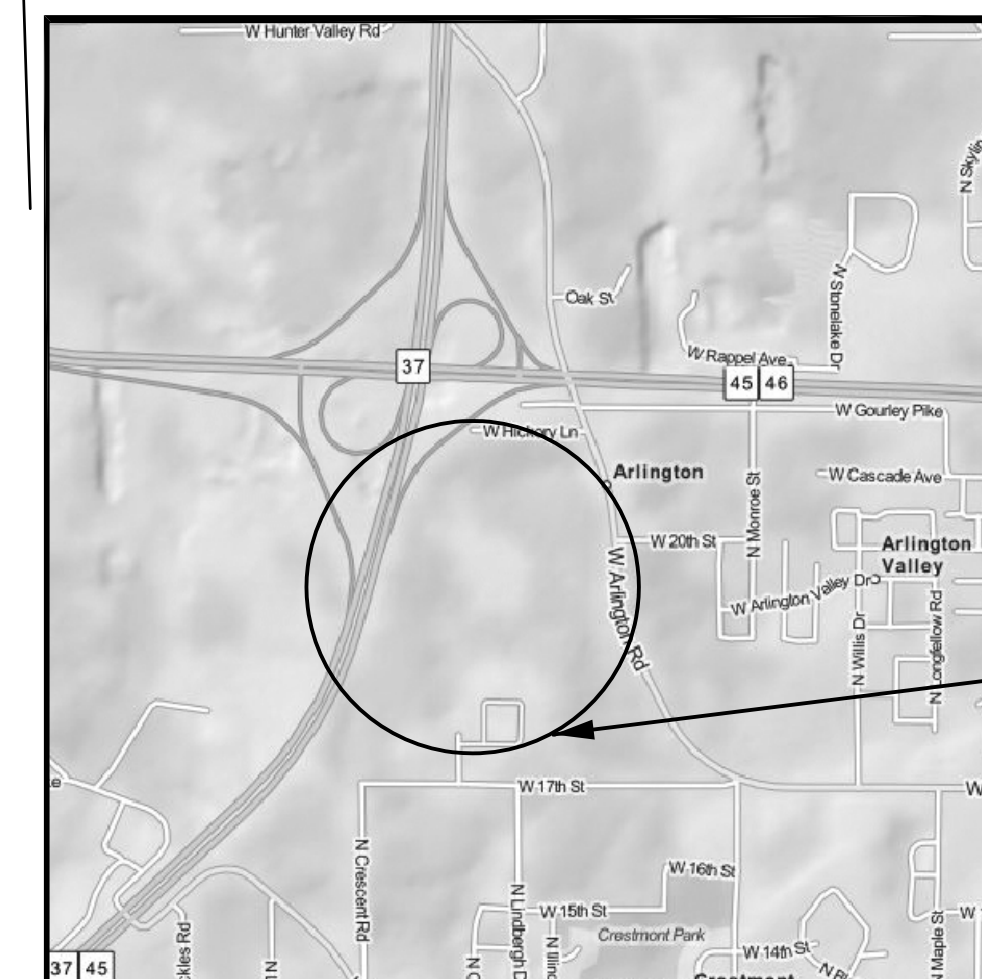
PARCEL 3  
PART OF THE E 1/2,  
W 1/2, SW 1/4, SEC. 29  
20.08 ACRES(M)

PARCEL 2  
PART OF THE E 1/2,  
SW 1/4, SEC. 29  
0.84 ACRES(M)



**LEGEND**

PROPERTY LINE	---
EASEMENT LINE	---
FENCE	X X X X
OVERHEAD UTILITIES	- OHU -
OVERHEAD ELECTRIC LINE	- E -
UNDERGROUND ELECTRIC LINE	- UGE -
UNDERGROUND GAS LINE	- GAS -
UNDERGROUND TELEPHONE LINE	- UGT -
WATER LINE	- W -
SANITARY SEWER LINE	- S -
DEED RECORD BOOK AND PAGE	XXX/XXX
5/8" REBAR WITH CAP SET	o S
MAG NAIL SET	o MN
RECORD	R
MEASURED	M
RIGHT-OF-WAY	ROW
UTILITY POLE	□
FIRE HYDRANT	□
ELECTRIC METER	□
WATER METER	□
TELEPHONE RISER	□
ELECTRIC TRANSFORMER	□
STORM BASIN	□
WATER VALVE	X
SIGN	T
AREA LIGHT	X
SANITARY SEWER CLEAN OUT	°
CABLE T.V. BOX	o
GAS METER	□
LANDSCAPE AREA	L.S.
INGRESS AND EGRESS EASEMENT	I. & E.
DRAINAGE AND UTILITY EASEMENT	D. & E.
UTILITY POLE ANCHOR	△
ANTENNA	△
MAIL BOX	□
AIR CONDITIONING PAD	AC
GENERATOR	GEN
L.P. GAS TANK	GAS
HANDICAP PARKING SPACE	♿



LOCATION MAP

PROJECT  
LOCATION

**SURVEYOR'S NOTES**

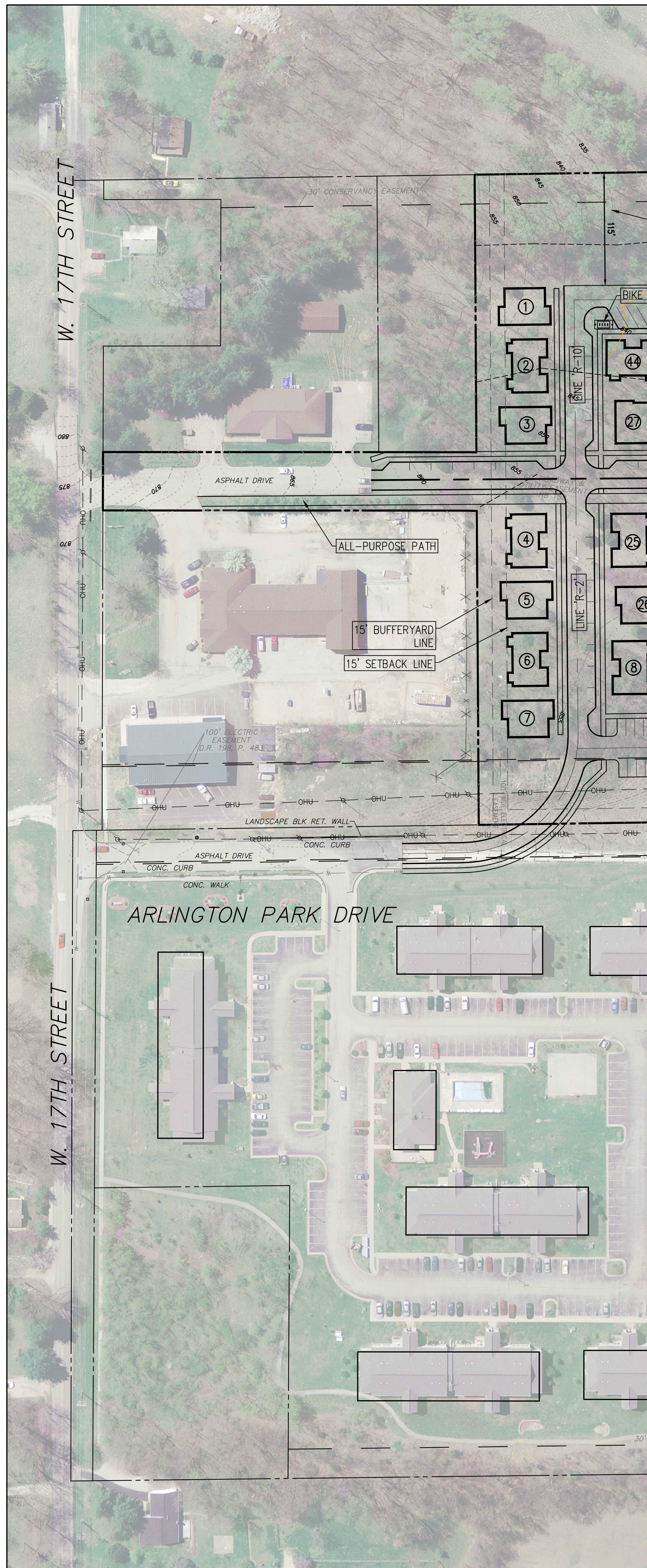
1. No evidence of recent earth moving work was observed at the time of survey.
2. No evidence of proposed street right-of-way changes was observed.  
No evidence of street or sidewalk construction observed.
3. Evidence that the site has been used prior to survey work for a solid waste dump, sump or landfill were observed.
4. There are no wetland areas on the Property.
5. There are no parking spaces delineated on the Property.

ALTA/ACSM  
LAND TITLE SURVEY  
W 17TH STREET,  
ARLINGTON ROAD &  
STATE ROAD 37

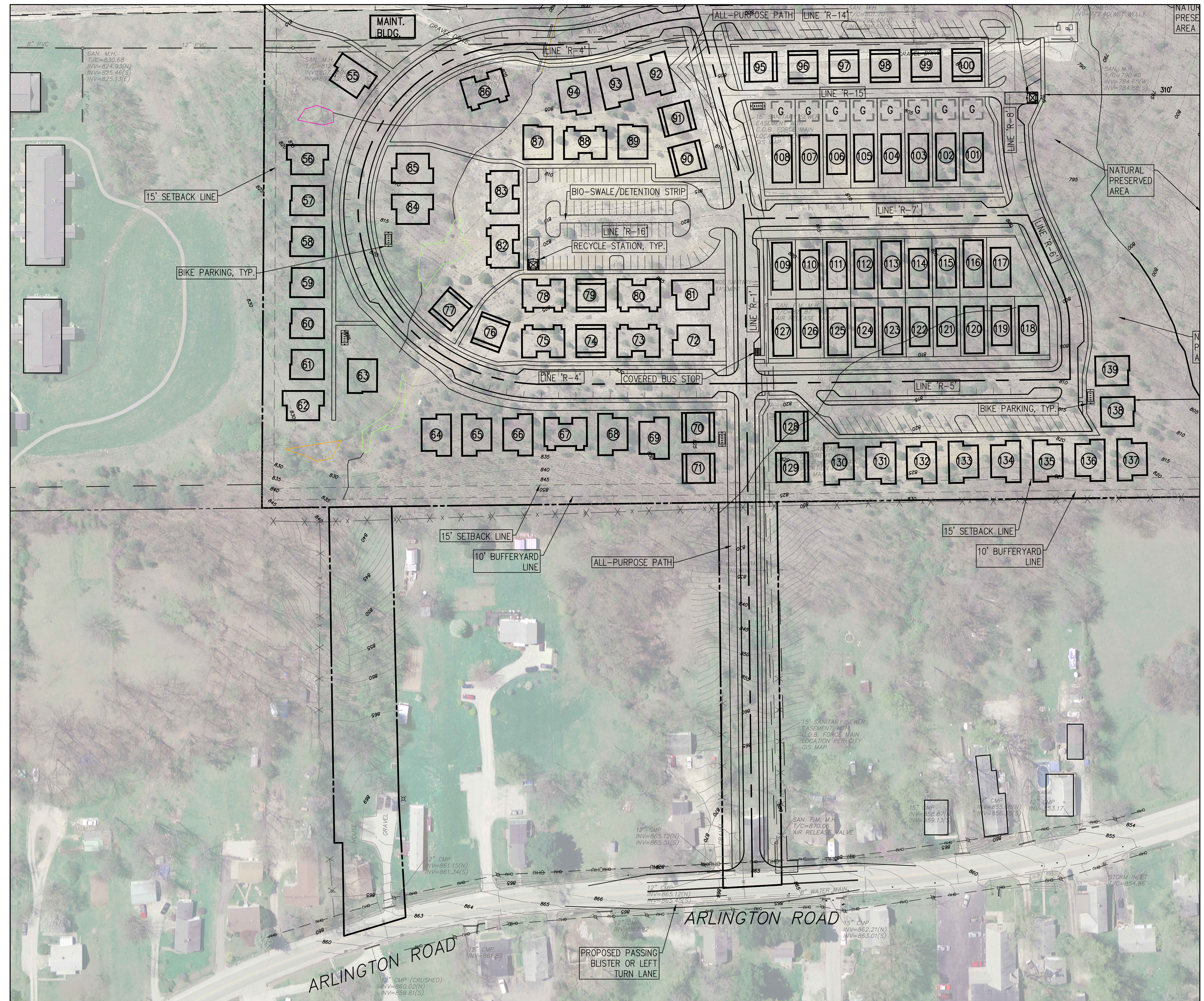
DRAWING NO. 5118008  
SHEET 2 OF 3







SCALE: 1"=60'



**NOTE TO CONTRACTOR**  
 CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

SCALE: 1"=60'

EXISTING LEGEND	
EXISTING FENCE	— X X X —
EXISTING WATER LINE	— W —
EXISTING OVERHEAD UTILITY LINES	— OHU —
EXISTING UNDERGROUND ELECTRIC LINES	— UGE —
EXISTING UNDERGROUND TELEPHONE LINES	— UGT —
EXISTING GAS LINE	— GAS —
EXISTING ELEVATION CONTOUR LINE	— XXX —
FLOW LINE	—>>>—
EXISTING SANITARY SEWER AND MANHOLE	— ○ —
PROPERTY LINE	— — — —
EXISTING STORM SEWER AND INLET	— □ —



**TRINITAS**  
TRINITAS VENTURES LLC

---

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

**BYNUM FAYO & ASSOCIATES, INC.**  
528 north walnut street  
Bloomington, Indiana (Fax)  
(812) 332-8030

---

PROJECT:

**ARLINGTON ROAD DEVELOPMENT**

BLOOMINGTON, INDIANA

---

SCOPE DRAWINGS:  
 These drawings indicate the general scope of the project as shown on architectural sheets. However, the dimensions of all structural, mechanical and electrical systems, and the materials to be used, shall be determined by the contractor. The drawings do not necessarily indicate in detail all work required for full performance and completion of the project. It is the responsibility of the contractor to verify all dimensions and requirements of the contract. The contractor shall furnish all items required for the proper installation and completion of the work.

REVISIONS:

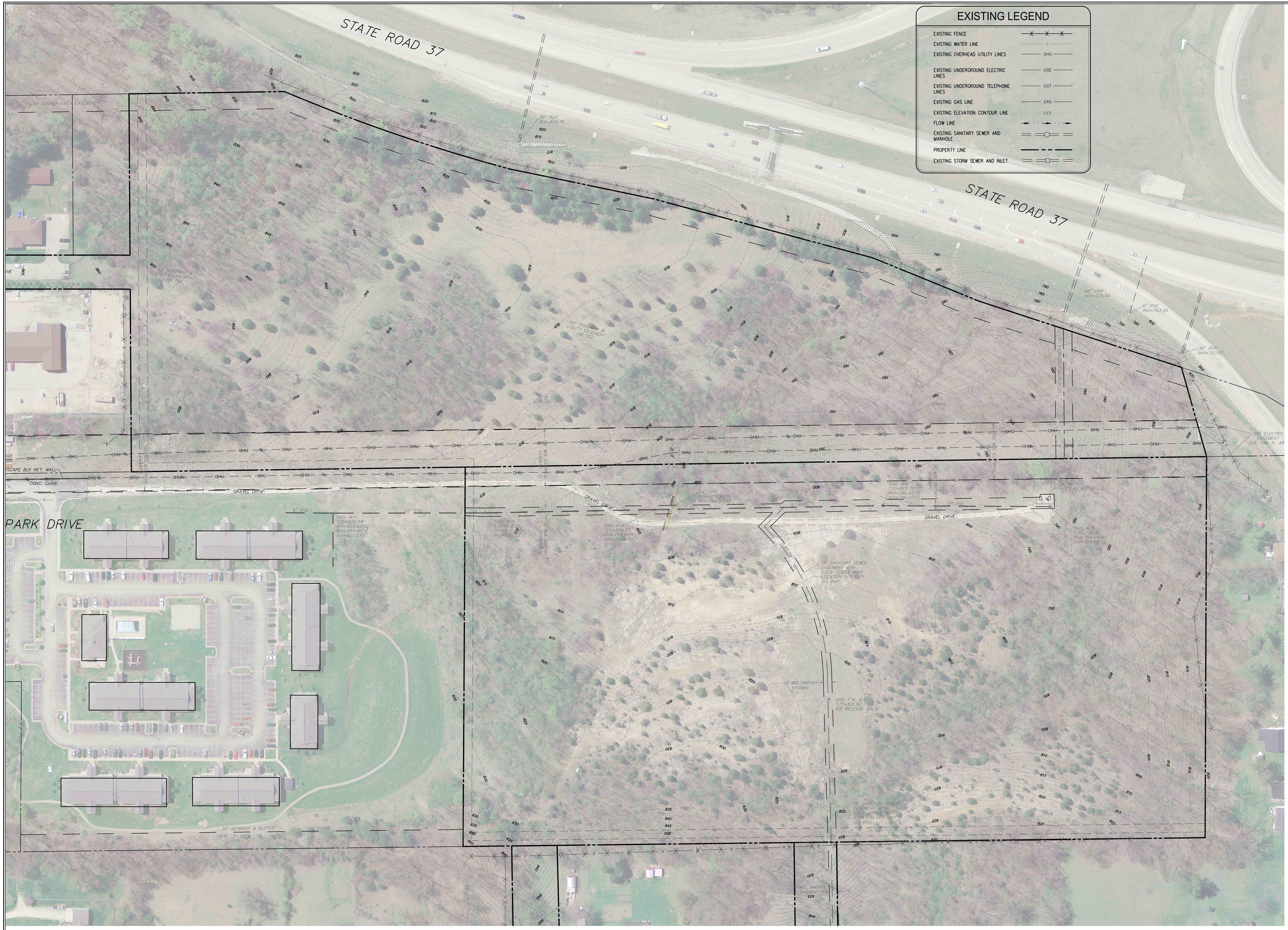
ISSUE DATE	DRAWN BY	CHECKED BY
11/15/2013	DJB	JSF

DRAWING TITLE:  
REFERENCE PLAN

CERTIFIED BY:

DRAWING NUMBER  
**C202**

PROJECT NUMBER  
**401334**



EXISTING LEGEND	
EXISTING FENCE	— X — X — X
EXISTING WATER LINE	— W —
EXISTING OVERHEAD UTILITY LINES	— OHU —
EXISTING UNDERGROUND ELECTRIC LINES	— UGE —
EXISTING UNDERGROUND TELEPHONE LINES	— UGT —
EXISTING GAS LINE	— GAS —
EXISTING ELEVATION CONTOUR LINE	— XXX —
FLOW LINE	—>>>—
EXISTING SANITARY SEWER AND MANHOLE	— S — (O)
PROPERTY LINE	— — — — —
EXISTING STORM SEWER AND INLET	— S — (S)



ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

**BYNUM FAYO & ASSOCIATES, INC.**  
5228 North Walnut Street  
Bloomington, Indiana  
(812) 332-8030

PROJECT:  
**ARLINGTON ROAD DEVELOPMENT**  
BLOOMINGTON, INDIANA

SCOPE DRAWINGS:  
These drawings indicate the general scope of the project as shown on the architectural site plan. The drawings do not constitute a contract. The drawings are not intended to be used for the design of any structure, mechanical and electrical systems. The drawings do not necessarily indicate the design of work required for full performance and completion of the project. The drawings are not intended to be used for the design of any structure, mechanical and electrical systems. The drawings do not necessarily indicate the design of work required for full performance and completion of the project.

REVISIONS:

ISSUE DATE	DRAWN BY	CHECKED BY
11/15/2013	DJB	JSF

DRAWING TITLE:  
**OVERALL SITE SURVEY**

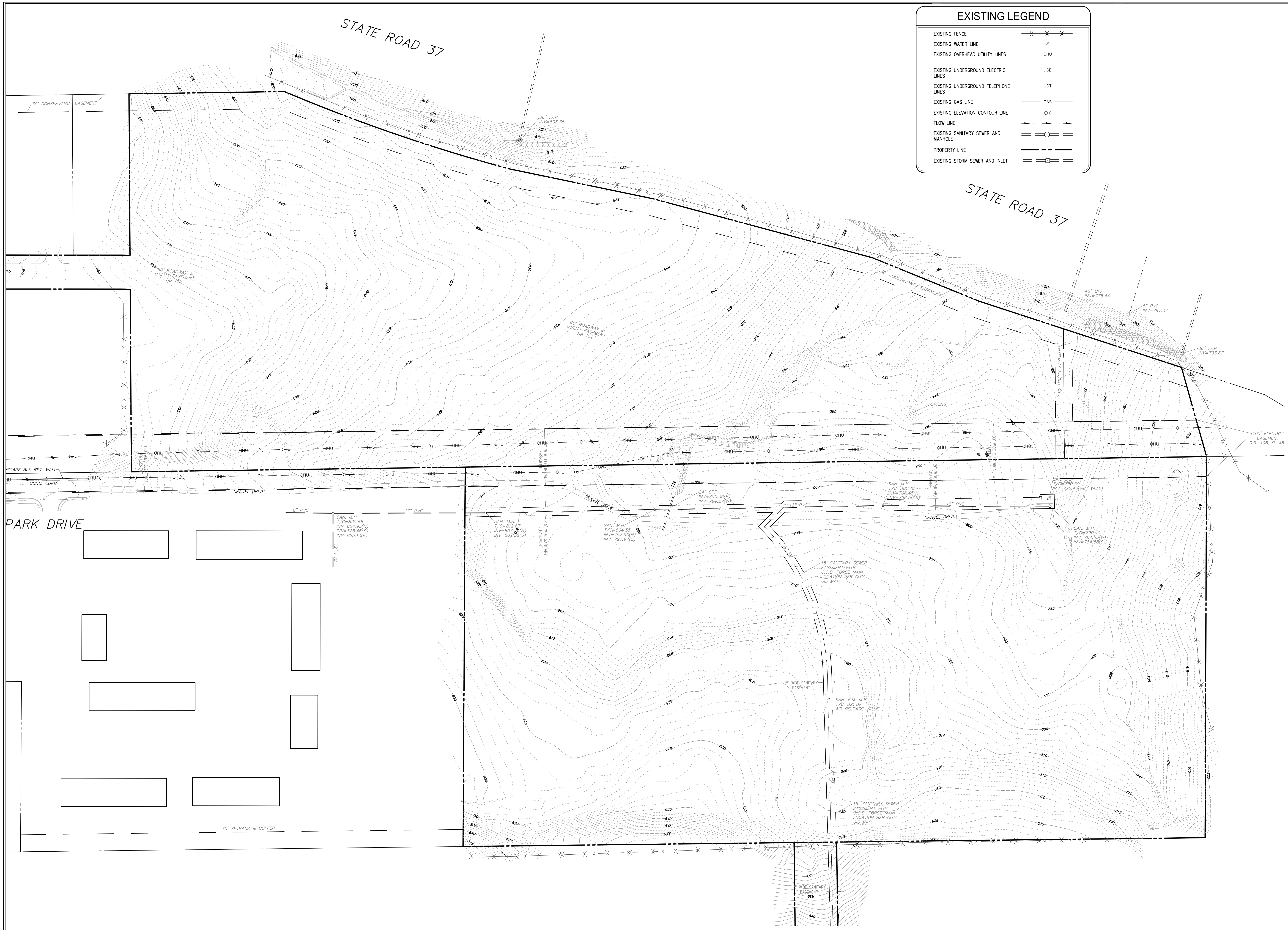
CERTIFIED BY:

DRAWING NUMBER  
**C101**

PROJECT NUMBER  
**401334**

**NOTE TO CONTRACTOR**  
CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

SCALE: 1"=60'



EXISTING LEGEND	
EXISTING FENCE	— X — X — X —
EXISTING WATER LINE	— W —
EXISTING OVERHEAD UTILITY LINES	— OHU —
EXISTING UNDERGROUND ELECTRIC LINES	— UGE —
EXISTING UNDERGROUND TELEPHONE LINES	— UGT —
EXISTING GAS LINE	— GAS —
EXISTING ELEVATION CONTOUR LINE	— XXX —
FLOW LINE	—>>>—
EXISTING SANITARY SEWER AND MANHOLE	— ○ —
PROPERTY LINE	— — — — —
EXISTING STORM SEWER AND INLET	— □ —



ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

**BYNUM FAYO & ASSOCIATES, INC.**  
528 North Walnut Street  
Bloomington, Indiana  
(812) 332-8030

PROJECT:  
**ARLINGTON ROAD DEVELOPMENT**  
BLOOMINGTON, INDIANA

SCOPE DRAWINGS:  
These drawings indicate the general scope of the project in terms of architectural design, including the dimensions of the structure, mechanical and electrical systems, etc. The drawings do not necessarily indicate the quantity of work required for full performance and completion of the project. The contractor shall verify all items required for the proper installation and operation of the work.

REVISIONS:	

ISSUE DATE	DRAWN BY	CHECKED BY
11/15/2013	DJB	JSF

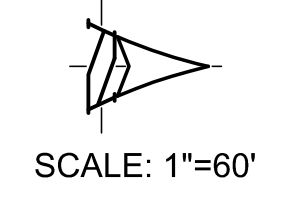
DRAWING TITLE:  
**OVERALL SITE SURVEY**

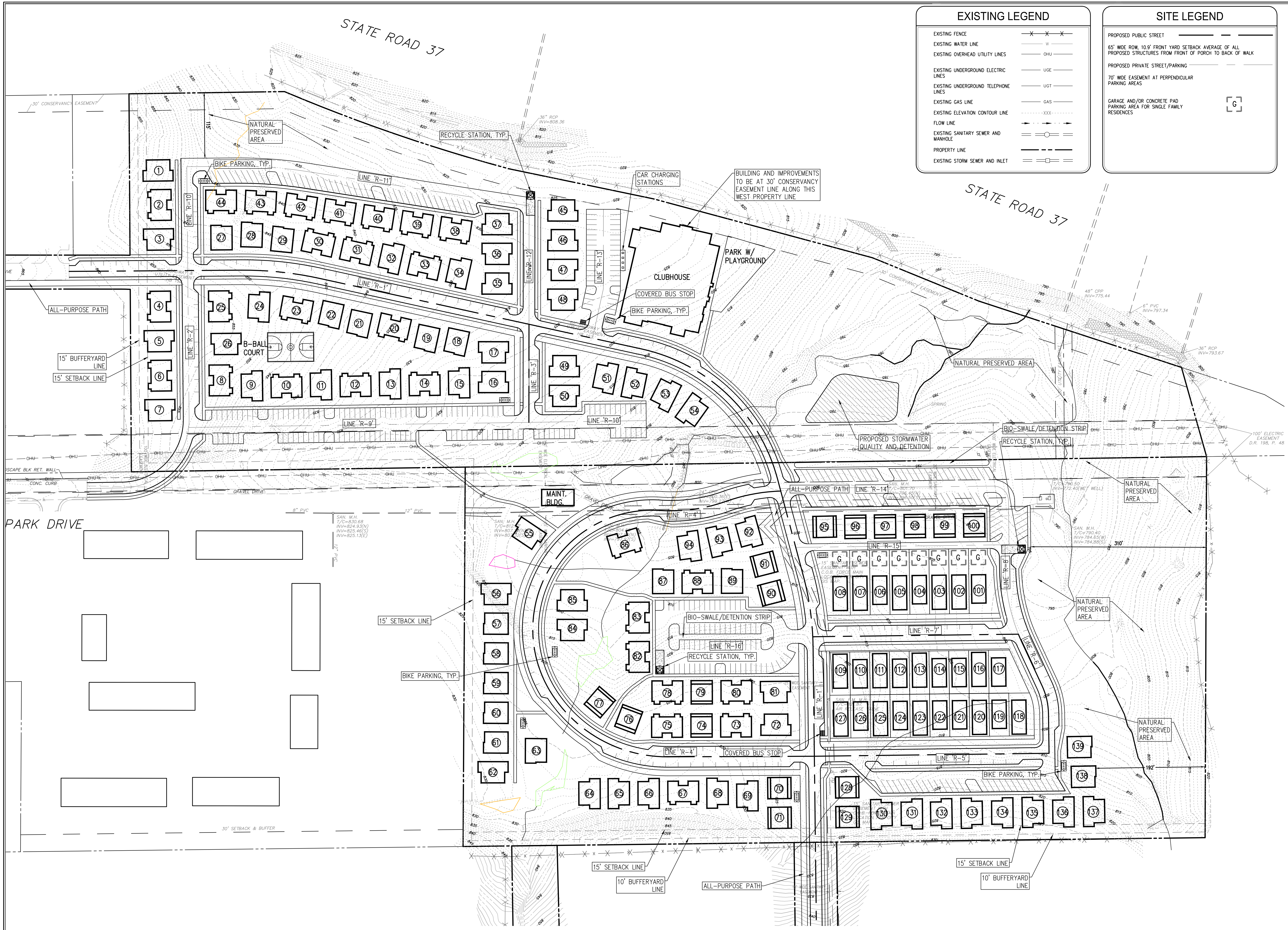
CERTIFIED BY:

DRAWING NUMBER  
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EXISTING LEGEND	
EXISTING FENCE	-X-X-X-
EXISTING WATER LINE	-W-
EXISTING OVERHEAD UTILITY LINES	-OHU-
EXISTING UNDERGROUND ELECTRIC LINES	-UGE-
EXISTING UNDERGROUND TELEPHONE LINES	-UGT-
EXISTING GAS LINE	-GAS-
EXISTING ELEVATION CONTOUR LINE	-XXX-
EXISTING SANITARY SEWER AND MANHOLE	-SSW-
PROPERTY LINE	-P.L.-
EXISTING STORM SEWER AND INLET	-SSI-

SITE LEGEND	
PROPOSED PUBLIC STREET	-P.P.S.-
65' WIDE ROW, 10.9' FRONT YARD SETBACK AVERAGE OF ALL PROPOSED STRUCTURES FROM FRONT OF PORCH TO BACK OF WALK	-65' ROW-
PROPOSED PRIVATE STREET/PARKING	-P.P.S.P.-
70' WIDE EASEMENT AT PERPENDICULAR PARKING AREAS	-70' EASEMENT-
GARAGE AND/OR CONCRETE PAD PARKING AREA FOR SINGLE FAMILY RESIDENCES	-G.P.P.A.-

**NOTE TO CONTRACTOR**  
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SCALE: 1"=60'

**TRINITAS**  
TRINITAS VENTURES LLC

---

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

**BYNUM FAYO & ASSOCIATES, INC.**  
528 north walnut street  
Bloomington, Indiana  
(812) 332-8030

---

PROJECT:

**ARLINGTON ROAD DEVELOPMENT**

BLOOMINGTON, INDIANA

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SCOPE DRAWINGS:  
 These drawings indicate the general scope of the project as shown on the site plan. They do not constitute a contract. The drawings are for informational purposes only and are not to be used for construction. The drawings do not necessarily indicate the design or work required for full performance and completion of the project. The drawings are subject to change without notice. The drawings are not to be used for any other purpose without the written consent of the engineer.

REVISIONS:

ISSUE DATE	DRAWN BY	CHECKED BY
11/15/2013	DJB	JSF

DRAWING TITLE:  
OVERALL SITE LAYOUT

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CERTIFIED BY:

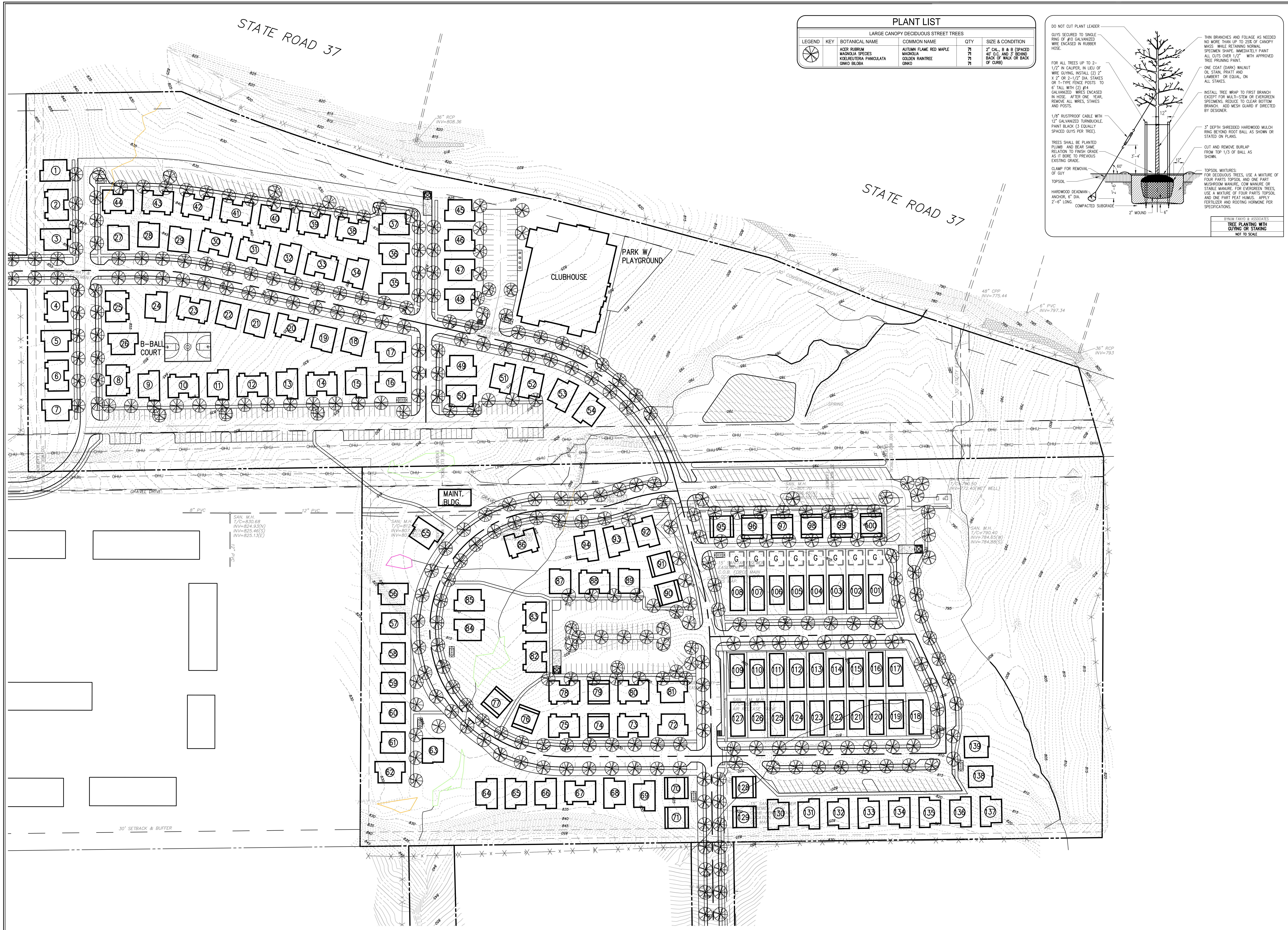
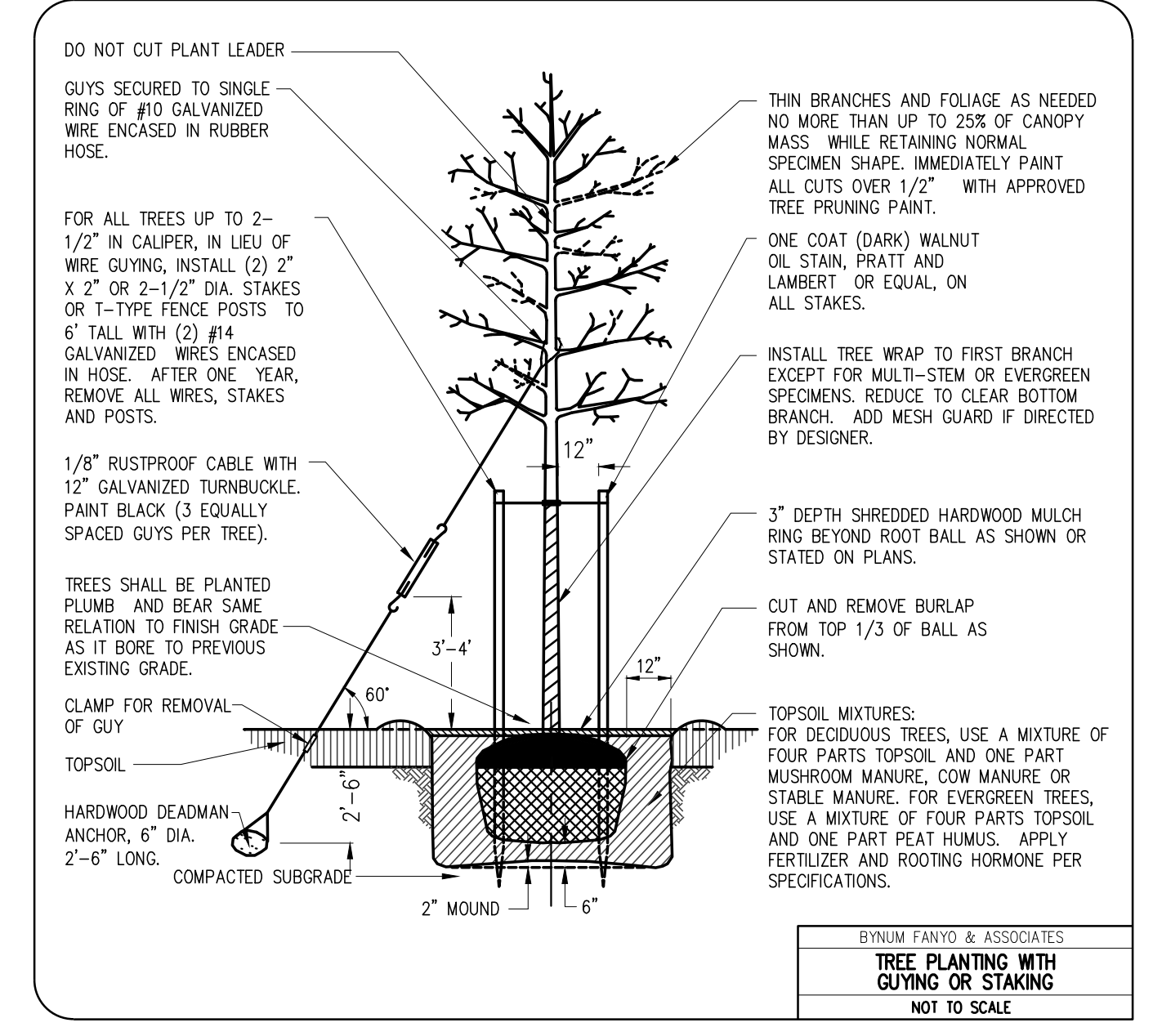
DRAWING NUMBER  
**C201**

PROJECT NUMBER  
**401334**

STATE ROAD 37

STATE ROAD 37

PLANT LIST					
LARGE CANOPY DECIDUOUS STREET TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
		ACER RIBRUM	AUTUMN FLAME RED MAPLE	71	2" CAL., B & B (SPACED)
		MAKOLA SPECIES	MAKOLA	71	60" D.C. & 9" BEING
		KOELREUTERIA PANICULATA	GOLDEN RAINTREE	71	BACK OF WALK OR BACK
		GINKGO BILOBA	GINKGO	71	(F CURB)



**NOTE TO CONTRACTOR**

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

SCALE: 1"=60'

**TRINITAS**

TRINITAS VENTURES LLC

---

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

BYNUM FANTO & ASSOCIATES, INC.  
528 north walnut street  
Bloomington, Indiana (812) 332-8030

---

PROJECT:

**ARLINGTON ROAD DEVELOPMENT**

BLOOMINGTON, INDIANA

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SCOPE DRAWINGS:

These drawings indicate the general scope of the project in terms of architectural design, structure, the development of site plan, mechanical and electrical systems, and civil engineering. The drawings do not necessarily indicate in detail all work required for full performance and completion of the project. The contractor shall verify all data required for the proper execution and completion of the work.

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REVISIONS:

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ISSUE DATE	DRAWN BY	CHECKED BY
11/15/2013	DJB	JSF

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DRAWING TITLE:

**OVERALL PROPOSED STREET TREE LANDSCAPE PLAN**

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CERTIFIED BY:

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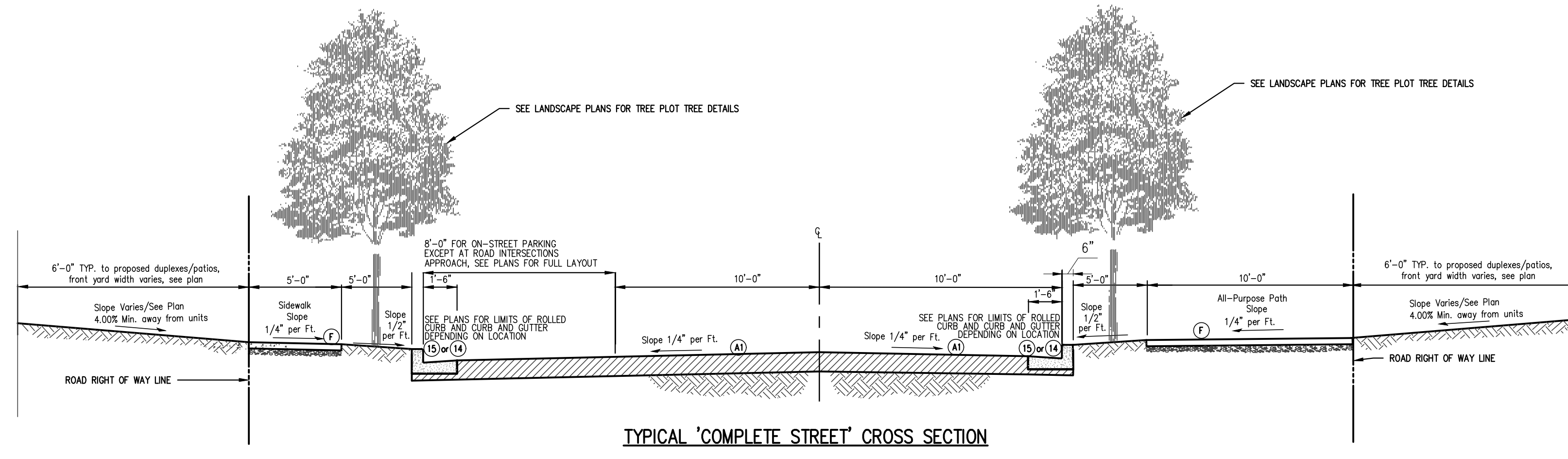
DRAWING NUMBER

**C201**

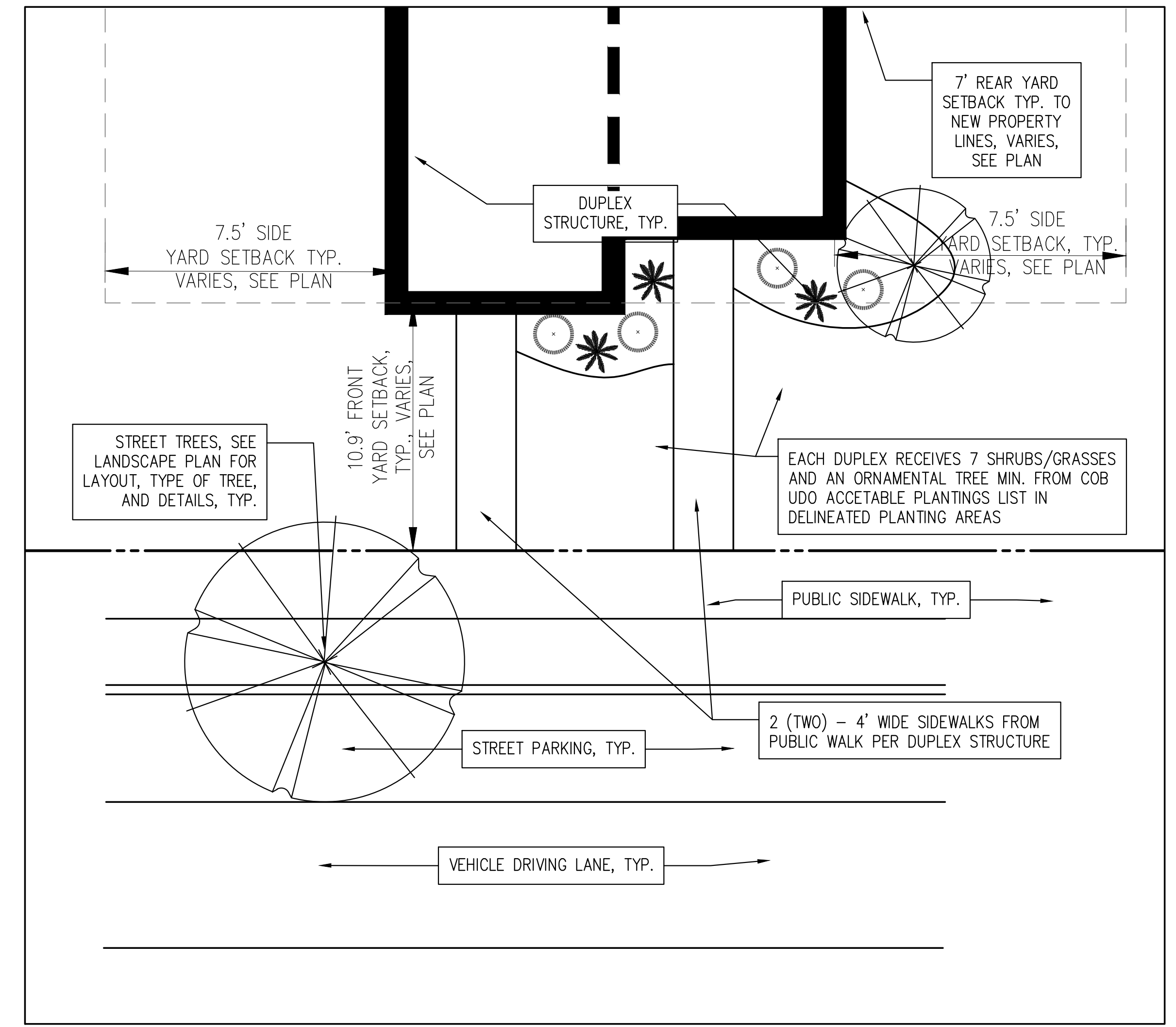
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PROJECT NUMBER

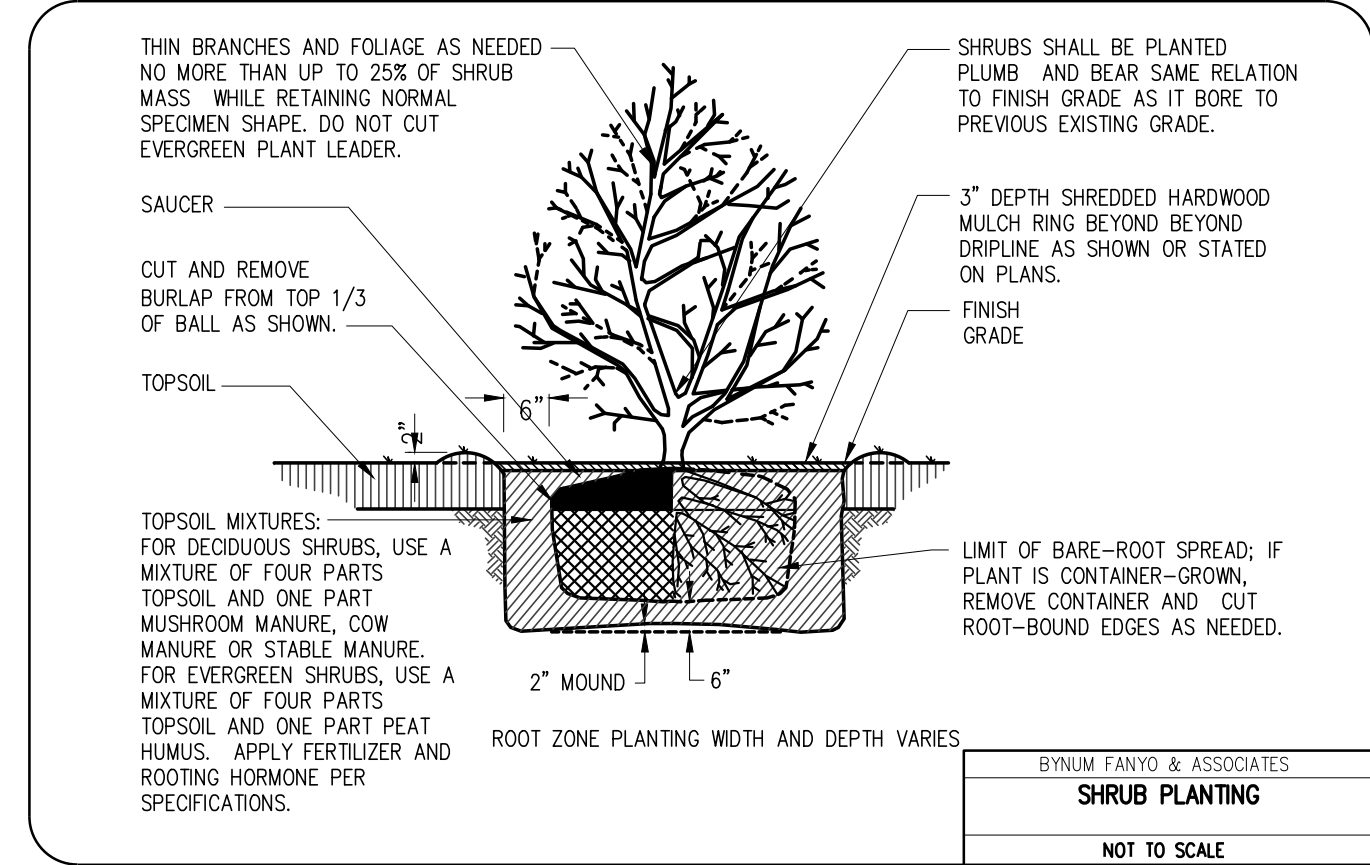
**401334**



TYPICAL 'COMPLETE STREET' CROSS SECTION



TYPICAL DUPLEX STRUCTURE LAYOUT  
NOT TO SCALE



SHRUB PLANTING  
NOT TO SCALE

REVISIONS:

NO.	DATE	DESCRIPTION

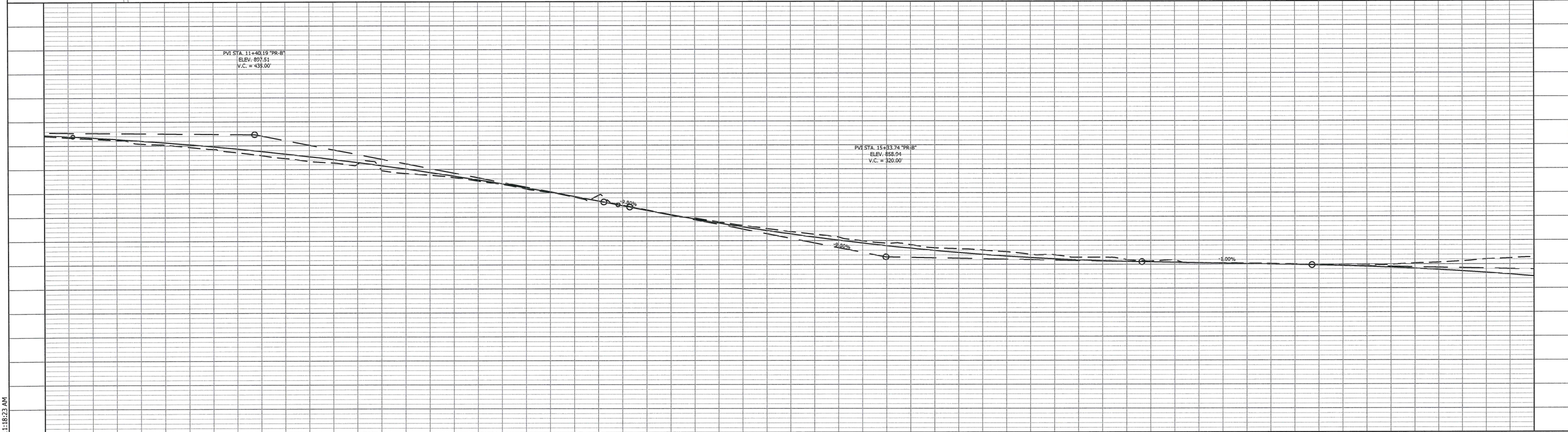
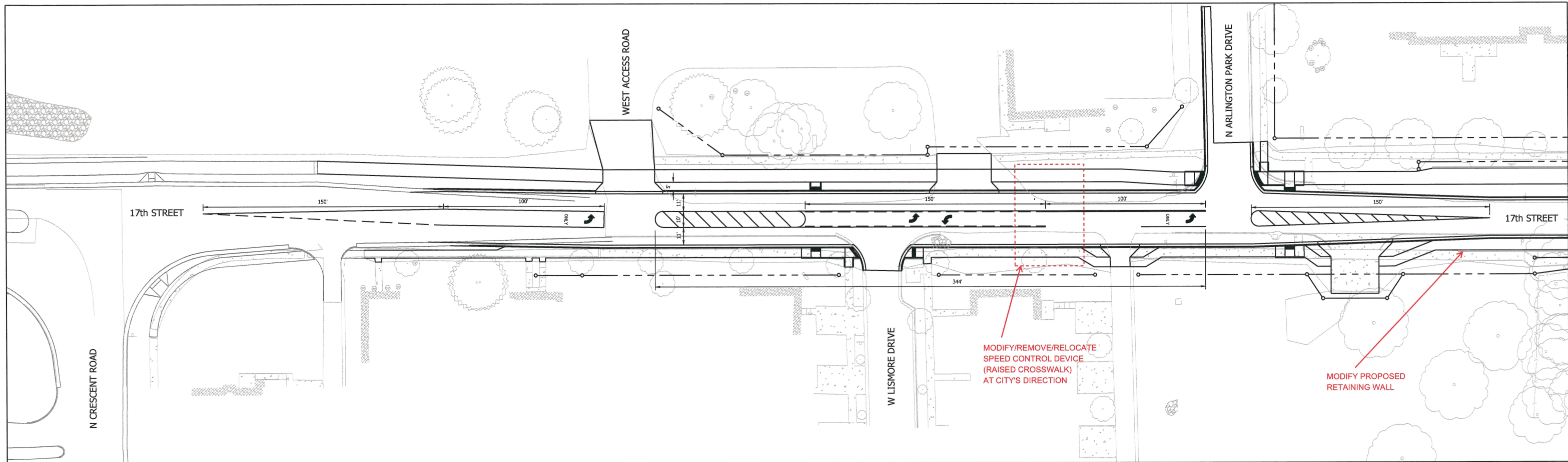
ISSUE DATE	DRAWN BY	CHECKED BY
11/15/2013	DJB	JSF

DRAWING TITLE:  
**OVERALL PROPOSED STREET AND LANDSCAPE PLAN**

CERTIFIED BY:

DRAWING NUMBER  
**C201**

PROJECT NUMBER  
**401334**



PLOTTED: Thursday, October 25, 2018 11:18:23 AM

FILE: 17TH STREET LEFT LANES -

RECOMMENDED FOR APPROVAL _____	DESIGN ENGINEER _____	DATE _____
DESIGNED: PRD _____	DRAWN: PRD _____	
CHECKED: _____	CHECKED: _____	

CITY OF BLOOMINGTON

17TH STREET TRAFFIC STUDY  
PROPOSED LEFT TURN LANES  
CONCEPT

SCALE 1" = 300'	BRIDGE FILE N/A
VERTICAL SCALE 1" = 10'	DESIGNATION N/A
SURVEY BOOK N/A	SHEETS 1 of 81
CONTRACT N/A	PROJECT 17TH STREET RECONSTRUCTION



To the Members of the Bloomington Council

11/10/2108

Regarding: Proposed development of 40 acres by Trinitas of Chandler's Glen (#18-22)

We appreciate the efforts of the City and various commissions to ensure environmental protections and careful attention to traffic and other important issues when considering proposals for new developments. When considering the Trinitas's proposal, please also take into account the thoughts of members of the Crescent Bend Neighborhood Association (CBNA) regarding Trinitas' proposed development as well as the experiences of those who have lived in this neighborhood for decades. We are in support of the proposed project.

Yes, we remain concerned about issues of ever-increasing high-density housing in the area and traffic on 17<sup>th</sup> St. We also admit that we have long been frustrated by ongoing developments in our area. As developments have been proposed, we have pointed out the potential problems with each of them. We then have had to deal with those very problems after the plans were approved and the housing projects built--including vandalism, trespassing, other crimes, traffic, lack of upkeep and maintenance, etc. Indeed, previously active members of CBNA who lived in Crescent Pointe had no choice but to move out of our neighborhood. And, as must be obvious to those involved in planning the 17<sup>th</sup> St. reconstruction project, Crescent Pointe is far too close to the road.

Yet, no member of CBNA has voiced opposition to the Trinitas project. We realize it's unrealistic to think the area can be either left as it is or developed as single-family houses, particularly given that it is right next to a loud and busy highway, without sound barriers, and next to two condensed housing developments. People from Hyde Park aren't going to build houses here. Instead, Trinitas has proposed a project that seems economically feasible while still retaining a neighborhood feel.

Yes, it's important to maintain high environmental standards, and if there are any real issues in that regard, they must be addressed. But we're a bit confused about the environmental concerns raised in some sections of the legislative documents, including the differences between those and the report of the Intertek PSI report that indicated there weren't major karst issues. Some of us have walked in the area on both sides of 17<sup>th</sup> St. for decades and are surprised to think that potential environmental issues here come even close to those in the karst-sensitive area, with very steep slopes, on Crescent Rd., where another housing development was recently approved by the Council.

On the ground, the area looks far worse than the "wooded property" on the map contained in Council documents, which also doesn't show the high-tension electric line towers that run parallel to 37. Apart from one small area that is mowed by one of the companies on 17<sup>th</sup> St. (and is quite nice), much of the area just looks abandoned, rather than "natural". It is littered with trash, rotting furniture, cement piles left over from construction of 37 and access roads, and so on. It contains sewer drains that sometimes ooze greenish slime and smell. A portion of it must be an abandoned quarry. And those of us who used to walk in the area for exercise and to find

crinoids and other fossils no longer feel safe doing so alone, because we now encounter “campsites” and fire pits of transients who regularly live in this abandoned area.

In addition to housing, Trinitas has proposed a playground, hiking trails that will be well maintained, and a club house that also be accessible to others in our neighborhood. The club house in particular will be an additional site for CBNA neighborhood meetings, and we look forward to Chandler’s Glen residents becoming new members of our neighborhood association.

Trinitas’s reputation is good, and the basic proposal is fine. Trinitas also has been responsive to CBNA and seems also to be responding to the many varied recommendations of the City. And we fear that, if Trinitas is not allowed to go forward with the proposed development, we will be faced with a far less-reliable company—as has been the case previously. We hope that the Council will not deny Trinitas’ request at the next meeting and will either approve it or continue to work with Trinitas to address any remaining concerns. We also hope that Council members will continue to be aware of and take into account the diversity of views and ways of life of members of the Bloomington community.

Thank you for considering our views.

Sue Tuohy, Secretary, Crescent Bend Neighborhood Association (CBNA),  
on behalf of Carrie Winkel, Executive Chair, and Members of CBNA Executive Board



## GLICK FAMILY HOUSING FOUNDATION

Writer's Direct Dial: (317) 495-6634

Email: [arichter@lickco.com](mailto:arichter@lickco.com)

September 7, 2018

### VIA EMAIL

Trinitas  
Attn: Travis J. Vencel, Executive Vice President, Development  
201 Main Street, Suite 1000  
Lafayette, IN 47901  
tvencel@trinitas.ventures

Re: The Cottages at Chandler's Glen

Dear Mr. Vencel,

Thank you for allowing Gene B. Glick Family Housing Foundation, Inc. the opportunity to speak with you and your representatives and review materials related to Trinitas' proposed Cottages at Chandler's Glen development in Bloomington. We appreciate the professional manner in which you've sought feedback from us and the community at large. Your effort is consistent with Trinitas' reputation as a sophisticated and respectable developer of quality multifamily projects.

As you know, the Foundation, an Indiana nonprofit corporation and 501(c)(3) charitable organization, acquired an adjacent affordable housing property historically referred to as Arlington Park in 2012. The Foundation has invested millions of dollars to acquire Arlington Park, rebrand it as "The Reserve at Chandler's Glen", invest in physical upgrades, and provide its residents valuable social services. The Foundation has vested interest in the continued improvement of the Reserve and its surrounding area.

With all that as background, the Foundation welcomes the Cottages of Chandler's Glen and believes it will continue to improve this area of Bloomington. By this letter, we also acknowledge Trinitas' agreement, reached over email on September 4, 2018, to cause its project contractors to keep North Arlington Park Drive open during and after construction and, upon request, to use commercially reasonable good faith effort to reduce construction traffic through the Reserve.

Best of luck with the Cottages. Should you desire anything further, please let us know. Thanks again.

Very truly yours,

Gene B. Glick Family Housing Foundation,  
Inc.

Adam J. Richter, Esq.  
Vice President and General Counsel

**Ordinance 18-10**

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE (BMC) ENTITLED  
“ADMINISTRATION AND PERSONNEL”**

**(Inserting BMC 2.26.200 to Provide for Additional Council Oversight of Intra-Category Transfers of \$100,000 or More within Certain Funds;  
Inserting BMC 2.26.205 to Require Submittal and Approval of Capital Plans Associated with Such Funds for the Applicable Year and Council Review of Capital-Related Expenditures of \$100,000 or More Not Identified in those Plans; and,  
Inserting BMC 2.26.210 to Require that Certain Other Expenditures in Such Funds of \$100,000 or More be Identified and, if Not Previously Identified, then be Reviewed by the Council)**

WHEREAS, the Common Council is the legislative body of the City of Bloomington and shall perform or exercise all powers and duties within the City that are of a legislative nature and, in that regard, is authorized to manage the finances of the City to the extent they are not vested in the executive branch (IC § 36-4-4-4); and

WHEREAS, as the legislative body of the City, the Common Council “may pass ordinances, orders, resolutions, and motions for the government of the city, the control of the city's property and finances, and the appropriation of money” (IC § 36-4-6-18); and

WHEREAS, one of the primary duties of the Common Council is to work in concert with the Mayor to fix the budget, tax rates and tax levies for the ensuing year in accordance with IC 36-4-7-7 and IC 6-1.1-17 et seq and other statutory requirements; and

WHEREAS, in the course of performing those duties, the Mayor and Controller together with department heads prepare and present an estimate of the City Budget for consideration by the Common Council during Departmental Budget hearings that are held in the summer; and

WHEREAS, this estimated budget proposes appropriations for expenditures which are made from various line items within four budget categories – Category 1 (Personnel Services), Category 2 (Supplies), Category 3 (Other Services and Charges), and Category 4 (Capital) – for the many departments and divisions, which are primarily located in the City General Fund and the Parks General Fund, but are also located within the various other (appropriated) funds; and

WHEREAS, these proposed expenditures are based upon memos and presentations made by department heads and the Mayor to the Council, including details of capital projects, and the exchange between the Mayor’s administration and the Council along with exchanges with the general public which, as a whole, become an understanding of what will be accomplished in the ensuing year and how much it will cost; and

WHEREAS, once the budget is fixed and the City enters the new fiscal year, the State requires that the transfer of funds from one fund to another and from one of the four categories within a fund to another be proposed by the Mayor and authorized via passage of an appropriation ordinance by the Common Council after an advertised public hearing; and

WHEREAS, however, transfers within the four budget Categories of the various funds, even transfers of great sums of money, which has been most evident in Category 4 (Capital), currently only need communication with the Controller, before the transfer can be made; and

WHEREAS, these changes may be the result of changes in City services, practices, and/or priorities that the Council may want to review and approve after an opportunity for public comment; and

WHEREAS, in general, the Common Council may increase appropriations only upon recommendation of the Mayor, but also may, if deemed necessary, decrease appropriations on its own initiative by ordinance (IC§ 36-4-7-7 & 8); and

WHEREAS, the Common Council finds that the following additional oversight of the transfer of funds and certain expenditures of at least \$100,000 by the executive branch: (1) is a prudent measure in order to assure expenditures are in accord with the understandings reached during budget deliberations; (2) will otherwise help the Common Council fulfill its role as a responsible steward of the City's finances and property; and, (3) is thereby consistent with, and in furtherance of, the City's Financial Policies Manual;

NOW THEREFORE BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON THAT:

SECTION 1. The Bloomington Municipal Code (BMC), Chapter 2.26 entitled "Controllers' Office," shall be amended by inserting a new section BMC 2.26.200 which shall read as follows:

**2.26.200 Council Review of Certain Intra-Category Transfers within Certain Appropriated Funds**

(a) Along with approvals by the Common Council of transfers of funds already required by state law and regulation, other Transfers of funds (Transfers) shall also be subject to review by the Common Council in accordance with the provisions of this section.

(b) Transfers subject to review by the Common Council. The Council review of Transfers shall apply when all of the following circumstances are met:

(1) The Transfers are within any of the funds (Funds) set forth in Department of Local Government Finance (DLGF) Form 4 (Ordinance for Appropriation and Tax Rates) for the Civil City for the applicable year, except the following:

(A) Debt Service Funds (which includes all bond and lease funds);

(B) Fire (#901) and Police (#900) Pension Funds (as the same may be renamed or renumbered in the future);

(C) Fleet Maintenance (#802) (as the same may be renamed or renumbered in the future); and

(D) Self Insurance (0203) (as the same may be renamed or renumbered in the future).

(2) The Transfers are made within the budget(s) associated with a Budget Report for an applicable Fund set forth in DLGF Form 4a of the annual budget ordinance for the Civil City; and

(3) The Transfers would allow appropriations in a line-item to be used in another line-item within three of the four Budget Categories (i.e. Category 2 [Supplies], Category 3 [Other Services and Charges], and Category 4 [Capital], but not Category 1 (Personal Services)). The amount appropriated in each line-item shall be determined in the following manner at these steps in the appropriation process:

(A) Budget Worksheet Report. The Budget Worksheet Report sets forth the amounts in the various line-items associated with the Budget Proposal for the ensuing year. It may be presented at one time at the beginning of the Departmental Budget Hearings in the summer. In that circumstance, the amount in each line-item shall be determined by what appears in the Budget Worksheet Report along with any increase or decrease in line-items specifically identified in writing by the Controller at the time the appropriation ordinance is introduced for consideration at the Common Council in the fall. In the event corrections need to be made in the first Budget Worksheet Report during the course of Departmental Budget Hearings, the Controller shall make his or her best efforts to track and note those changes in the budget materials.

A second, revised Budget Worksheet Report may also be submitted along with the appropriation ordinance for consideration by the Common Council in the fall. In that circumstance, the amount in each line-item shall be determined by what appears in the revised Budget Worksheet Report at the time the appropriation ordinance is introduced for consideration at the Common Council. In addition,

in order to make these revisions more apparent to readers of these budget documents, any increase or decrease in line-items since completion of the first Budget Report Sheet in the summer must also be specifically identified in writing by the Controller no later than at the time the appropriation ordinance is introduced for consideration at the Common Council that fall.

(B) Amendment of Annual Appropriation Ordinance. In addition, the amount in a line-item may increase or decrease by amendment adopted during consideration of the annual appropriation ordinance.

(C) Additional Appropriation. Last, the amount in a line-item may increase or decrease as the result of an appropriation ordinance adopted during the applicable budget year.

(4) The Transfers would amount to at least one hundred thousand dollars (\$100,000). This monetary threshold may be met by a single Transfer out of one line item into one or more line items, or it may be met by a single transfer into one line item.

(c) Council Review. Unless excepted by part (d) of this section or by state law, Transfers identified in part (b) are subject to review by the Common Council in the following manner. In addition, expenditures as specified in BMC 2.26.205 and BMC 2.26.210 are also subject to review in the following manner as that manner may be modified by those sections. In that regard, references to fiscal actions subject to review in part (c) shall be hereinafter referred to as a "Transfer or Expenditure."

(1) Proposed Transfer or Expenditure submitted by resolution. A resolution proposing the Transfer or Expenditure shall be submitted in accordance with the Council Annual Schedule and in time for review by the Common Council prior to the Transfer or expenditure. Upon being assigned a number, the resolution shall be simultaneously submitted by the Administration to the Council members, Council Office staff, City Clerk, and City Clerk Office staff. The Office of the City Clerk shall confirm the date of receipt and shall within two (2) business days of receipt post the request in a manner that is best suited to alert the public of this proposal.

(2) Content of resolution. The resolution shall include information sufficient for the Council to make an informed decision regarding the request. This information shall provide a description of the Transfer or Expenditure which shall include, but not be limited to the: Fund, department/division, amount of money, and change line items involved in the request; the purpose and circumstances surrounding the request; including the reasons for the change and the effect of the change on existing operations; and, timeframe requested for action and the reasons for it. One resolution may include more than one request and may combine a request for approval regarding related transactions under BMC 2.26.200, BMC 2.26.205, and BMC 2.26.210.

(3) Council Review. The Council President may either have the resolution placed on the agenda at the next Regular Session in accordance with the deadlines set forth in the Council Annual Schedule or may, with due regard for the level of urgency, arrange for a Special Session of the Council to be held to consider the resolution. The Transfer or Expenditure shall not be made without adoption of the resolution. The adoption of the resolution allows the transfer and expenditure to proceed in the ordinary manner and in compliance with all applicable laws and regulations.

(d) Exceptions to Process of Review. The full process for review set forth in part (c) of this section shall not apply in the circumstances set forth in part (d)(1) and notice is provided as set forth in part (d) (2) below.

(1) There is a critical, urgent, and unforeseen need under circumstances described below:

(A) There is an emergency, as determined by the department head and approved by the controller and Mayor, where the failure to transfer or expend funds would cause an underlying transaction not to proceed which, in turn, would cause an immediate danger to the health, safety, and welfare or loss to the City; or

(B) The Transfer or Expenditure is for the purpose of replacing current capital equipment with the same type of equipment in the event of an unexpected loss of function and when delaying replacement would be detrimental to public health or safety or prevent normal operations of city services.

(2) Notice. The Controller, or his or her designee, with approval of the Mayor, shall provide notice to the Council members, Council Office staff, City Clerk and the City Clerk Office staff no later than forty-eight (48) hours after the Transfer or

Expenditure. The Office of Clerk shall confirm the date of receipt and shall, within two (2) business days of receipt, post the notice in a manner best suited to alert the public its contents. The contents of the notice shall include the information set forth in part (c) (2) of this section.

SECTION 2. The Bloomington Municipal Code (BMC), Chapter 2.26 entitled “Controllers’ Office,” shall be amended by inserting a new section BMC 2.26.205 which shall read as follows:

**2.26.205 Submittal and Approval of Certain Long-Term Capital Plans and Council Review of Certain Expenditures Not Identified in those Plans**

(a) The Controller or his or her designee, with the approval of the Mayor, shall file certain long-term capital plans with the Common Council as part of the annual budget process. The capital plans subject to this section are those specifying expenditures from Fund(s) identified in BMC 2.26.200(b) (1). These capital plans shall be delineated by fund and department, and include the budget line along with the amount and description of the item. The description of the item shall include the purpose and be in sufficient detail to inform the reader of the nature and scope of the item, distinguish it from other items, and align it with other similar items.

(b) Expenditures for items identified in a capital plan for a fiscal year shall be made only after the capital plan for that fiscal year has been approved by the Council. That approval shall be by resolution of the Council, unless the capital plan is otherwise deemed approved as set forth below. A capital plan for the applicable fiscal year shall be deemed approved by the Council (Approved Capital Plan) if it is filed as part of the annual budget process and the Council adopts the annual budget ordinance for the Civil City. In this case, the appropriations for the applicable Fund(s) must conform to the capital plan for the applicable fiscal year. In addition, changes in a capital plan shall be deemed part of an Approved Capital Plan for the applicable fiscal year if the proposed changes in expenditures are authorized with the adoption of another appropriation ordinance.

(c) Along with approvals by the Common Council of transfers of funds already required by state law and regulation, and the other Transfers of funds (Transfers) subject to review by the Common Council in accordance with 2.26.200, certain expenditures (Expenditure) in Category 4 (Capital) for items which are not identified in an Approved Capital Plan shall be subject to review by the Council as set forth below.

(d) The Council shall review Expenditures for items not identified in an Approved Capital Plan which amount to at least \$100,000.

(e) The process for review in these cases will be the same as in BMC 2.26.200 (c).

(f) The exceptions to Council review will be the same as in BMC 2.26.200 (d).

SECTION 3. The Bloomington Municipal Code (BMC), Chapter 2.26 entitled “Controllers’ Office,” shall be amended by inserting a new section BMC 2.26.210 which shall read as follows:

**2.26.210 Identifying Certain Expenditures of at least \$100,000 and Council Review of Certain Expenditures Not Previously Identified Prior to Payment**

(a) The Controller or his or her designee, with approval of the Mayor, shall be responsible for assuring that certain expenditures are identified for review by the Common Council prior to the payment of such expenditures. The expenditures that are subject to Council review in accordance with this section (Expenditures) include those in an amount of at least \$100,000 and within Fund(s) identified in BMC 2.26.200(b) (1), unless excepted below. The Expenditure shall be presented in sufficient detail to distinguish that expenditure from other expenditures. In that regard, the description of these Expenditures shall include the amount, department, budget line, and fund(s), and shall elaborate upon the purpose as is needed to define the nature and scope of the item.

(b) Previously Identified Expenditures. Previously identified expenditures are those meeting the threshold criteria set forth in part (a) that have been previously presented to, and authorized by, the Council and, therefore, do not require additional review under this section. If submitted as part of the annual budget process, this information shall be set forth in the budget memo for the applicable department and also be accurately reflected in the Budget Worksheet for the department, the Budget Report for the applicable Fund(s) set forth in DLGF Form 4a, and the DLGF form 4 of the annual appropriation ordinance. In addition, expenditures that are presented in sufficient detail and are, in whole or in part, authorized with the adoption of another appropriation ordinance, shall be deemed previously identified and exempt from Council review under this section.

(c) Along with other fiscal actions subject to review by the Common Council under BMC 2.26.200, Expenditures meeting the threshold criteria set forth in part (a) and not previously identified as set forth in part (b) of this section, shall also be subject to review as set forth below.

(d) The process for review in these instances will be the same as in BMC 2.26.200 (c).

(e) The exceptions to Council review will be the same as in BMC 2.26.200 (d).

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

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

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

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

ATTEST:

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

PRESENTED by me to 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 Council President Granger and Council Vice President Piedmont-Smith. It would amend Chapter 26 (Controller's Office) of Title 2 (Administration and Personnel) of the Bloomington Municipal Code (BMC) by adding three sections. The first is Section 2.26.200, which would require additional Council review of certain intra-category transfers within certain appropriated funds. The second is Section 2.26.205, which would require submittal and approval by the Council of capital plans for the applicable year associated with above-mentioned appropriated funds. The third is Section 2.26.210, which would require that certain expenditures of at least \$100,000 be identified to the Council as part of an appropriation ordinance and that the Council review certain of those not previously-identified expenditures in advance of their payment.

OFFICE OF THE COMMON COUNCIL



CITY OF BLOOMINGTON

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## Memorandum

**To:** Council Members  
**From:** Cm. Granger, President, and Cm. Piedmont-Smith, Vice President, Bloomington Common Council  
**Date:** November 29, 2018  
**Re:** Ord 18-10 – Amending Title 2 of the BMC (Administration and Personnel) to Provide for Additional Council Oversight in Advance of Certain Fiscal Actions by the City

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As Council President and Vice President, we are sponsoring Ord 18-10, which requires additional Council oversight before the City may take certain fiscal actions. The ordinance is one of a number of steps the Council has taken after learning earlier this year that \$225,000 budgeted in 2017 for building improvements was, without consultation with the Council, redirected to purchase a Critical Incident Response Team (CIRT) vehicle. Ordinarily, an expenditure for this purpose and of this magnitude would have been identified in the course of the annual budget process, where the Council and public would have had an opportunity to learn about the proposed expenditure and discuss whether or not it should be funded and, if funded, under what conditions. Unfortunately, what happened instead was that the Council and the public were taken by surprise by a decision that seemed to already have been made.

This ordinance is intended to prevent this type of high-dollar “surprise” expenditure from happening again. Aside from a few exclusions, for some normal or routine transfers or expenditures, and a few exceptions, for emergencies and possible disruptions of city operations (where the Council must be notified of the fiscal action), it requires public discussion and Council approval before the City Administration may redirect a significant amount of City appropriations from one purpose to another. It accomplishes this largely by requiring more detail about proposed high-dollar expenditures in certain funds during the budget and appropriation process and requiring Council review and approval of expenditures that were not previously identified and approved. In addition, transfers of \$100,000 or more from one line item to another within a budget category (excluding Personnel) of certain funds are to be approved by Council.

As you know, the Mayor and Controller prepare the budget for the City for the next year for review and approval by the Common Council. A preliminary budget is presented to the Council at Departmental Budget Hearings over four days in August and, after any adjustments, a package of budget legislation is presented to the Council at formal budget hearings in late September and is then ready for adoption in early October. As stated above, it is here where the Mayor, Council, and public have a very good opportunity to

assess how we are doing as a City and how the budget should change from one year to the next. Once the budget has been approved, the Administration is generally free to use funds as appropriated and must only obtain further approval of the Council when transferring money from one fund to another or between of the four budget categories of a fund.

Under this ordinance, most expenditures of \$100,000 or more that have not previously been identified in the budget and appropriation process must be reviewed and approved by resolution of the Council in advance of being spent. These expenditures include those made out of three budget categories - Category 2 (Supplies), Category 3 (Other Services and Charges), and Category 4 (Capital) – but do not include expenditures made out of a fourth budget category - Category 1 (Personnel). In addition, transfers within certain appropriated funds and within the three above-mentioned budget categories that meet the monetary threshold, must also be reviewed and approved by the Council.

Conclusion.

This ordinance has been developed in consultation with the Office of the Mayor and Controller. A copy was also sent to the State Board of Accounts who, aside from suggested clarifications, indicated that the Council oversight procedures proposed in this ordinance would not result in an audit exception. It is intended to provide for a public review of significant unforeseen transfers and expenditures in advance of payment. In formulating this ordinance, we are aware that the City is a very large entity with an annual budget in excess of \$100 million and wanted to avoid unnecessarily hindering the normal operations of a City. We believe this ordinance has reached the right balance, but are open to changes as we experience it being put into practice.

**ORDINANCE 18-26**

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "VEHICLES AND TRAFFIC"**

**- Re: Amending Chapter 15.08 (Administration) to Extend the Time Period Permissible for Temporary, Experimental, or Emergency Traffic Regulations, Chapter 15.12 (Stop, Yield and Signalized Intersections) to Codify 90-Day Orders, Chapter 15.24 (Speed Regulations) to Codify 90-Day Orders, Chapter 15.26 (Neighborhood Traffic Safety Program) to Add Traffic Calming Locations, Chapter 15.32 (Parking Controls) to Make Changes to No Parking and Limited Parking Zones; Chapter 15.34 (Accessible Parking for People with Physical Disabilities) to Authorize the Transportation and Traffic Engineer to Approve Changes in Accessible Parking; and, Chapter 15.40 (Municipal Parking Lots, Garages and On-Street Metered Parking) to Grant Authority to the Parking Services Director to Modify Parking Fees for Special Events and to Make Changes to Non-Reserved Monthly Garage Permits**

WHEREAS, the Traffic Commission and City staff from the Planning and Transportation, Parking Enforcement and Legal departments recommend certain changes be made in Title 15 of the Bloomington Municipal Code entitled "Vehicles and Traffic,"

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

SECTION 1. Section 15.08.040, "Temporary, experimental or emergency traffic regulations" shall be amended by changing the reference to ninety days in 15.08.040(a) to one hundred and eighty days and by changing the reference to sixty days in 15.08.040(b) to one hundred and twenty days, such that Section 15.08.040 shall read as follows:

The chief of police with the approval of the transportation and traffic engineer is empowered to make regulations necessary to effectuate the provisions of this title and any other city traffic ordinances, and to make and enforce temporary or experimental regulations. Either the chief of police or the transportation and traffic engineer is empowered to make regulations necessary to deal with emergencies or special conditions.

- (a) Temporary, experimental, or emergency regulations shall not remain in effect for more than one hundred and eighty days;
- (b) In the event the chief of police, transportation and traffic engineer or traffic commission recommends that any order entered under this section be made permanent, such recommendation shall be made in writing and submitted to the common council for its consideration within one hundred and twenty days of the date of entry of said order.

SECTION 2. Section 15.12.010, Schedule A, "Stop Intersections" shall be amended to add and delete the following:

The following Stop Intersections shall be added to Schedule A, in alphabetical order:

<b>TRAFFIC ON</b>	<b>SHALL STOP FOR TRAFFIC ON</b>
Clark Street	Seventh Street
Madison Street	Tenth Street
Madison Street	Eleventh Street
Tenth Street	Rogers Street
Trades Street	Rogers Street
Trades Street	Madison Street
Wylie Street	Hawthorne Drive

The following Stop Intersection shall be deleted from Schedule A:

<b>TRAFFIC ON</b>	<b>SHALL STOP FOR TRAFFIC ON</b>
Hawthorne Drive	Wylie Street

SECTION 3. Section 15.12.010, Schedule B, “Multi-Stop Intersections” shall be amended to delete the following:

The following Multi-Stop Intersection shall be deleted from Schedule B:

<b>MULTI-STOP INTERSECTIONS</b>	
Clark Street & Seventh Street	4-way

SECTION 4. Section 15.24.020, Schedule I, “Increased or Decreased Speed Limits” shall be amended to add the following street segments.

The following street segments shall be added to Schedule I:

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>POSTED SPEED</b>
College Avenue	Dodds Street	Eleventh Street	20
College Avenue	Seventeenth Street	SR 45/46	40
Madison Street	Tenth Street	Eleventh Street	20
Tenth Street	Rogers Street	Morton Street	20
Tenth Street	Walnut Street	45/46 Bypass	30
Trades Street	Rogers Street	Madison Street	20
Walnut Street	Seventeenth Street	Blue Ridge Drive	40
Walnut Street	Dodds Street	Eleventh Street	20

SECTION 5. Section 15.26.040, Schedule J-1, “Traffic calming locations” shall be amended by adding the following:

The following street segments shall be added to Schedule J-1:

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>TYPE OF DEVICE</b>
Allen Street	Washington Street	Lincoln Street	Speed Cushion and Street Narrowing
Allen Street	Lincoln Street	Grant Street	Speed Cushion and Street Narrowing
Allen Street	Grant Street	Palmer Avenue	Speed Cushions (2)
Allen Street	Palmer Avenue	Dunn Street	Speed Cushions (2)
Allen Street	Dunn Street	Henderson Street	Street Narrowing

SECTION 6. Section 15.32.030, Schedule L “Angle Parking,” shall be amended by adding the following:

The following street segments shall be added to Schedule L:

<b>ANGLE PARKING</b>				
<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>SIDE OF STREET</b>	<b>ANGLE TYPE</b>
Eighteenth	Dunn Street	100’ west of Dunn Street	South	Pull-in

SECTION 7. Section 15.32.080, Schedule M, “No Parking Zones” shall be amended to add the following street segments:

The following street segments shall be added in alphabetical order to Schedule M:

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>SIDE OF STREET</b>	<b>TIME OF RESTRICTION</b>
Eighteenth Street	150’ east of Lincoln Street	Lincoln Street	North/South	Anytime
Eleventh Street	Morton Street	40’ east of Eleventh Street	North	Anytime
Forrest Avenue	Tenth Street	Dead End	East/West	Anytime
Grant Street	Eighteenth Street	Nineteenth Street	East	Anytime
Martha Street	SR 45/46	Dead End	West/South	Anytime
Rogers Street	Third Street	Thirteenth Street	East	Anytime
Sixth Street	Maple Street	40’ west of Maple Street	North	Anytime

Southern Drive	Walnut Street	450' east of Walnut Street	South	Anytime
Walnut Grove	Eleventh Street	Seventeenth Street	East/West	Anytime
Washington Street	Grimes Lane	Dixie Street	East	Anytime
Washington Street	Dixie Street	First Street	West	Anytime
Washington Street	First Street	Fourth Street	East	Anytime
Washington Street	19 <sup>th</sup> Street	100' north of 20 <sup>th</sup> Street	East	Anytime

SECTION 8. Section 15.32.080, Schedule M, “No Parking Zones” shall be amended by deleting the following:

The following street segments shall be deleted from Schedule M:

<b>NO PARKING ZONES</b>				
<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>SIDE OF STREET</b>	<b>TIME OF RESTRICTION</b>
Rogers Street	Kirkwood Avenue	Sixth Street	East	Anytime
Rogers Street	Third Street	145' North of Third Street	East	Anytime
Twelfth Street	Illinois Street	Monroe Street	South	Anytime
Washington Street	Second Street	1 <sup>st</sup> driveway North of Second Street	West	Anytime
Washington Street	Smith Avenue	125' South of Smith Avenue	West	Anytime

SECTION 9. Section 15.32.090, “Limited Parking Zones,” Schedule N, shall be amended by adding the following street segments to the Schedule N in alphabetical order:

<b>LIMITED PARKING ZONES</b>				
<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>SIDE OF STREET</b>	<b>LIMIT</b>
Cottage Grove Avenue	Woodlawn Avenue	75' East of Woodlawn Avenue	North	15 Min (6)
Washington Street	80' N. of Second Street	200' N. of Smith Avenue	West	2 Hr. (2)

SECTION 10. Section 15.32.110, “Bus Zones,” Schedule P, shall be amended by adding the following street segment to Schedule P in alphabetical order:

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>SIDE OF STREET</b>	<b>TIME OF RESTRICTION</b>
Washington Street	Second Street	80' North of Second Street	West	All time

SECTION 11. Section 15.32.150, "Accessible Parking for Persons with Physical Disabilities" shall be deleted in its entirety and replaced with the following:

The Transportation and Traffic Engineer or his or her designee shall designate accessible parking spaces for persons with physical disabilities on public streets and in municipal parking facilities. All such accessible parking shall be in compliance with regulations pursuant to the Americans with Disabilities Act, as amended, and with the Public Rights of Way Accessibility Guidelines, as amended. For metered or marked parking, the minimum requirement is one accessible parking space per 25 for every block face (all sides of a city block).

All accessible parking spaces within the two-hour limit parking zones, on-street metered areas, and City parking lots shall be limited to four (4) hours.

SECTION 12. Section 15.34.020(b), "Parking for Person with Physical Disabilities Required" shall be amended by deleting the reference to "Schedule S" such that the entire subsection (b) shall read as follows:

(b) The city shall provide accessible parking spaces in municipal lots and public streets as set forth in Section 15.32.150. The number of accessible spaces so provided shall, as a minimum, comply with the provisions of Indiana Code 5-16-9-2.

SECTION 13. Section 15.38.010, "City Employee Parking" shall be amended by deleting the reference to "Schedule S" in the first sentence of the section, such that the first sentence shall read as follows:

With the exception of the parking spaces that are designated for persons with physical disabilities according to Section 15.32.150, the lots and streets or parts of streets described in Schedule T, attached hereto and made a part hereof, are designated as city employee parking zones.

SECTION 14. Section 15.40.010, entitled "Locations" Schedule U, "On Street Metered Parking Locations and Maximum Hourly Rates" shall be amended by adding the following block faces and maximum rates to the table:

Block face	Maximum Rate
300 W 10th	\$1.00
400 W 10th	\$1.00
600 N Madison	\$1.00
400 W Trades St.	\$1.00

SECTION 15. Section 15.40.020, entitled "Applicable times and charges" shall be amended by deleting 15.40.020(e) and replacing it with the following, such that the entire subsection shall read as follows:

(e) The parking services director is authorized to alter or modify the hourly charge or method of payment for parking in all municipal parking lots and garages in conjunction with special events and promotional activities. The parking services director is also authorized to charge a daily rate of no more than \$10.00 per day of parking on days in which the equipment is non-functional.

SECTION 16. Section 15.40.020, entitled “Applicable Times and Charges” shall be amended by deleting the header of the first column of Schedule V. The current header of “Nonreserved Permit Admission Mon-Fri, 6:00am-6:00pm; Sat & Sun, 6:00 am – Noon” shall be deleted and replaced with “Nonreserved permit Admission 7 Days per Week Any 12-hour Period Per Day” such that Schedule V, “Monthly Permit Fees for Municipal Garages (Lots 2, 7, and 9) and Surface Lot 5” shall read as follows:

**SCHEDULE V  
MONTHLY PERMIT FEES FOR MUNICIPAL GARAGES (LOTS 2, 7 AND 9)  
AND SURFACE LOT 5**

Year	Nonreserved permit Admission 7 days per week Any 12-hour period per day	Nonreserved permit Admission 7 days per week 24 hours per day	Reserved space Admission Mon. - Fri. 6:00 am – 6:00 pm	Reserved space Admission 7 days per week 24 hours per day
2018	\$40.00	\$67.00	\$57.00	\$76.00
2019	\$52.00	\$98.00	\$74.00	\$113.00
2020	\$54.00	\$101.00	\$76.00	\$116.00
2021	\$56.00	\$104.00	\$78.00	\$119.00
2022	\$58.00	\$107.00	\$80.00	\$123.00
2023	\$60.00	\$110.00	\$82.00	\$127.00
2024	\$62.00	\$113.00	\$84.00	\$131.00
2025	\$64.00	\$116.00	\$87.00	\$135.00
2026	\$66.00	\$119.00	\$90.00	\$139.00
2027	\$68.00	\$123.00	\$93.00	\$143.00
2028	\$70.00	\$127.00	\$96.00	\$147.00
2029	\$72.00	\$131.00	\$99.00	\$152.00

SECTION 17. If any section, sentence or provision of this ordinance, or application thereof to any person, or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application 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 18. This ordinance shall be in effect after its passage by the Common Council and approval by the Mayor, any required publication, and, as necessary, other promulgation in accordance with the 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 amends Title 15, "Vehicles and Traffic," of the Bloomington Municipal Code and comes forth at the request of City staff and the Traffic Commission. The ordinance makes the following changes:

- It changes the current time allowed for the transportation and traffic engineer or chief of police to make temporary, experimental or emergency traffic regulations from 90 to 180 days, and the time for such changes to be recommended to the common council from 60 to 120 days.
- It implements several changes in stop intersections, multi-stop intersection, speed limits, parking limits, traffic calming locations and bus zones, as such changes have been implemented on a temporary basis pursuant to 90-day orders and have been shown to be effective.
- It changes the current practice of obtaining Common Council approval for each change in accessible parking. Instead, the Transportation and Traffic Engineer, or his or her designee, will approve those changes in accordance with Americans with Disabilities Act regulations and with the Public Rights of Way Accessibility Guidelines, as amended.
- And finally, it makes several changes to BMC 14.40.020, including authorizing the Parking Services Director instead of the Board of Public Works to modify parking fees for special events and to charge a daily rate of no more than \$10.00 a day for parking when equipment is not working, and to allow people with non-reserved monthly permits to park for any 12-hour period per day instead of the current 6 a.m. to 6 p.m. time period.

## MEMO

**TO:** City of Bloomington Common Council

**From:** Scott Robinson, Assistant Director, Planning and Transportation

Barbara E. McKinney, Assistant City Attorney

**DATE:** 11/9/2018

**RE:** Ordinance 18-26, Updates to Title 15 of the Bloomington Municipal Code

The attached ordinance contains changes to Title 15 of the Bloomington Municipal Code that have been recommended by Planning and Transportation staff, the Traffic Commission and Parking Enforcement staff, with input and review from the Legal Department.

The first change is to amend BMC 15.08.040 to change the duration of temporary, experimental or emergency traffic regulations from 90 days to 180 days. This will give Planning and Transportation staff more time to evaluate the merits of temporary changes. This change also expands the time frame for staff to make recommendations to the common council for changes in traffic regulations from 60 days to 120 days. This will give staff more time to prepare amendments to the BMC.

The ordinance also proposes a number of changes concerning stop intersections, traffic calming locations, speed limits, angle parking, limited parking and no parking zones, bus zones and on-street metered parking, including the following:

--Amending Schedules A and B of BMC 15.12.010 to make additions and deletions to stop and multi-stop intersections;

--Amending Schedule I of BMC 15.2.020 to add increased or decreased speed limits in several locations;

--Amending Schedule J-1 of BMC 15.26.040 to add several traffic calming locations;

--Amending Schedule L of BMC 15.32.030 to add an additional angle parking location;

--Amending Schedule M of BMC 15.32.080 to add or delete a number of no parking zones;

--Amending Schedule N of BMC 15.32.090 to add two limited parking zones;

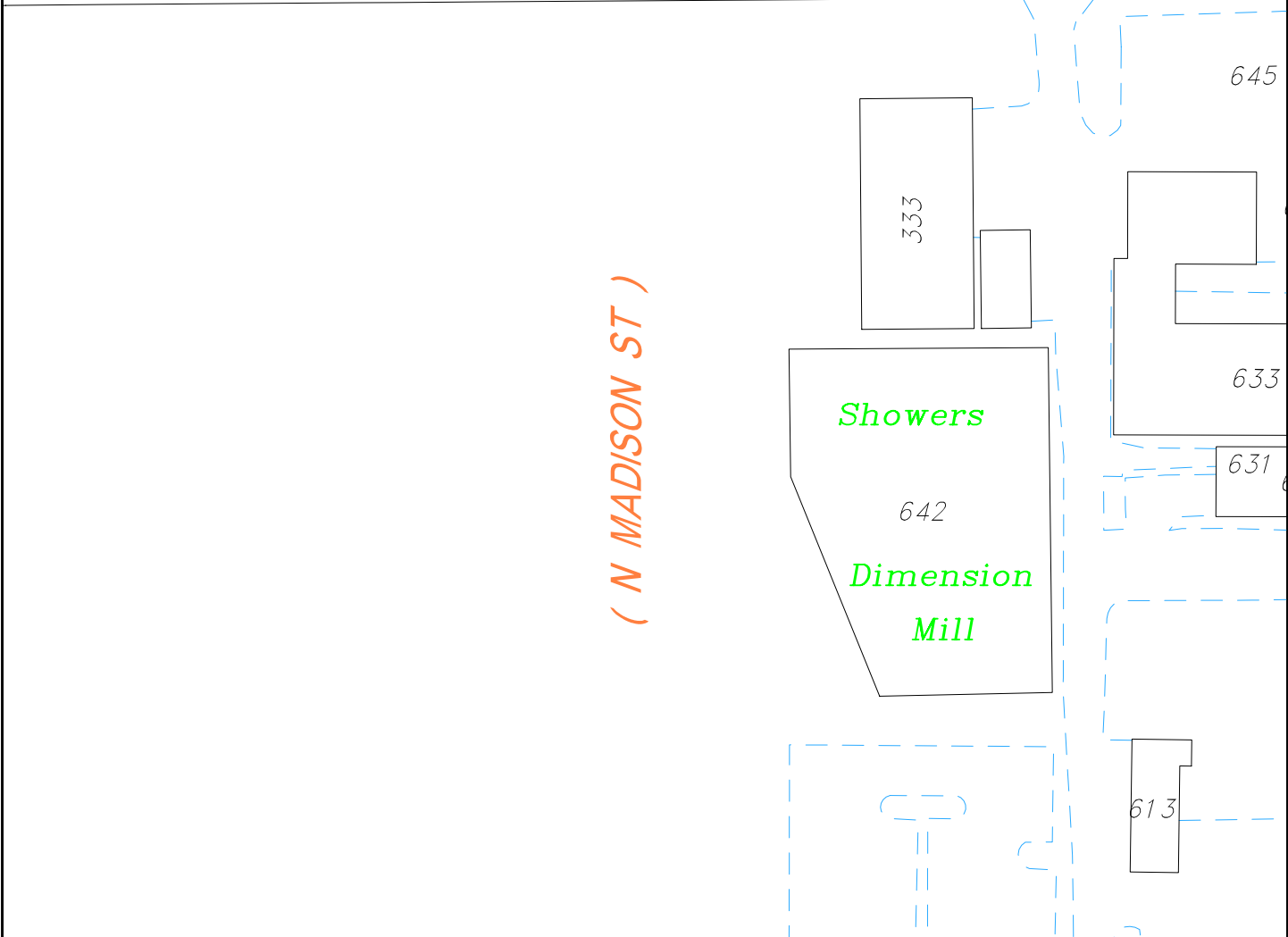
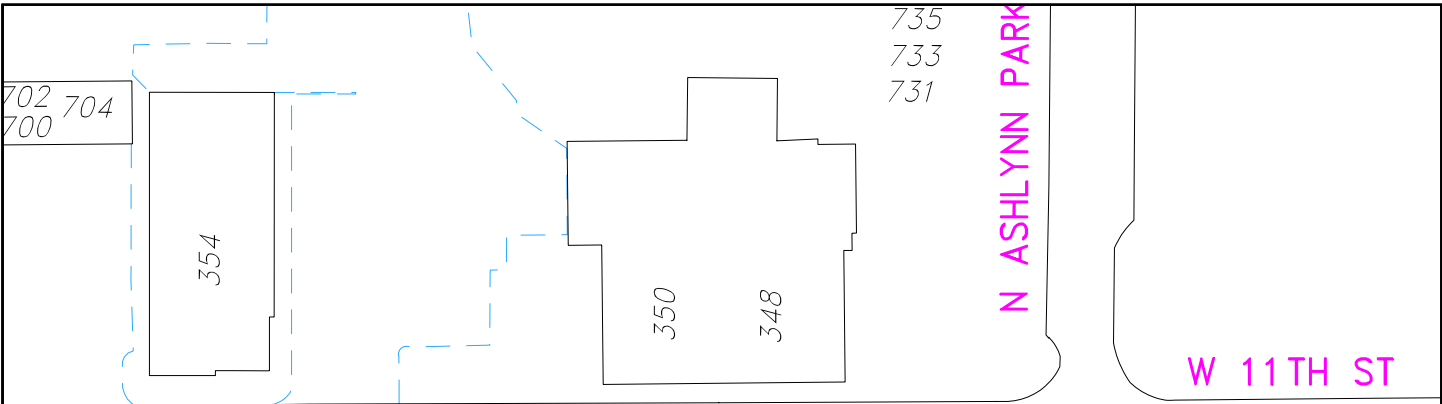
--Amending Schedule P of BMC 15.32.110 to add an additional bus zone; and

--Amending Schedule U of BMC 15.40.010 to add on street metered parking in the Trades District.

The ordinance proposes eliminating the current language of 15.32.150, "Accessible Parking for Persons with Physical Disabilities." Instead of having a schedule of accessible parking spaces in the BMC, with each change to the schedule having to be approved by the Common Council, the ordinance proposes allowing the Transportation and Traffic Engineer or his or her designee to designate accessible parking spaces on public streets and in City parking facilities. The Transportation and Traffic Engineer will designate accessible parking spaces in accordance with the Americans with Disabilities Act, as amended, and with the Public Rights of Way Accessibility Guidelines, as amended. This change will allow the City to respond more quickly to requests for accessible parking or changing circumstances.

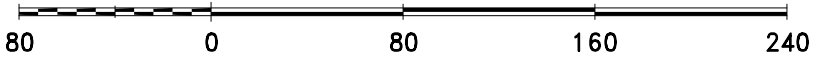
And finally, the ordinance proposed three changes to 15.40.020. One allows the new parking services director, instead of the board of public works, to modify the hourly parking charges in municipal lots and garages in conjunction with special events and promotional activities. It also allows the parking services director to impose a daily rate of no more than \$10.00 a day for parking when equipment is non-functional. This will allow parking garages to continue to function when equipment is not working. And finally, it changes the current time period for nonreserved monthly parking permits from 6 a.m. to 6 p.m. to any 12-hour period. This will allow people who work second shifts to buy 12-hour passes instead of 24/7 passes.

These changes would go into effect after passage by the Common Council, approval by the mayor, any required publication and any other promulgation if necessary.

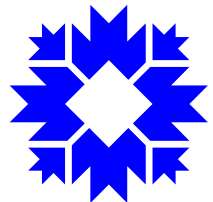


Section 2 Madison Street - Eleventh Street

By: farshchs  
28 Nov 18

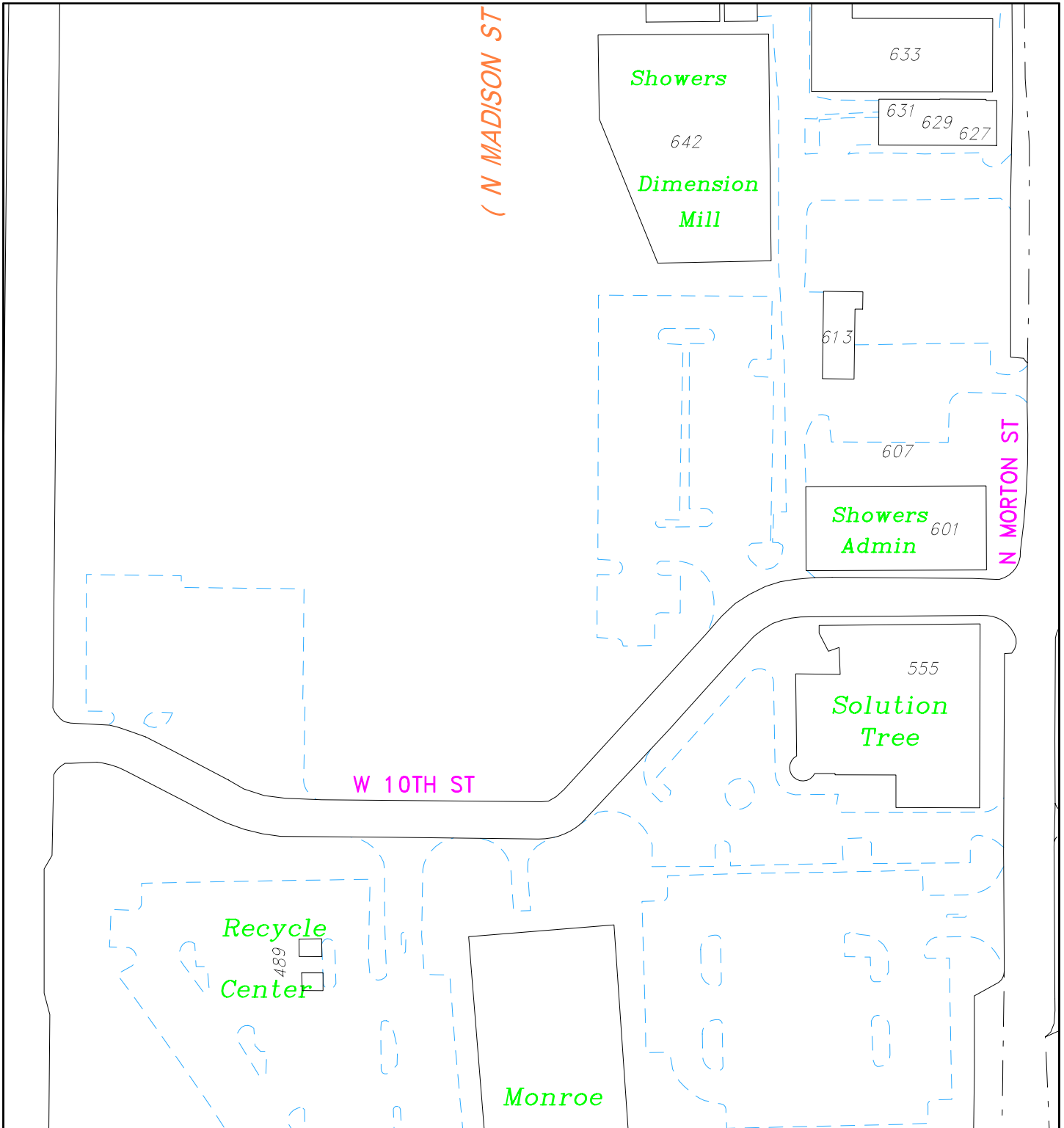


City of Bloomington



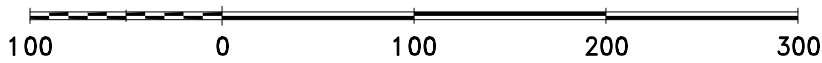
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For reference only; map information NOT warranted.

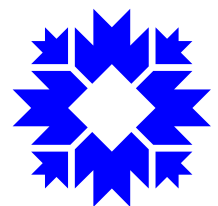


Section 2 Madison Street - Tenth Street

By: farshchs  
28 Nov 18



City of Bloomington



Scale: 1" = 100'

For reference only; map information NOT warranted.

N ROGERS ST

W 10TH ST

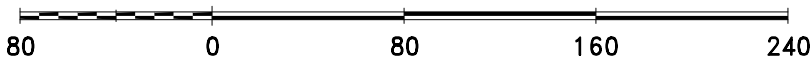
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Center  
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501

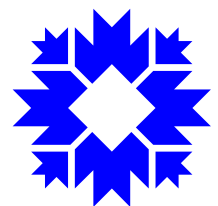
M  
C  
C

Section 2 Tenth Street - Rogers Street

By: farshchs  
28 Nov 18

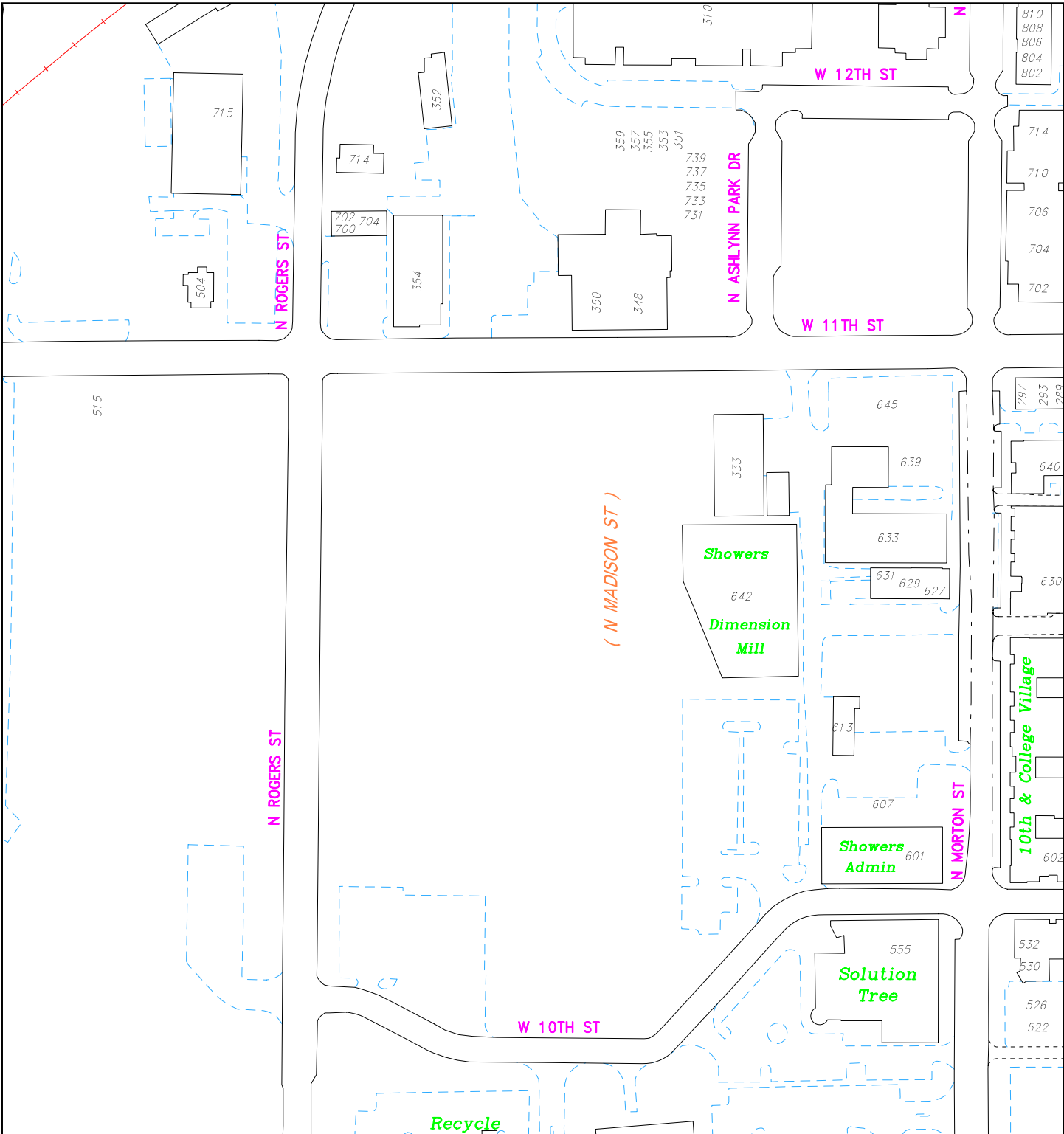


City of Bloomington



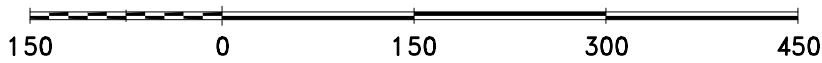
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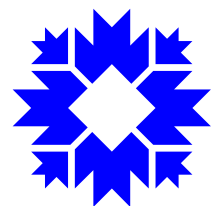


Section 2 Trades Street - Rogers Street - Madison Street

By: farshchs  
28 Nov 18



City of Bloomington



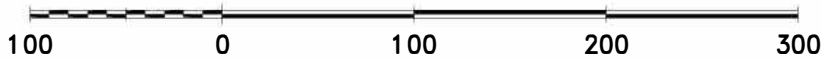
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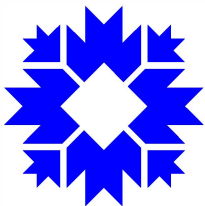


Section 2 Wylie Street - Hawthorne Drive

By: farshchs  
28 Nov 18



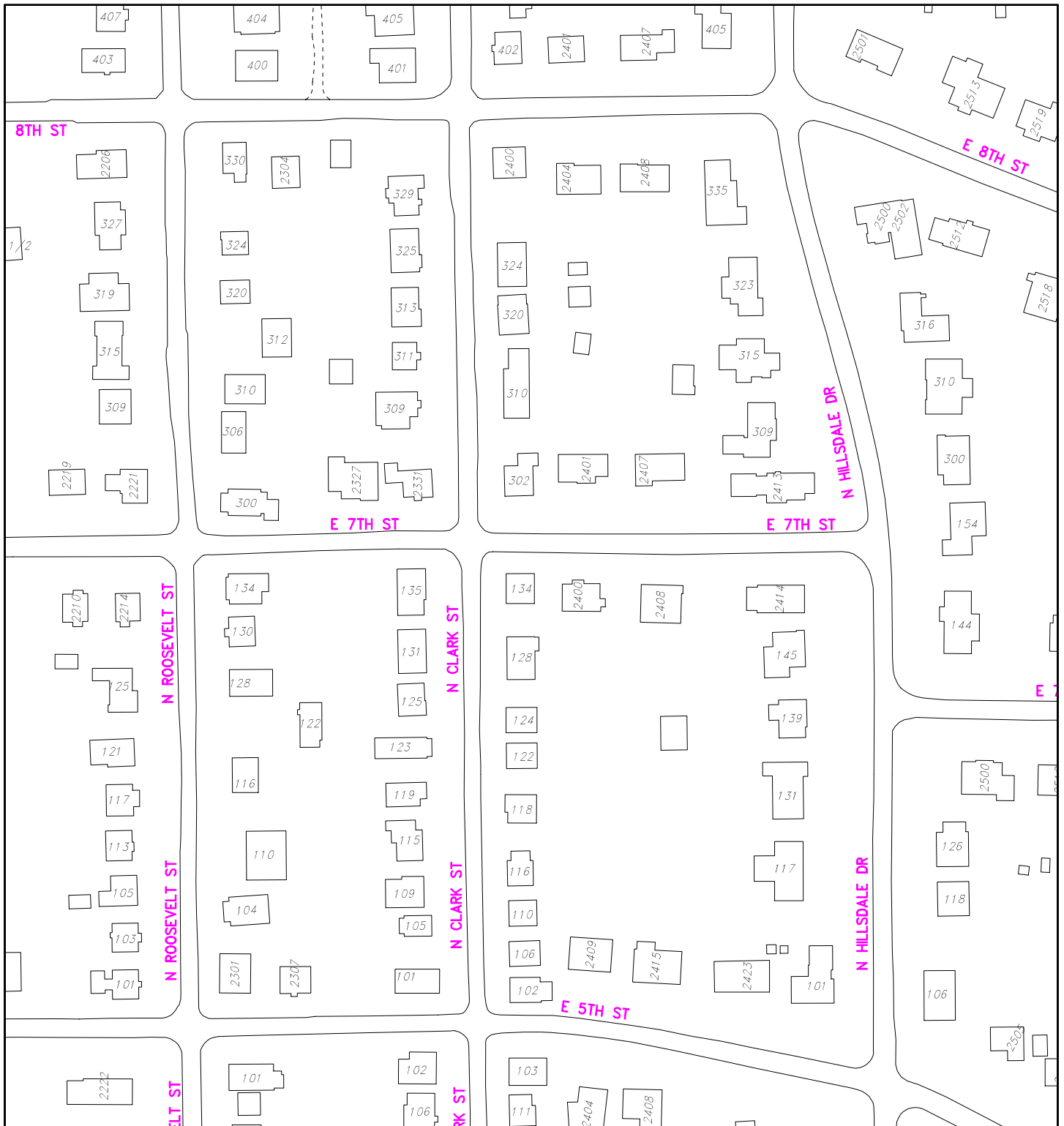
City of Bloomington



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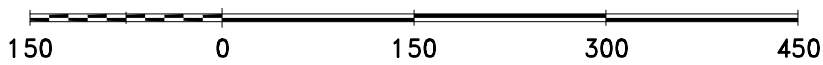
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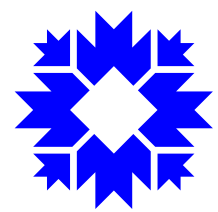


Section 2 & 3 Clark Street - Seventh Street

By: farshchs  
28 Nov 18



City of Bloomington



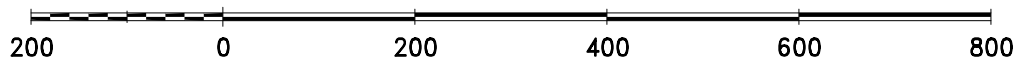
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For reference only; map information NOT warranted.



Section 5 Allen Street

By: farshchs  
28 Nov 18



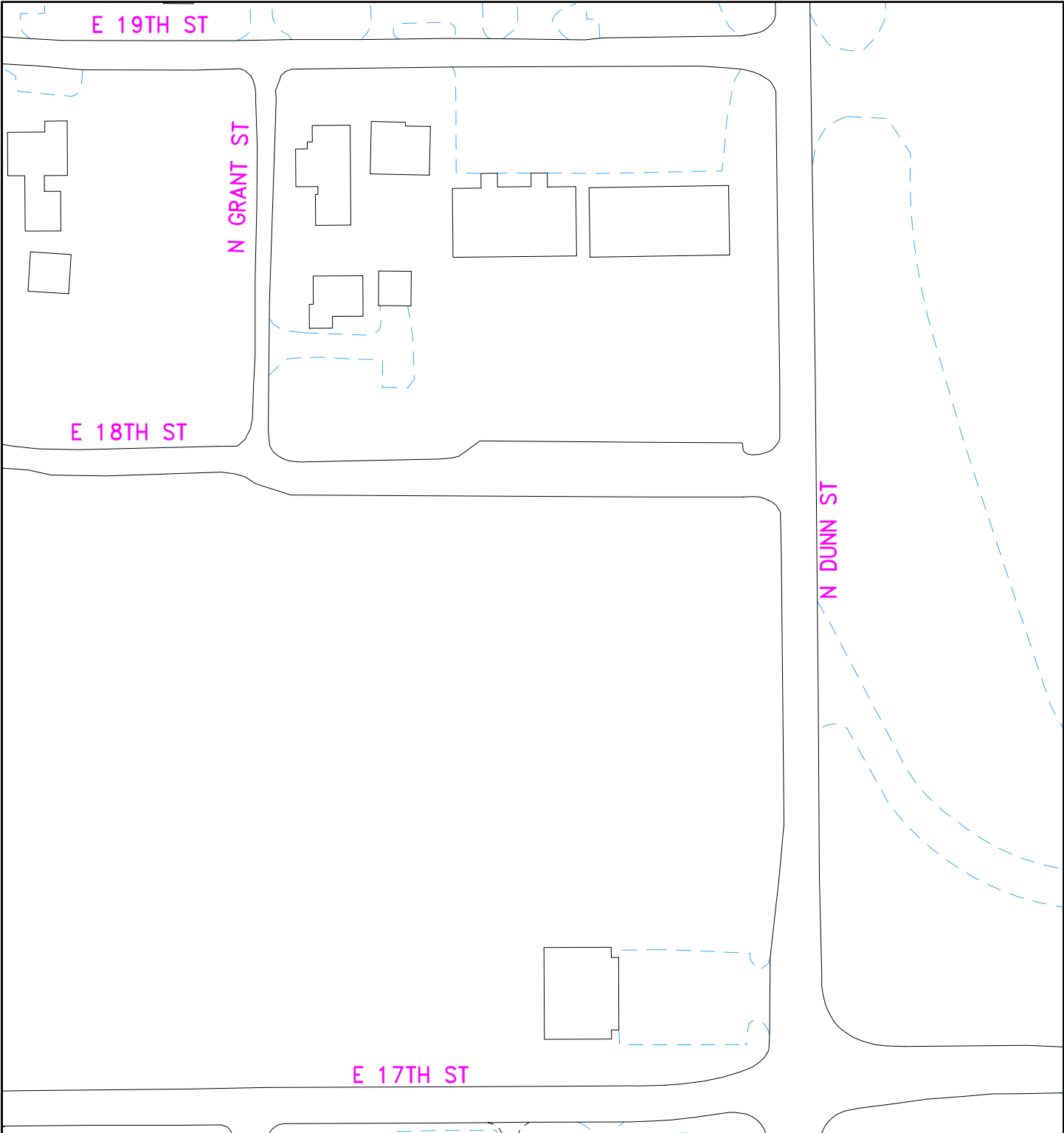
For reference only; map information NOT warranted.



City of Bloomington

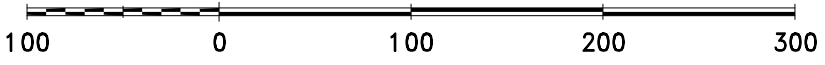


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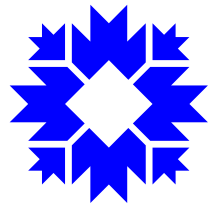


Section 6 Eighteenth Street - Dunn Street

By: farshchs  
28 Nov 18

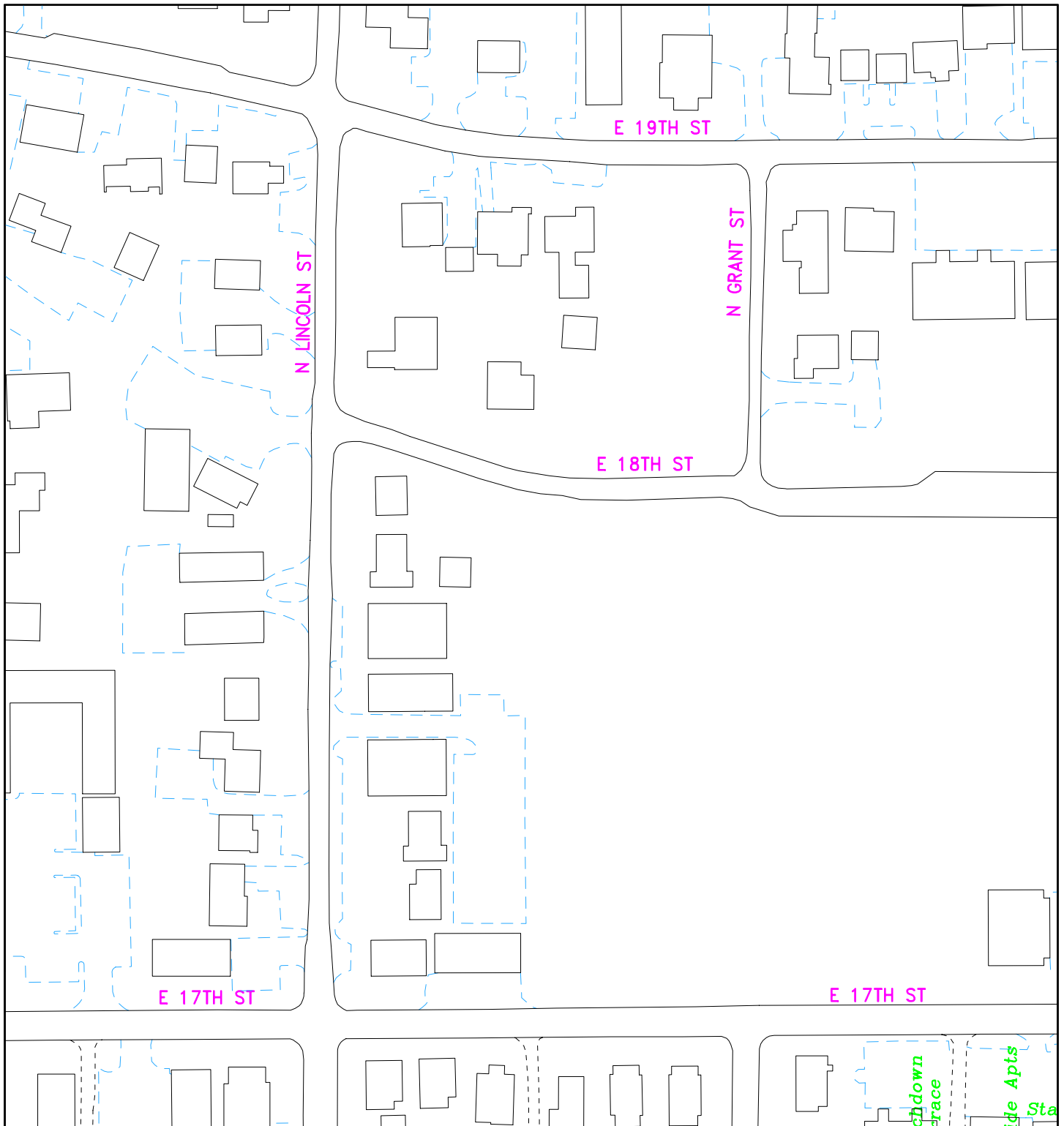


City of Bloomington



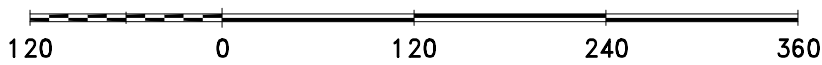
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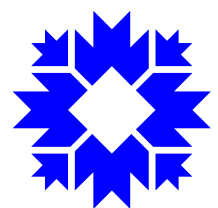


Section 7 Eighteenth Street - Lincoln & Grant Street -  
Eighteenth Street - Nineteenth Street

By: farshchs  
28 Nov 18

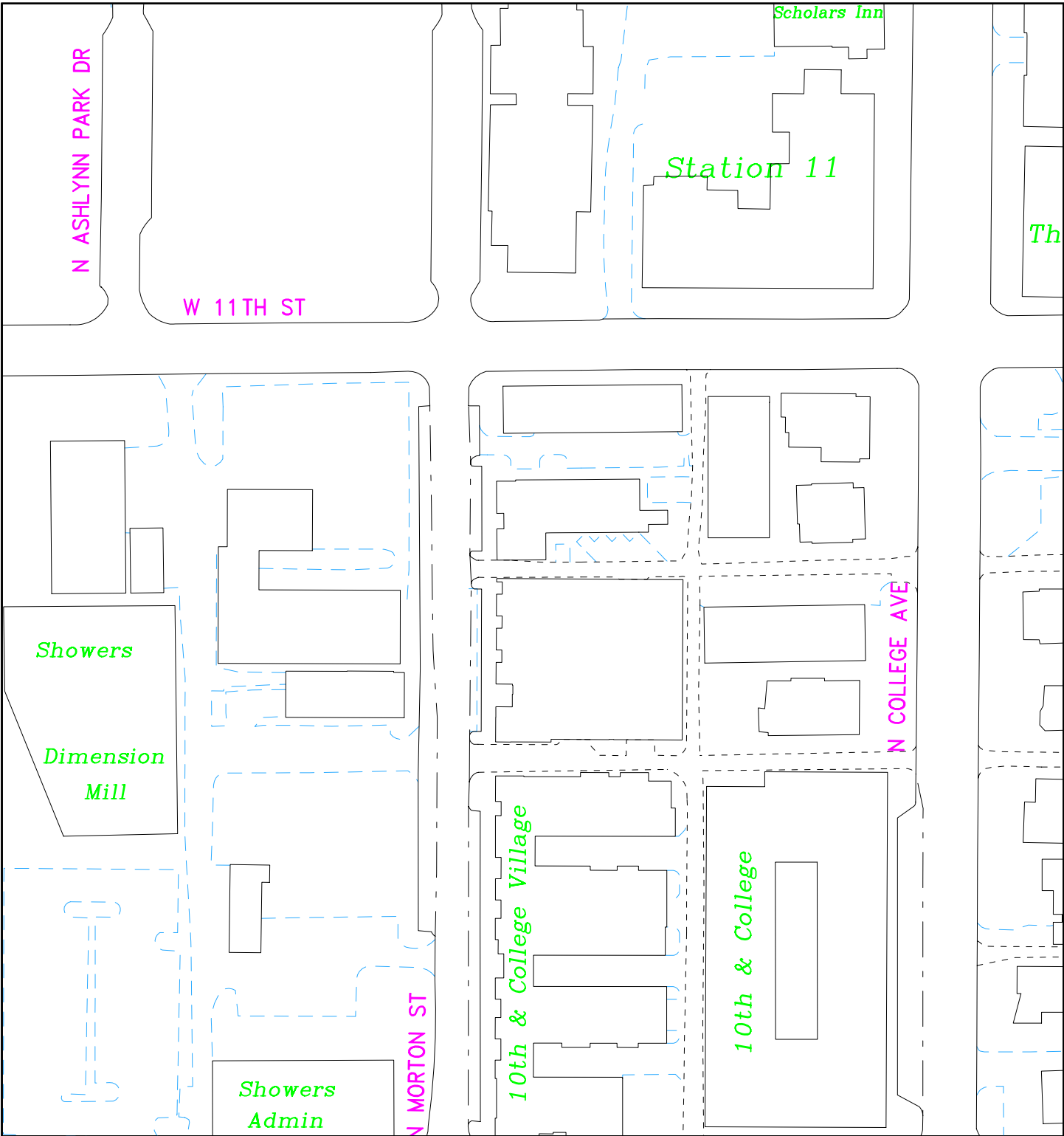


City of Bloomington



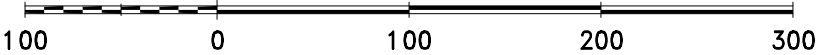
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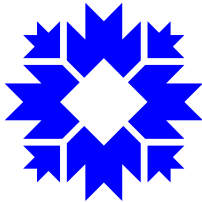


Section 7 Eleventh Street - Morton Street

By: farshchs  
28 Nov 18

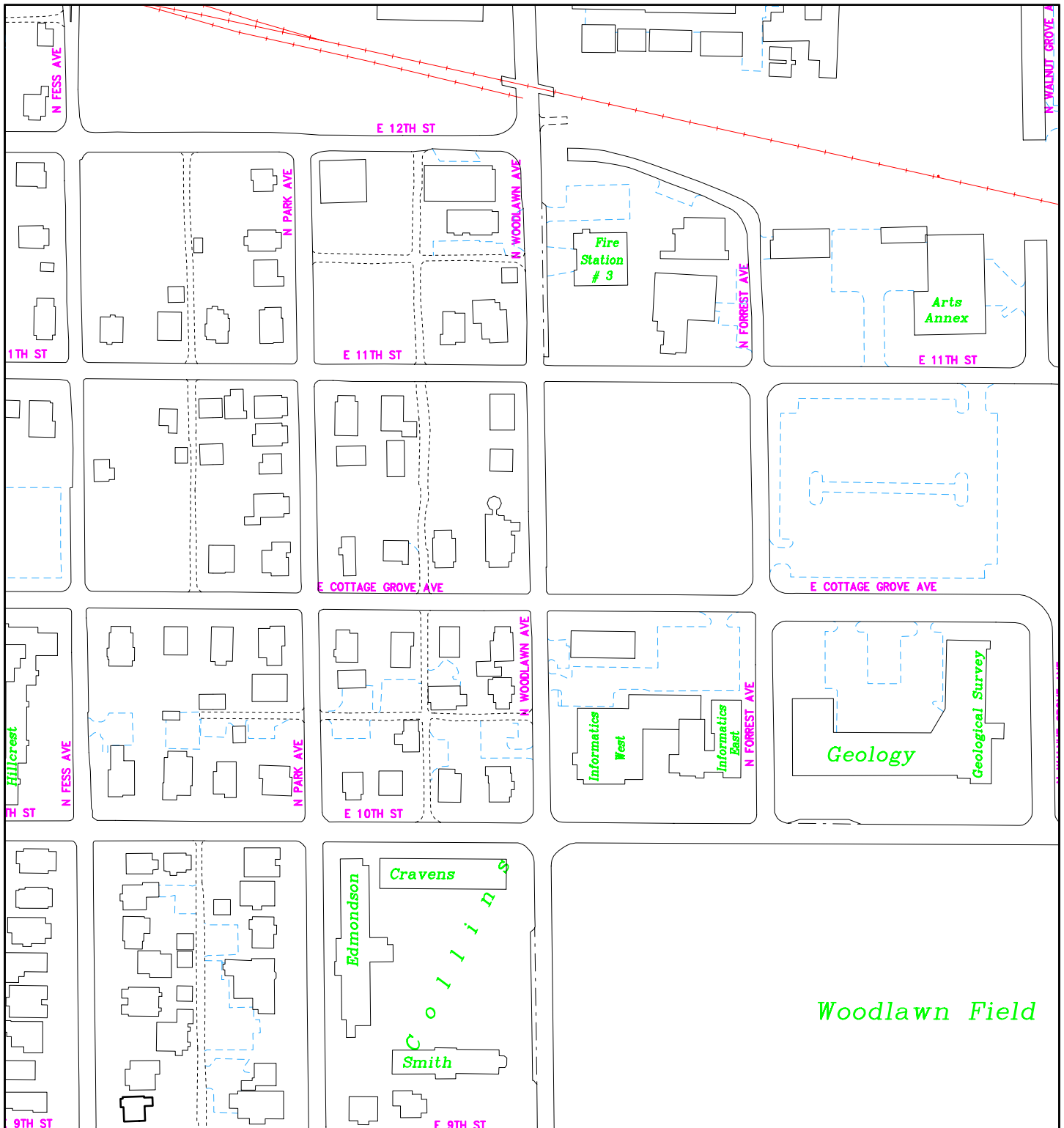


City of Bloomington



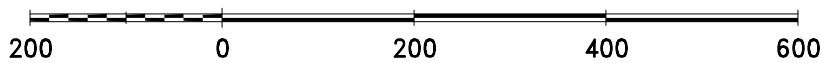
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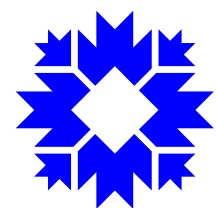


Section 7 Forrest Ave- Tenth Street - Dead End

By: farshchs  
28 Nov 18

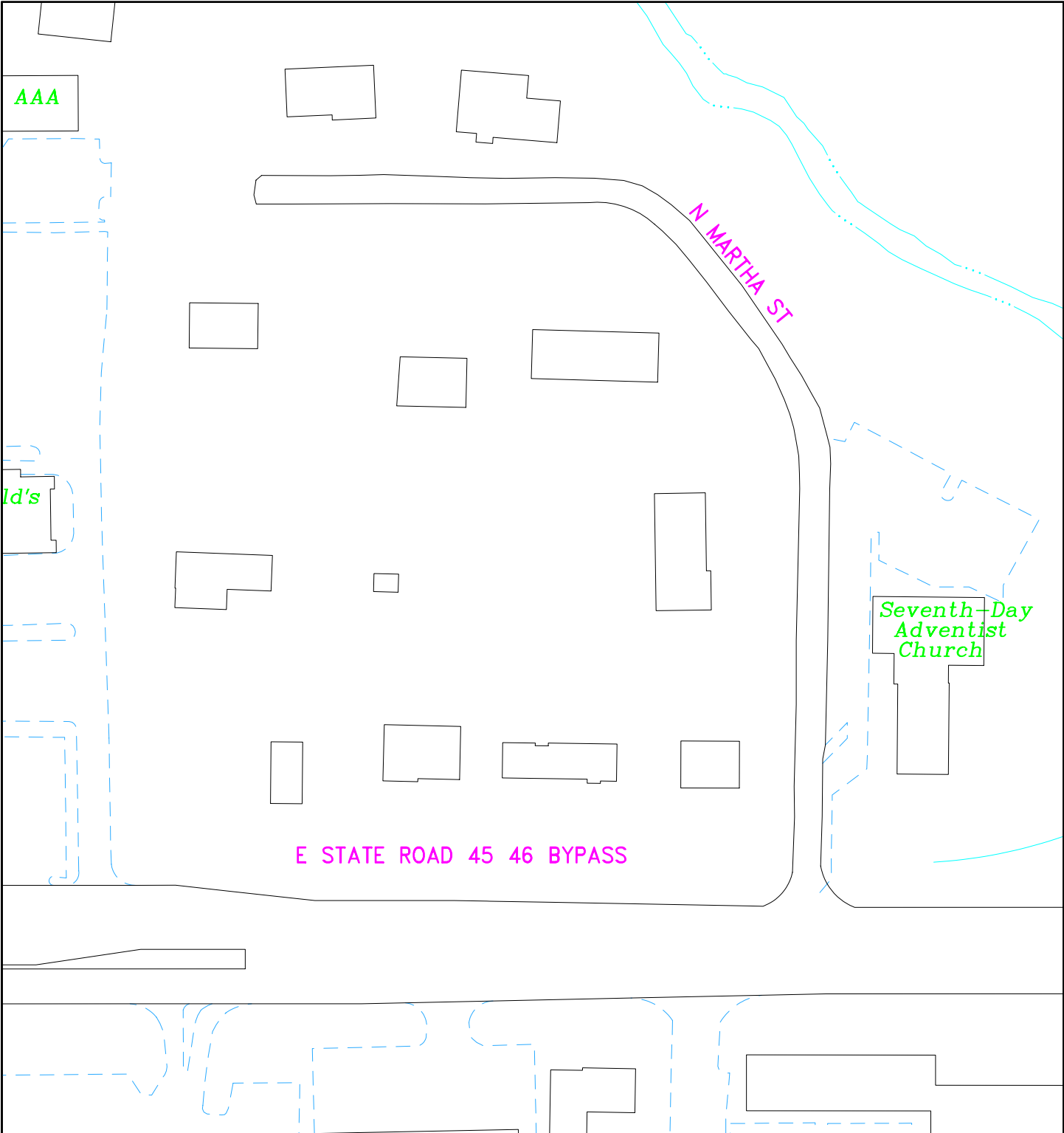


City of Bloomington



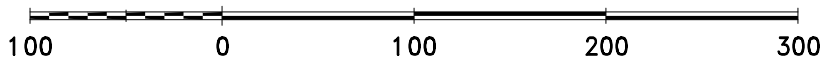
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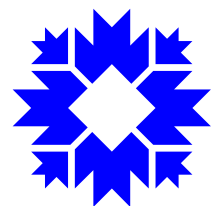


Section 7 Martha Street- SR 45/46 - Dead End

By: farshchs  
28 Nov 18

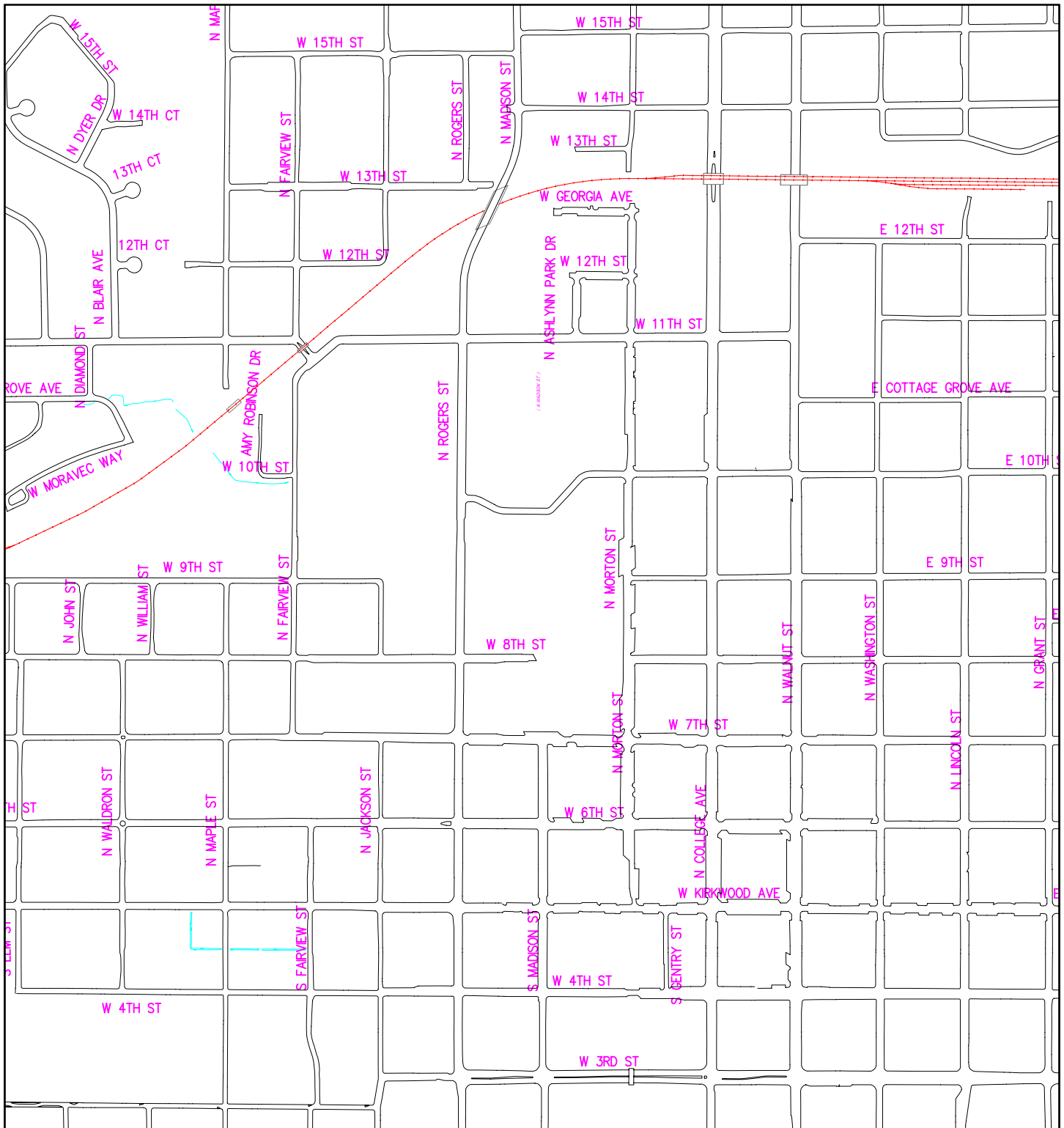


City of Bloomington



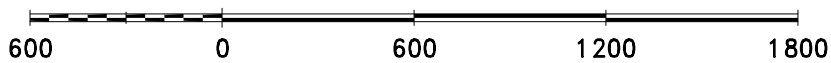
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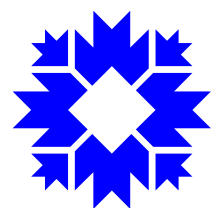


Section 7 Rogers Street - Third Street - Thirteenth Street

By: farshchs  
28 Nov 18



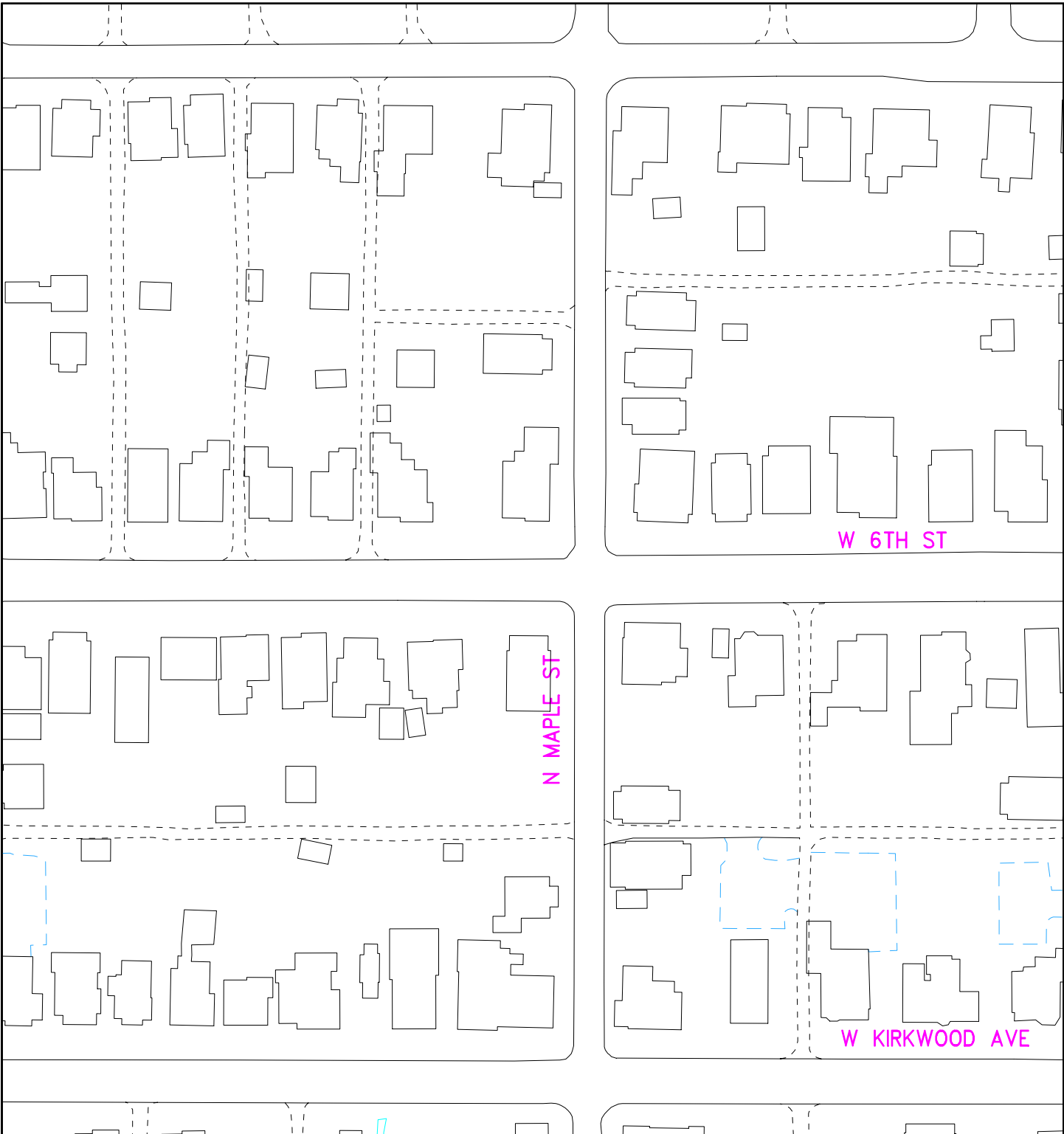
City of Bloomington



Scale: 1" = 600'

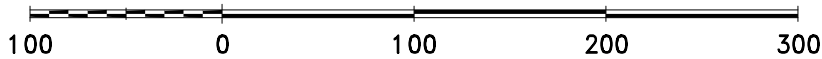
For reference only; map information NOT warranted.





Section 7 Sixth Steet - Maple Street - 40' west of Maple Street

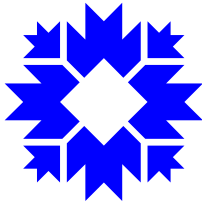
By: farshchs  
28 Nov 18



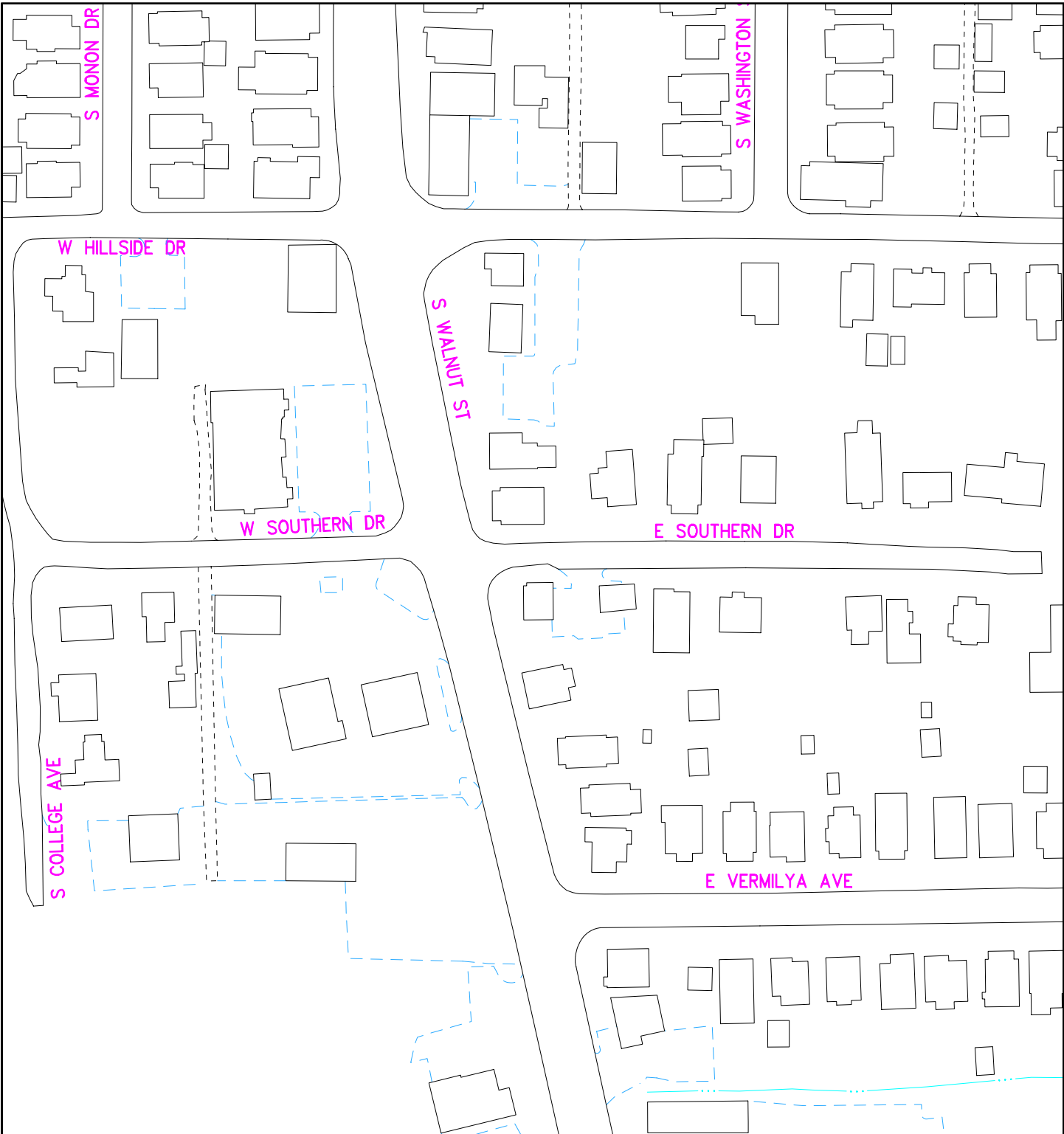
For reference only; map information NOT warranted.



City of Bloomington

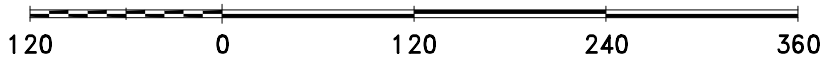


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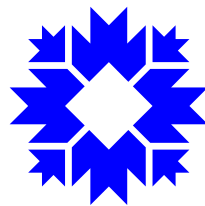


Section 7 Southern Drive - Walnut Street - 450' east of Walnut Street

By: farshchs  
28 Nov 18

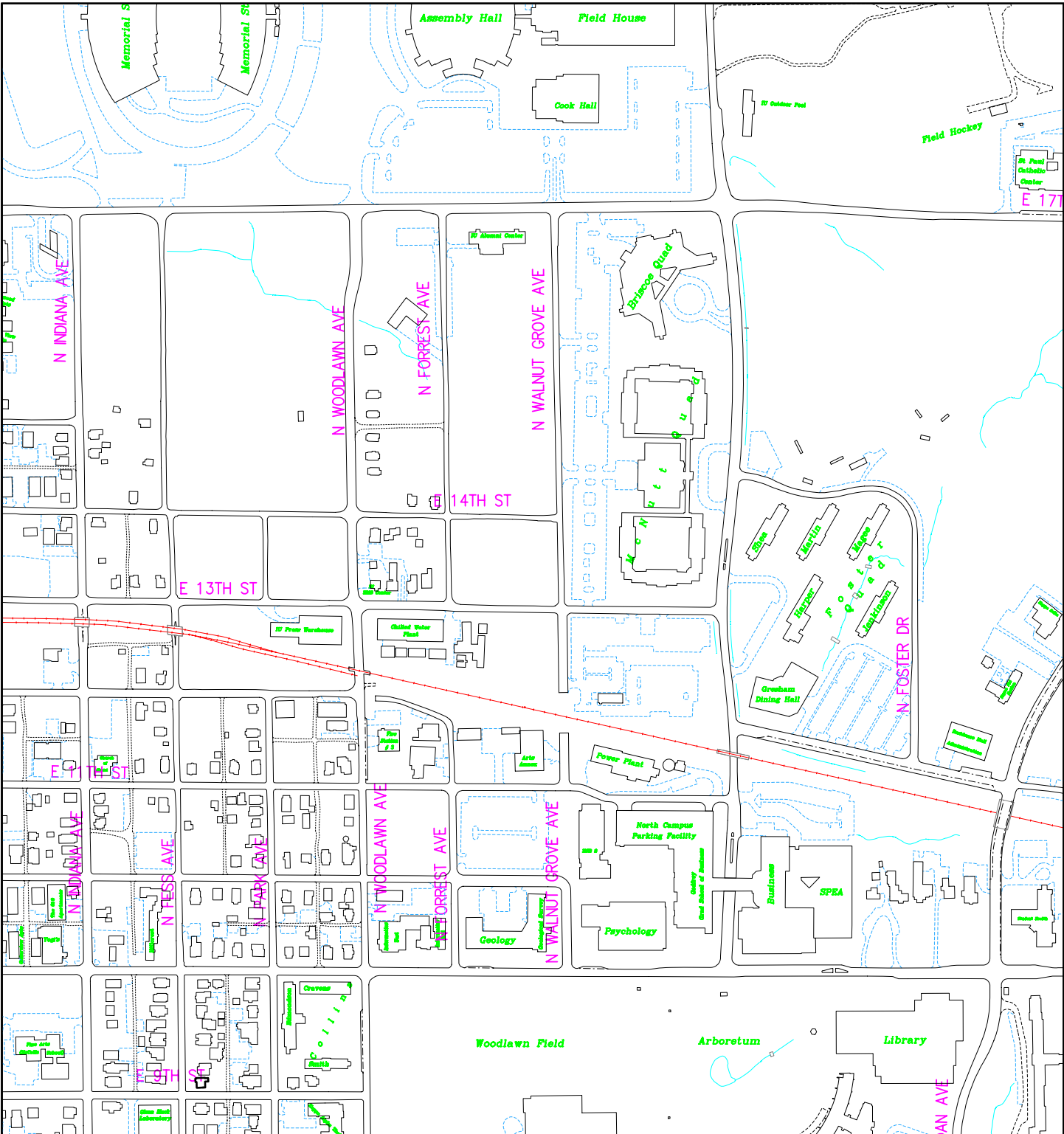


City of Bloomington



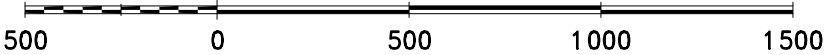
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For reference only; map information NOT warranted.

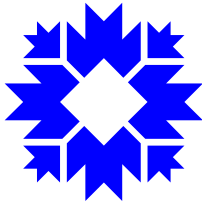


Section 7 Walnut Grove - Eleventh Street - Seventeenth Street

By: farshchs  
28 Nov 18

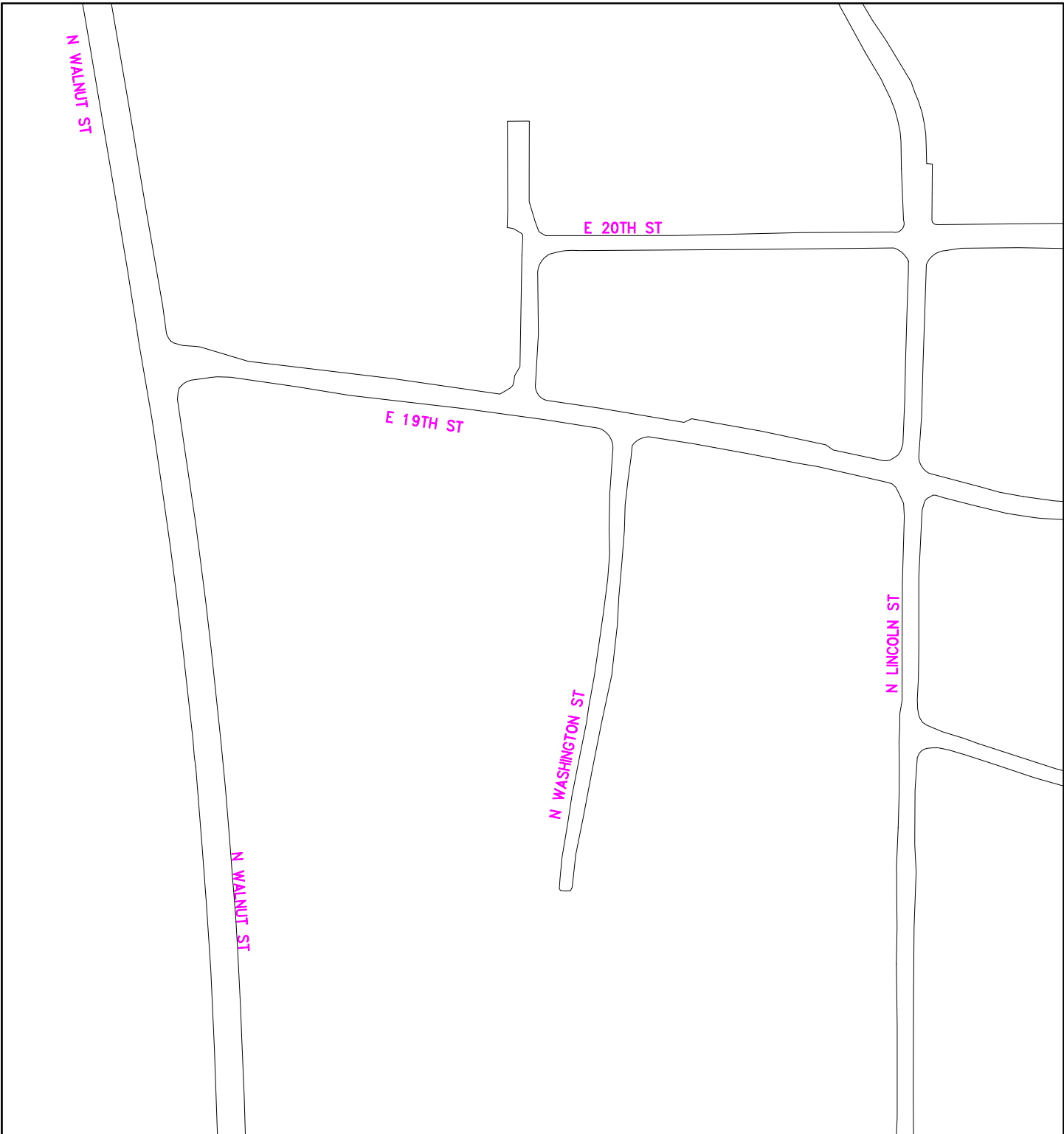


City of Bloomington



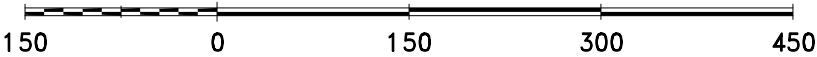
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For reference only; map information NOT warranted.

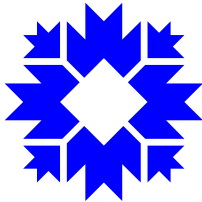


Section 7 Washington Street - 19th Street - 100' north of 20th Street

By: farshchs  
28 Nov 18

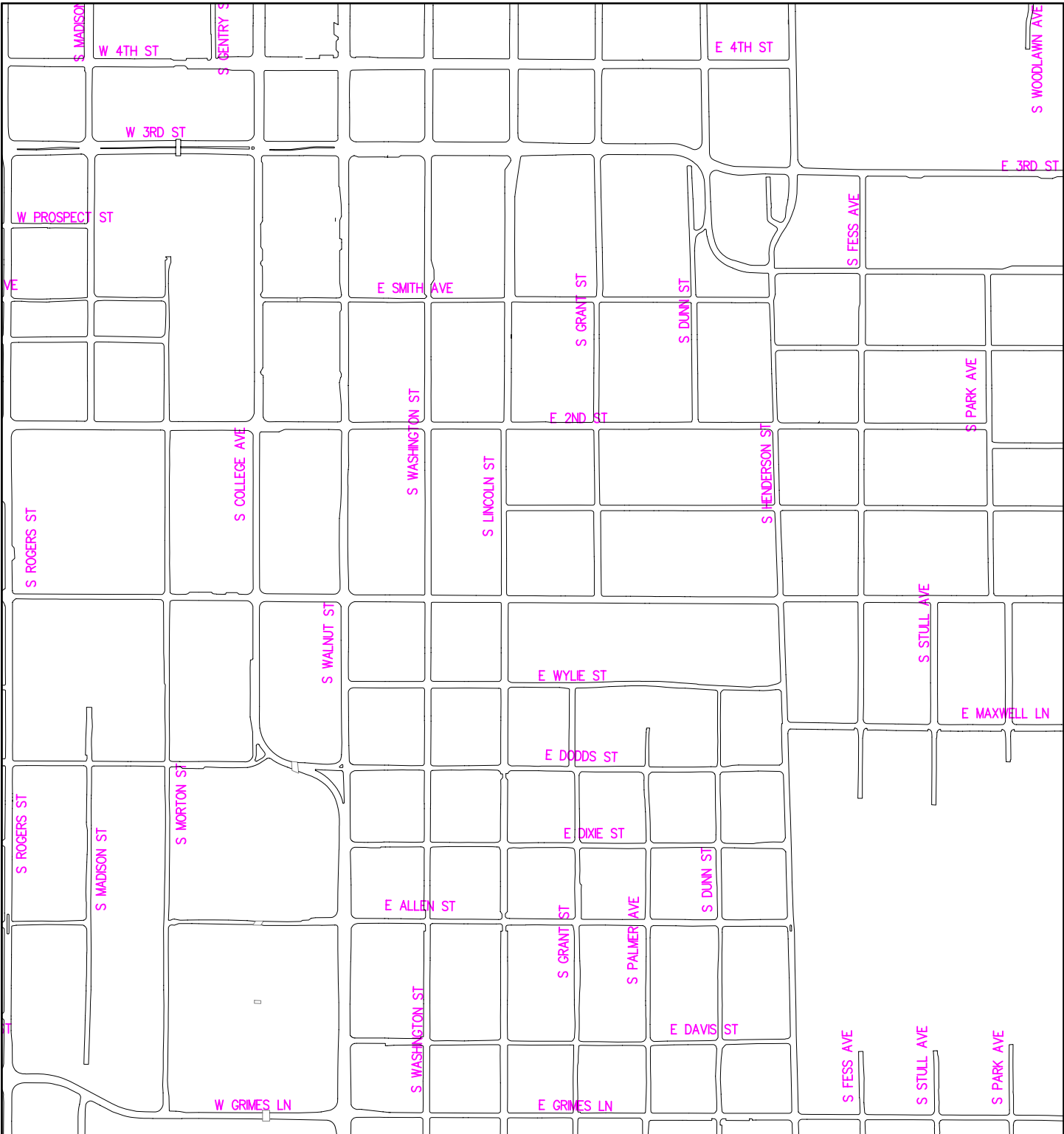


City of Bloomington



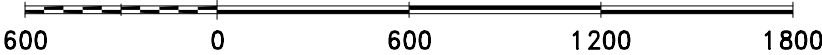
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For reference only; map information NOT warranted.

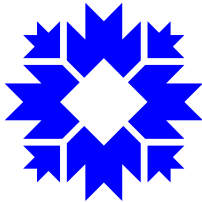


Section 7 Washington Street - Grimes Lane - Fourth Street

By: farshchs  
28 Nov 18



City of Bloomington



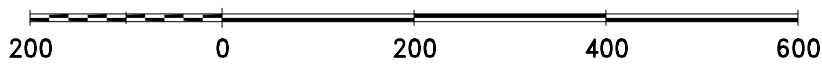
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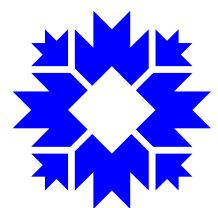


Section 8 Rogers Street - Kirkwood Avenue - Sixth Street - Third Street

By: farshchs  
28 Nov 18

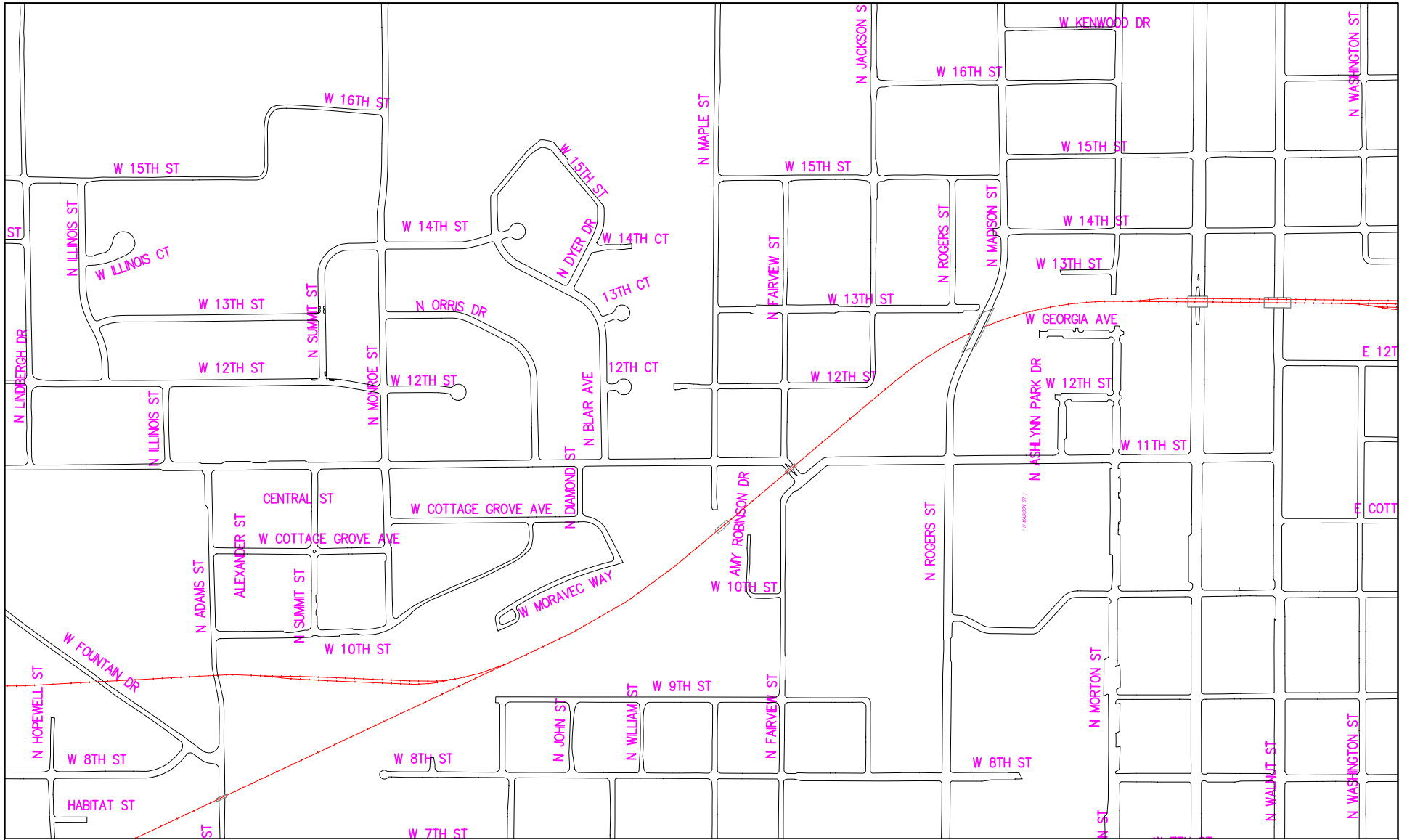


City of Bloomington



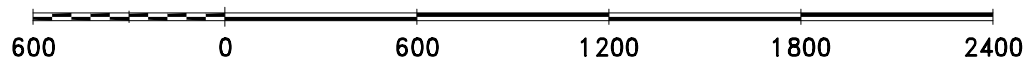
Scale: 1" = 200'

For reference only; map information NOT warranted.



Section 8 Twelfth Street - Illinois Street - Monroe Street

By: farshchs  
28 Nov 18



For reference only; map information NOT warranted.



City of Bloomington

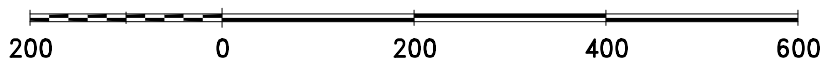


Scale: 1" = 600'



Section 8 - 9 Washington Street - Second Street

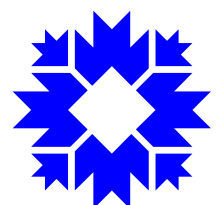
By: farshchs  
28 Nov 18



For reference only; map information NOT warranted.



City of Bloomington



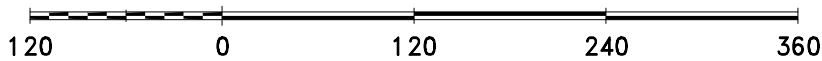
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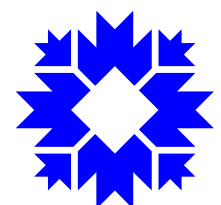


Section 9 Cottage Grove Avenue - Woodlawn Ave - 75' east of Woodlawn Ave

By: farshchs  
28 Nov 18



City of Bloomington



Scale: 1" = 120'

For reference only; map information NOT warranted.

**ORDINANCE 18-27**

**TO AMEND TITLE 9  
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED “WATER”  
(Adding Chapter 9.24 - Standards for the Control of Backflow  
and Cross Connections)**

WHEREAS, the City of Bloomington, Indiana (“City”) owns and operates a waterworks system, through its Utilities Service Board, pursuant to IC 8-1.5-2 and IC 8-1.5-3, as amended (“Act”), which waterworks system is subject to the jurisdiction of the Indiana Utility Regulatory commission (“Commission”); and,

WHEREAS, the Indiana Department of Environmental Management and Indiana Plumbing Code require public water supply be protected from contaminants and pollutants entering the public water supply by requiring customer of public water utilities to install and maintain backflow preventers between the customer water system and the public water system; and

WHEREAS, currently, the City has over 3,000 known backflow devices on the public water system and there is no oversight of those devices; and

WHEREAS, the Indiana Department of Environmental Management recommends adoption of standards for the control of backflow and cross connections in order to effectively oversee the installation and maintenance of backflow devices; and

WHEREAS, the City, through its Utilities Service Board, recommends imposition of necessary enforcement mechanisms to ensure protection of the City water distribution system against backflow and cross connection; and

WHEREAS, the Council finds that the implementation of a backflow prevention and cross connection program will protect the health and safety of citizens of the City of Bloomington by better protecting the public water supply from contamination.

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

SECTION 1. Chapter 9.24 shall be added to Title 9 of the Bloomington Municipal Code, with the heading entered into the Table Contents for Title 9, and shall read as follows:

**Chapter 9.24 STANDARDS FOR THE CONTROL OF BACKFLOW AND CROSS CONNECTIONS**

**Sections:**

9.24.010 Purpose and authority

9.24.020 Responsibility

9.24.030 Definitions

9.24.040 Administration

9.24.050 Requirements and policy

9.24.060 Admission to property

9.24.070 Enforcement procedures

9.24.080 Exemptions

9.24.090 Right to appeal

**9.24.010 Purpose and authority**

This chapter sets forth uniform requirements for users of the City of Bloomington Utilities’ public potable water distribution system and enables the city to comply with all applicable state and federal laws, including the Federal Safe Drinking Water Act of 1974 (42 USC 300), the Indiana Administrative Code (IAC) 327 Section 8 Rule 10, and City of Bloomington Rules, Regulations and Standards of Service Section 17. The objectives of this chapter are:

- (a) To protect the City of Bloomington Utilities' public potable water supply from the possibility of contamination or pollution by isolating within the Customer's internal distribution system(s) or the Customer's private water system(s) such contaminants or pollutants which could backflow into the public water system;
- (b) To promote the elimination or control of existing cross connections, actual or potential, between the Customer's internal potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems;
- (c) To provide for the maintenance of a continuing Backflow Prevention Program of Cross Connection Control which will systematically and effectively prevent the contamination or pollution of all City of Bloomington Utilities' public potable water systems.

This chapter shall apply to all users of the City of Bloomington Utilities' public potable water distribution system. The chapter provides for monitoring, compliance, and enforcement activities; requires user testing and reporting; and establishes administrative review procedures.

#### **9.24.020 Responsibility**

The Utilities Director shall be responsible for the protection of the City of Bloomington Utilities' public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the Utilities Director an approved backflow prevention assembly is required at the Customer's water service connection for the safety of the water system, the Utilities Director, or his designated agent, shall give notice to said Customer to install an approved backflow prevention assembly(s) at each service connection on his premises. The Customer shall immediately install such an approved backflow prevention assembly(s) at the Customer's own expense; and, failure, refusal or inability on the part of the Customer to install, have tested and maintained said assembly(s), shall constitute grounds for penalties and fees, including discontinuing water service to the premises until such requirements have been satisfactorily met.

#### **9.24.030 Definitions**

As used in this chapter, the following words have the following meanings unless otherwise designated. Where words are not defined, they shall have the meanings provided in the City of Bloomington Utilities' "Rules, Regulations and Standards of Service."

"Approved" means accepted by the Utilities Director as meeting an applicable specification stated or cited in this chapter, or as suitable for the proposed use.

"Approval authority" means the Indiana Department of Environmental Management.

"Approved Backflow Prevention Assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled: AWWA/ANSI C510-2007 *Standard for Double Check Valve Backflow Prevention Assemblies*; AWWA/ANSI C511-2007 *Standard for Reduced Pressure Principle Backflow Prevention Assemblies*; and, have met completely the laboratory and field performance standard of the Foundation for Cross connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in: "Standards of Backflow Prevention Assemblies", Chapter 10 of the most current edition of the *Manual of Cross connection Control*.

"Backflow" means the flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

"Backflow Preventer or Backflow Prevention Device Assembly" means a device or means designed to prevent backflow or backsiphonage. Common backflow preventers include the following devices: as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, and barometric loop.

"City" or "CBU" means the City of Bloomington Utilities, Indiana, acting through its Utilities Service Board.

“Customer” means any person that receives water from City of Bloomington Utilities’ public water supply.

“Cross Connection” means any physical arrangement, including cross connection control devices not in working order, whereby a public water supply distribution system is directly connected, either continuously or intermittently, with any secondary source of supply, sewer, drain, conduit, pool, piping, storage reservoir, plumbing fixture, or other device that contains, or may contain, and is capable of imparting to the public water supply, contaminants, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality. Fire line usage other than for fire suppression or testing shall be considered a cross connection unless determined otherwise.

“Commission” means the Indiana Department of Environmental Management.

“Customer’s water system” shall include those parts of the facilities beyond the termination of CBU’s distribution system which are utilized in conveying potable water to points of use.

“Director” means the Director of the Utility or any duly authorized representative acting in his behalf.

“Distribution system” shall include the network of conduits used for the delivery of water from the source to the Customer’s system including pumps, storage tanks, and appurtenances.

"Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

“Potable water” means a source of drinking water, as certified by the Approval Authority in accordance with state and federal regulations, which has been approved for human consumption.

“Premises” means a building, complex, golf course, median, or any other location that receives water provided by the City of Bloomington Utilities.

“Public potable water system” means a public water supply for the provision to the public of water for human consumption through pipes or other construed conveyances, if the system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days per year. The term includes any collection, treatment, storage, and distribution facilities under control of the operator of the system and any collection or pretreatment storage facilities not under the control that are used primarily in connection with the system.

“Remodeled” means replacing and/or rearranging the Customer’s water system

“Source” shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

“User” means any person that receives water from a public potable water supply.

"Utility" means the City of Bloomington Utilities comprised of water, wastewater and stormwater utilities.

“Water Supplier’s System” shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the Utility, up to the point where the Customer’s system begins.

#### **9.24.040 Administration**

The Utility will operate a cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the Indiana Department of Environmental Management’s, Cross Connection Control Regulations, Indiana Administrative Code (IAC) 327 Section 8 Rule 10, and City of Bloomington Rules, Regulations and Standards of Service Section 17.

Except as otherwise provided herein, the Utilities Director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Utilities Director may be delegated by the Utilities Director to a duly authorized city employee.

The Customer shall allow his property to be inspected for possible cross connections and shall follow the provisions of the Utility's program and the Indiana Department of Environmental Management's Regulations if a cross connection is permitted.

#### **9.24.050 Requirements and policy**

- (a) No new or existing water service connection to any premises shall be installed or maintained unless the water supply is protected as required by City of Bloomington laws and regulations and this Chapter. Service of water to any premises shall be discontinued by CBU if a backflow prevention assembly required by this Chapter is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
  
- (b) The Customer's system shall be open for inspection or testing of cross connection control devices at all times to authorized representatives of CBU to determine whether unprotected cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Director may deny or immediately discontinue service to the premises by providing for a physical break in the service line until the Customer has corrected the condition(s) in conformance with the City of Bloomington statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.
  
- (c) An approved backflow prevention assembly shall also be installed on each service line to a Customer's water system after the water meter and immediately inside the building being served, before the first branch line leading off the service line, wherever the following conditions exist:
  - (1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Director, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line(s) commensurate with the degree of hazard.
  
  - (2) In the case of premises that are designated cross connection hazards on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line(s) commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from CBU's system which have been subject to deterioration in quality.
  
  - (3) In the case of premises having internal cross connections that cannot be permanently corrected or protected against, or intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line(s).
  
  - (4) In the case of premises where a cross connection has resulted in a contaminant being introduced into a public or Customer water system, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line(s).
  
  - (5) In the case of premises that have a land irrigation facility buried below ground that has a sprinkler outlet located less than 6 inches above grade, the public water supply shall be protected by installing an approved backflow prevention assembly in the service line.
  
  - (6) In the case of hydrant usage other than firefighting or flushing, the public water supply shall be protected by installing an approved backflow prevention assembly in the service line. Use of hydrants other than firefighting or flushing are prohibited, unless authorized by the Director.

- (d) The type of protective assembly required shall depend upon the degree of hazard which exists as follows:
- (1) In the case of any premises where there is an auxiliary water supply as stated in subsection (c)(1) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. In the case of surface water auxiliary supply, the public water system must be protected by an approved air gap.
  - (2) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve backflow prevention assembly as determined by CBU.
  - (3) In the case of any premises where there is any material dangerous to health, which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.
  - (4) In the case of any premises where there are unprotected cross connections, either actual or potential, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly at the service connection.
  - (5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap or an approved reduced pressure principle backflow prevention assembly on each service line to the premises.
  - (6) In the case of any premises where there is an irrigation facility buried below ground that has a sprinkler outlet located less than six inches above grade, the public water supply shall be protected by an air gap, a pressure type vacuum breaker, or a reduced pressure principle backflow preventer on the service line to the premises.
  - (7) In the case of hydrant usage other than firefighting or flushing, the public water supply shall be protected by installing an air gap in the service line. Use of hydrants other than firefighting or flushing are prohibited, unless authorized by the Director.
- (e) Any backflow prevention assembly required herein shall be of a make, model and size approved by the Director and shall be installed in a location that allows access to the device for maintenance and testing from floor level without the use of a ladder. The device shall not be installed below ground grade level and must not be subject to flooding, excessive heat, or freezing temperatures.
- (f) It shall be the duty of the Customer at any premises where backflow prevention assemblies are installed to have a field test performed upon installation and thereafter at least once per calendar year. These tests shall be at the expense of the Customer and shall be performed by a cross connection control device inspector registered in the state of Indiana. These assemblies shall be repaired, overhauled or replaced at the expense of the Customer whenever said assemblies are found to be defective. Records of such tests, repairs and overhauls shall be kept for a minimum of three years and submitted as determined by the Director to CBU within 30 days of testing.
- (g) All presently installed backflow prevention assemblies, which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the field testing and maintenance requirements, be excluded from the requirements of these rules so long as the Director is assured that they will satisfactorily protect the public water supply. The backflow prevention assembly shall be replaced by an approved backflow prevention assembly meeting the requirements of this section whenever:

- (1) The Customer service line is modified;
- (2) A higher capacity meter is installed;
- (3) The premises is remodeled;
- (4) The existing device is moved from the present location;
- (5) The existing device requires more than minimum maintenance;
- (6) The Director finds that the maintenance constitutes a hazard to health.

(h) The Director is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this ordinance.

**9.24.060 Admission to property**

Authorized personnel of the city shall have the right to enter upon all properties subject to this program, at all times and without prior notification, for the purpose of inspection, observation, or record review, as part of this chapter.

**9.24.070 Enforcement procedures**

In the event that any person violates any provision of this chapter, the Director shall implement the city’s “Cross Connection Control Enforcement Response Plan” (ERP) which provides a range of enforcement responses available to the Director. The enforcement responses are based on the type and circumstances of the violation. The range of enforcement responses include telephone notice, site visit, notice of violation, agreed order, compliance schedule, administrative fine, or legal action. The Director shall choose the appropriate enforcement response.

**9.24.080 Exemptions**

Exemptions may be made at the Director’s discretion.

**9.24.090 Right to appeal**

- (a) Any interested party may appeal any written order or ruling by the Director on any matter covered by this Chapter.
- (b) An appeal shall stay all enforcement activity pending issuance of the Utilities Service Board’s written findings. This rule does not apply in any emergency situation.
- (c) All appeals shall include the following information:
  - (1) Appellant’s name;
  - (2) Appellant’s address;
  - (3) A copy of the Director’s order or ruling being appealed; and
  - (4) Remedy being sought by appellant.
- (d) All appeals shall be delivered to the Utilities Service Board no later than fourteen days from receipt of the written order or ruling.
- (e) The matter shall be set for hearing either at a regular or special meeting of the Utilities Service Board.
- (f) The Utilities Service Board shall promptly issue its findings in writing. The decision of the Utilities Service Board shall be final.
- (g) Any appeal of the Utilities Service Board’s final decision shall be filed with a court of competent jurisdiction no later than fourteen days from receipt of the Board’s written findings.

SECTION 2. 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 parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor, and after any required waiting and/or notice periods under Indiana law.

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

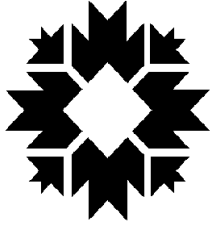
SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

#### SYNOPSIS

This ordinance introduces a new chapter to Title 9 “Water”. The new chapter seeks to reduce and/or eliminate unprotected cross connections and to better regulate installation and continued maintenance of backflow prevention devices all in an effort to better protect the public potable water supply.





**CITY OF BLOOMINGTON  
LEGAL DEPARTMENT  
MEMORANDUM**

**TO:** City of Bloomington Common Council Members  
**FROM:** Christopher J. Wheeler, Assistant City Attorney  
**RE:** Ordinance 18-27 Backflow Prevention and Cross Connection  
**DATE:** November 19, 2018

**SUMMARY**

Ordinance 18-27 must be approved by Council in order for The City of Bloomington Utilities (CBU) to implement standards for the regulation of backflow and cross connection in the City of Bloomington. Chapter 9.24 STANDARDS FOR THE CONTROL OF BACKFLOW AND CROSS CONNECTIONS is modelled after Indiana Department of Environmental Management's (IDEM) recommended ordinance. By adopting the ordinance, CBU will have an effective mechanism needed to implement an effective cross connection control program. Currently, the only enforcement action that CBU can take with a violator of the cross connection rules is to shut off the customer's water. After the ordinance is adopted, the Enforcement Response Plan provides CBU with a range of enforcement actions including Notice of Violation letters, fines, and ultimately suspension of service.

**BACKGROUND**

A **cross connection** is any physical arrangement whereby a public water supply is connected, directly or indirectly, with any secondary water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain any water, contaminated liquid, or other waste of unknown or unsafe quality that could impart a contaminant or pollutant to the drinking water as a result of backflow caused by backpressure or backsiphonage.

IDEM and Indiana Plumbing Code require that the public water supply be protected from contaminants and pollutants entering the public water supply by requiring water customers to install and maintain backflow preventers between the customer water system and the public water system.

**FAQs**

**Is Cross Connection Control a new rule?** This is not a new rule. IDEM and Plumbing Code have had backflow requirements for decades. The duty to install protective devices and inspect was set out by the Indiana Appellate Court in the Lincoln Trust cross connection case of 1929: *Pennsylvania Railroad Company vs. Lincoln Trust Company*. In

this case, the Fort Wayne city water utility was held liable for the death of a customer and the court established a duty to inspect and the use of reasonable preventive devices.

**Do other cities in Indiana have Backflow Ordinances?** Yes, Carmel, Ft. Wayne, Evansville, Valparaiso, Butler, Huntingburg, and Elkhart all have similar backflow ordinances.

**How many customers have backflow devices?** All customers with a fire or an irrigation system have backflow devices. Most restaurants that serve carbonated beverages have a backflow device. Many multi-family residential customers have a backflow device. Most commercial and industrial customers have at least one backflow prevention device. Currently, CBU has a list of over 3,000 known backflow devices on the public water system. Indiana University has approximately 1,500 backflow devices.

**How much does it cost to test a backflow device?** The annual required test ranges for \$70 to \$100 dollars. The test must be performed by a registered Cross Connection Control Device Inspector. There are numerous local inspectors – HFI, Commercial Services, B-Tech, Koorsen, Heflin Industries, and Riverway Plumbing all have inspectors. Indiana University has a Cross Connection Inspector on staff that tests all their backflow devices.

**What are the benefits to the Public?** The primary benefit to the public is safe and clean water by protecting the water distribution system from unprotected cross connections. The responsibility for eliminating cross connections in public water systems has been placed squarely on the shoulders of the water purveyor. A water purveyor's liability cannot be shifted to any other person or authority. They can be held responsible for another authority's acts or lack of action should negligence be shown. The courts of the United States and Indiana have upheld this position. It is important for local authorities to prioritize the protection of their community's water supply. Local authorities must adopt a cooperative attitude, apply their enforcement powers vigorously and provide adequate ordinances, legal advice and assistance, and definitive directives.

If you have any questions regarding either of these ordinances, please feel free to contact me by calling City Legal at 349-3426 or e-mailing me at [wheelech@bloomington.in.gov](mailto:wheelech@bloomington.in.gov).

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CITY OF BLOOMINGTON UTILITIES  
Bloomington, Indiana

CONTROL OF BACKFLOW AND CROSS CONNECTION  
ENFORCEMENT RESPONSE PLAN

Approved by the City of Bloomington, Indiana  
Utilities Service Board

                      
Date of Revision

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## Statement of Authority

This document is the City of Bloomington, Indiana Utilities' (CBU) Enforcement Response Plan (ERP) for the Backflow Prevention Program. Where applicable, this plan will be consulted in the event enforcement action against CBU's Customers becomes necessary.

This plan is to be consulted in the enforcement of local laws and regulations governing backflow and cross connection issues within CBU's water distribution system. Local laws and regulations are found in Title 9 of the "**Bloomington Municipal Code**" and in Section 17 of CBU's "**Rules, Regulations, and Standards of Service.**"

The City of Bloomington Utilities intends to adhere to these guidelines when appropriate; however, enforcement responses may differ from those specified in this plan when unusual or extenuating circumstances exist. Variance from these guidelines may depend upon considerations such as degree of variance from Backflow Prevention Rules, duration of violations, and the enforcement history of the violator. In no case shall this ERP be construed as to limit the enforcement discretion of CBU.

**Right of Appeal:** Any person or entity aggrieved by any enforcement action taken by the Director of CBU may appeal to the Utilities Service Board for relief. The appellant must file a written request outlining the nature of grievance within 14 days of being notified of CBU enforcement action. The appeal shall be directed to the President of the Utilities Service Board and mailed to P.O. Box 1216, Bloomington, Indiana, 47402-1216. Appeals may also be delivered to the Office of the Director, City of Bloomington Utilities, 600 E Miller Drive, Bloomington, Indiana, 47401.

**Other Governmental Enforcement Authority:** The Indiana Department of Environmental Management (IDEM) and the United States Environmental Protection Agency (USEPA) have separate and distinct authority to pursue entities that violate federal and state regulations. Nothing in this ERP shall be construed as to limit or diminish the enforcement authority of IDEM or USEPA. Both federal and state governments may pursue penalties against CBU and its Customers in the event that CBU fails to take appropriate enforcement action against violators.

## THE ENFORCEMENT PROCESS

Title 9 of the "**Bloomington Municipal Code**" and CBU's "**Rules, Regulations, and Standards of Service**" state that the Director of CBU, or his designee, is responsible for enforcement of CBU rules and regulations. CBU Director (hereafter the Director) shall carry out informal enforcement actions such as site visits administrative orders, compliance schedules, violation notices and administrative fines. In most cases, the Director relies upon the Backflow Prevention Program Manager and the program staff to fulfill this obligation. The Utilities Service Board (USB), upon the recommendation of the Director, directs enforcement actions that require legal action.

In responding to violations, the Director shall evaluate the response required by this ERP. In most instances, the ERP will provide uniform and equitable treatment to all violators. In special circumstances, the Director may vary from the ERP requirements.

This ERP outlines the type of noncompliance and the range of responses available to the Director. In promulgating the ERP, the City of Bloomington Utilities intends to accomplish four primary objectives:

1. The ERP shall recommend enforcement responses that are appropriate to the nature, severity, and impact of the violation.
2. The ERP shall promote uniform responses to violations.
3. The ERP shall serve as advance notice to CBU Customers that enforcement action is contemplated in the event rules are violated.
4. The ERP shall communicate the importance of adherence to federal, state, and local regulations.

## VIOALTION CATEGORIES

This ERP groups violations into four categories:

1. Testing or reporting violations.
2. Cross connection violations.
3. Compliance Schedule violations.
4. Violations detected through inspections.

## ENFORCEMENT RESPONSE ACTIONS

Typical enforcement response actions include telephone notices (TXN), site visits (SV), notice of violation letters (NOV), administrative orders (AO), issuing formal compliance schedules (CS), assessing administrative fines (AF), and taking legal action (LA) against chronic violators. These actions are more formally discussed below. All enforcement response actions require a response from the violator.

**Telephone Notices (TXN)** are utilized for very minor violations such as unintentional late testing or reporting. The TXN is used in situations when documentation is not necessary because no further action is expected.

**Site Visits (SV)** may be conducted in conjunction with a TXN or NOV. The purpose of a SV is to view the problem and to directly communicate the severity of the problem to the customer. A SV report is placed on file in the Backflow Prevention Program Manager's office.

**Notice of Deficiency (NOD)** letters are issued to CBU Customers when a violation is first observed. The NOD must clearly outline the nature of the violation and require a time-certain response from the customer.

**Notice of Violation (NOV)** letters are the most common enforcement response. A NOV must clearly outline the nature of the violation and require a time-certain response from the violator. Response time requirement may vary from twenty-four hours to thirty days. The Director may grant extensions of time to the required response period if the violator shows good cause and good faith effort to respond to and rectify a violation.

**Show Cause Hearing for Termination of Service (SC)** is issued to Customers for continued major and/or minor violations. Customers are provided a hearing by the Utility Service Board prior to termination of utility services if warranted unless in emergencies.

The Director may issue a **Compliance Schedule (CS)** to Customers who commit serious or on-going long-term violations. The typical CS will contain a formal schedule with progressive or simultaneous steps toward full compliance. The CS will normally be implemented over a 6 -12 month period. The Utility Service Board must approve Compliance Schedules for Customers in Significant Noncompliance status (SNC).

The Director may levy an **Administrative Fine (AF)** when he finds that lesser enforcement response techniques may have failed to bring violators into compliance. Administrative fines may range between \$1 and \$2,500 dollars per violation. Each day of noncompliance shall be considered a separate violation. The Director shall notify and consult with the IDEM Office of Water Management if an AF exceeds \$1,000. An AF may be levied in conjunction with an AO or a CS.

**Legal Action (LA)** shall be initiated against Users who violate the terms of any lower enforcement response requirement. LA is most often associated with violations of the terms of an AO or CS enforcement action. However, CBU reserves the right to utilize LA in any case deemed appropriate by the Utilities Service Board. LA may be used for several purposes including suits for injunctive relief, criminal or civil suits, terminations of service, etc. IDEM and USEPA Enforcement Divisions will be notified in instances where the USB initiates LA.

City of Bloomington Utilities Enforcement Response Plan for

**Testing or Reporting Violations**

TYPE OF VIOLATION	Frequency	Enforcement Response
Failure to test backflow device	Isolated Recurring	TXN, NOV AF or NOV requiring compliance within 1-30 days
Failure to provide complete and adequate test reports	Isolated Recurring	TXN, NOV AF or NOV requiring compliance within 1-30 days
Falsification of test reports	Isolated Recurring	TXN, SV, or NOV, referral to IDEM NOV or AO requiring compliance within 1-30 days

**Cross Connection Violations**

TYPE OF VIOLATION	Frequency	Enforcement Response
Failure to install required device after notice	Any instance	TXN, SV, NOV, SNC, AO, AF, CS requiring compliance within 1-30 days
Failure to prevent pollutants or contaminants from entering water supply	Any instance	TXN, SV, NOV, SNC, AO, AF, CS requiring compliance within 1-30 days
Booster Pump violation	Any instance	TXN, SV, or NOV requiring compliance within 1-30 days
Fire hydrant usage	Isolated Recurring	NOV, AF NOV, AF, LA
Fire line usage	Isolated Recurring	NOV, AF NOV or AO requiring compliance within 1-60 days

**Compliance Schedule Violations**

TYPE OF VIOLATION	Frequency	Enforcement Response
Reporting false information	Any instance	AF; Terminate Service, referral to IDEM
Missed interim date	Any instance	NOV, CS, AF
Missed final date	Any instance	NOV, CS, AF

**Violations Detected through Inspections**

TYPE OF VIOLATION	Frequency	Enforcement Response
Inadequate maintenance observed	Any instance	NOV requiring compliance within 1-30 days, CS, AF, LA
Harm to the public or environment observed	Any instance	AO; AF, LA; referral to IDEM
Evidence of intent / negligence observed	Any instance	CS, AF, NOV requiring compliance within 1-30 days
Entry denied or consent withdrawn	Any instance	Obtain warrant and return
Fire hydrant usage	Any instance	AF, LA, NOV requiring compliance within 1-30 days
Fire line usage	Isolated Recurring	NOV, CS, AF, or LA NOV, CS requiring compliance within 1-60 days

AF—Administrative Fine

AO—Administrative Order

CS—Compliance Schedule

LA—Legal Action

NOV—Notice of Violation

SNC—Significant Noncompliance

SV—Site Visit

TXN—Telephone Notice

If a Customer fails to timely respond to a NOV, the next level of enforcement will be taken.

**Annotated Changes to BMC Title 9 (Water) Proposed by Ord 18-27  
(which adds Chapter 9.24 to the Title)**

**Red Font – New Text**

*Italic Font - Comment*

**Title 9 WATER**

**Chapters:**

Chapter 9.04 - GENERAL RULES

Chapter 9.08 - WATER RATES

Chapter 9.12 - WATER SERVICE CHARGES

Chapter 9.16 - FLUORIDATION

Chapter 9.20 - STANDARDS FOR WATER UTILITY CONSTRUCTION IN FLOOD HAZARD AREAS

**Chapter 9.24 - Standards for the Control of Backflow and Cross Connections**

*Please see Section 1 of Ord 18-27 for the text of the new chapter.*

## RESOLUTION 18-26

### TO APPROVE AN EQUIPMENT LEASE PURCHASE AGREEMENT AND OTHER RELATED MATTERS Re: Purchase and Installation of Utility Metering Improvements

- WHEREAS, in order to provide financing for the purchase and installation of utility metering improvements (the “Project”), the City of Bloomington, Indiana (the “City”) intends to execute and deliver an Equipment Lease Purchase Agreement, attached hereto as Exhibit A, together with all exhibits, schedules and attachments thereto, to be dated as of the date of its execution and delivery (the “Lease Purchase Agreement”), by and between the City, as lessee, and First Internet Bank, or its affiliate or designee, as lessor (the “Lessor”), in the aggregate principal amount not to exceed \$9,000,000.00, the proceeds of which will be used to pay for the costs of (a) the Project, and (b) executing and delivering the Lease Purchase Agreement, and other documents and costs related thereto (clauses (a) through and including (b), collectively, the “Expenditures”); and
- WHEREAS, the City will deposit the proceeds derived from the Lease Purchase Agreement into an escrow fund established under the terms of an Escrow Agreement, attached hereto as Exhibit B, to be dated as of the date of its execution and delivery (the “Escrow Agreement”), by and among the City, the Lessor and First Internet Bank, as the escrow agent (or such different escrow agent as shall be selected by the City and acceptable to the Lessor) (the “Escrow Agent”), and disbursed to pay the Expenditures in the manner set forth in the Escrow Agreement; and
- WHEREAS, the Bloomington Common Council (the “Council”), being duly advised, finds that it is in the best interests of the City and its citizens for the purpose of financing all or any portion of the Project to enter into the Lease Purchase Agreement and the Escrow Agreement in order to better serve the residents of the City; and
- WHEREAS, the City expects to pay for certain of the Expenditures prior to the execution and delivery of the Contract, and to reimburse the Expenditures with proceeds received by the City upon the execution and delivery of the Lease Purchase Agreement and the Escrow Agreement; and
- WHEREAS, the City desires to declare its intent to reimburse the Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c); and
- WHEREAS, the Council now desires to (i) approve the Lease Purchase Agreement and the Escrow Agreement; (ii) approve the execution and delivery of the Lease Purchase Agreement and the Escrow Agreement and documents related to any of these foregoing documents, and (iii) authorize certain actions in connection therewith, subject to the conditions set forth herein.



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

SECTION 1. The Council hereby determines that all or a portion of the Project will be financed from the Lease Purchase Agreement, which will provide for semi-annual or annual payments from money on deposit in the City's General Fund or any other legally-available funds of the City, subject in all respects to annual appropriation by the Council.

SECTION 2. The Council hereby approves the form, terms, and provisions of both the Lease Purchase Agreement and the Escrow Agreement in substantially the form attached hereto, as Exhibit A and Exhibit B, respectively. Each of the Mayor or the Controller of the City is authorized and directed to execute and deliver the Lease Purchase Agreement and the Escrow Agreement, subject in all respects to the terms and conditions of this resolution, in the name and on behalf of the City. The Mayor and Controller of the City are each hereby designated to act as authorized representatives of the City for purposes of the Lease Purchase Agreement and the Escrow Agreement, until such time as the Council shall designate any other or different authorized representative for purposes of the Lease Purchase Agreement, in which event the Council shall notify the Lessor in writing of any new authorized representatives designated by the Council.

SECTION 3. The Lease Purchase Agreement shall have a term not to exceed eleven (11) years commencing from the date the City begins to make lease rental payments thereunder. The maximum principal amount financed under the Lease Purchase Agreement shall not exceed \$9,000,000.00, and the interest rate under the terms of the Lease Purchase Agreement shall not exceed 3.40% per annum.

SECTION 4. The City hereby declares its official intent to execute the Lease Purchase Agreement which will not exceed an original aggregate principal amount of approximately \$9,000,000.00, and to reimburse the Expenditures from proceeds received by the City from the execution and delivery of the Lease Purchase Agreement.

SECTION 5. Any officer of the City shall be, and hereby is, authorized and directed to execute and deliver such documents and take such other actions as such officer deems necessary or desirable to effect the foregoing resolutions, and any such documents heretofore executed and delivered and any such other actions heretofore taken be, and hereby are, ratified and approved.

SECTION 6. Nothing contained in this Resolution, the Lease Purchase Agreement, the Escrow Agreement nor any other instrument shall be construed with respect to the City as incurring a pecuniary liability or charge upon the general credit of the City or against its taxing power, nor shall the breach of any agreement contained in the Lease Purchase Agreement, the Escrow Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the City or any charge upon its general credit or against its taxing power.

SECTION 7. In connection with the execution and delivery of the Lease Purchase Agreement, the City hereby engages Barnes & Thornburg LLP to serve as special tax counsel.

SECTION 8. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity of unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

SECTION 9. This Resolution shall be effective immediately upon its passage and adoption in accordance with Indiana law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana 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 approves the City entering into an equipment lease purchase agreement with First Internet Bank, or its affiliate or designee, in order to provide financing for the installation of utility metering improvements.

## **Resolution 18-26**

**Exhibit A** – The Lease Purchase Agreement

&

**Exhibit B** – The Escrow Agreement

are forthcoming.

The documents will be distributed to Council no later than  
05 December 2018 and will be issued in the  
Council's Legislative Packet on 07 December 2018.



## MEMORANDUM

**TO: Members of the City of Bloomington Common Council**  
**FROM: Vic Kelson**  
**DATE: November 30, 2018**  
**RE: Resolution for Approval of Smart Meter Lease Purchase Financing**

### **Project Team**

Vic Kelson, CBU Director  
Brad Schroeder, Assistant Director of Engineering  
Brandon Prince, Assistant Director of Transmission and Distribution  
Laura Pettit, Assistant Director of Finance

### **Project Description**

City of Bloomington Utilities (CBU) is seeking to upgrade their current water metering system consisting of approximately 27,250 water meters to an Advanced Metering Infrastructure (AMI). AMI is an integrated system of smart meters, communications networks, and data management systems that enable two-way communication between utilities and customers. The system provides a number of important functions that were not previously possible or had to be performed manually. Such functions include on-demand reading, the ability to automatically and remotely measure water usage, connect and disconnect service, detect tampering, identify and isolate pressure issues and potential water loss.

### **Budget**

In order to expedite the project timeline, we are seeking a lease-purchase agreement with First Internet Public Finance Corp. in the amount of \$9,000,000 which will be repaid over a term of 11 years at 3.40% interest. Payments will be made twice annually on February 15 and August 15, with the final lease agreement payment on February 15, 2029. Rental payments will commence February 15, 2020. The uses of these funds are outlined in the table below:

#### Construction Costs:

AMI Hardware (Base Stations)	\$	318,000.00
Meter Hardware & Smart Points		6,360,098.00
Software		99,061.00
Instillation		1,756,919.00
Construction Contingency:		415,922.00
Bond Issuance Costs Including Legal, Financial:		<u>50,000.00</u>

Total Estimated Uses of Funds \$ 9,000,000.00

### **Timeline**

This project has an aggressive timeline of 12-14 months from 1/1/2019-3/1/2020. The plan is to begin installation of base stations as soon as possible which would allow CBU to read the smart meters that are currently deployed and test the system. Starting in the first quarter of 2019, full installation of meters would begin and continue through the duration of the project.

**UTILITIES SERVICE BOARD  
CITY OF BLOOMINGTON, INDIANA  
TO APPROVE AN EQUIPMENT LEASE PURCHASE AGREEMENT  
AND OTHER RELATED MATTERS  
Re: Installation of Utility Metering Improvements**

WHEREAS, the City Bloomington Utilities Service Board has been and remains in full support of the continued effort to install utility metering improvements in the form of smart meters throughout the City of Bloomington; and

WHEREAS, in order to provide financing for the continued installation of smart meters, the City wishes to execute and deliver an Equipment Lease Purchase Agreement, together with all exhibits, schedules and attachments thereto, to be dated as of the date of its execution and delivery (the "Lease Purchase Agreement"), by and between the City, as lessee, and First Internet Bank, or its affiliate or designee, as lessor (the "Lessor"), to pay for the costs of said installation, and executing and delivering the Lease Purchase Agreement, and other documents and costs related thereto; and

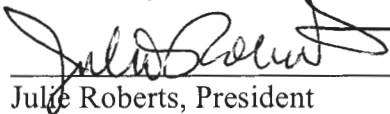
WHEREAS, the City of Bloomington Utilities Service Board, being duly advised, finds that it is in the best interests of the City of Bloomington Utilities Department and its customers for the purpose of financing all or any portion of the Project to enter into a Lease Purchase Agreement and Escrow Agreement in order to better serve the residents of the City; and

WHEREAS, the City of Bloomington Utilities Service Board desires to recommend to the Common Council of the City of Bloomington to (i) approve the execution and delivery of a Lease Purchase Agreement and the Escrow Agreement and related documents, and (ii) authorize certain actions in connection therewith upon recommendation by Director of CBU, the City Controller and/or the Mayor of the City of Bloomington or his authorized representative.

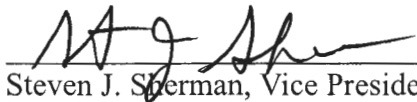
**NOW, THEREFORE, BE IT RESOLVED THAT:**

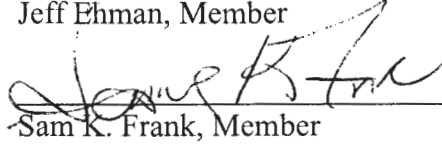
The City of Bloomington Utilities Service Board requests the Common Council of the City of Bloomington to (i) approve the execution and delivery of a Lease Purchase Agreement and the Escrow Agreement and related documents, and (ii) authorize certain actions in connection therewith upon recommendation by the Director of CBU, the City Controller and/or the Mayor of the City of Bloomington or his authorized representative.

**SO ADOPTED** by the Utilities Service Board at its regularly scheduled meeting of Nov. 26, 2018.

 11/26/18  
Julie Roberts, President

(absent)  
\_\_\_\_\_  
Jeff Ehman, Member

  
Steven J. Sherman, Vice President

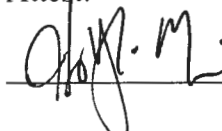
  
Sam K. Frank, Member

  
Jason Banach, Member

  
Jean Capler, Member

  
Amanda Burnham, Member

Attest:

  
\_\_\_\_\_  
Holly McLaughlin, Secretary, Utilities Service Board

Holly McLaughlin, Secretary, Utilities Service Board

# **ANNUAL COUNCIL LEGISLATIVE SCHEDULE FOR 2019**

Anticipated Council Action: December 5, 2018

## **Packet Materials**

**Summary from November 14<sup>th</sup> Packet** – *Includes variants other than listed below and motions to make those changes*

**Alternative 1 – Summer Recess Start June 26<sup>th</sup> and Ends July 26<sup>th</sup>**

**Alternative 2 – Summer Recess Starts June 12<sup>th</sup> and Ends July 19<sup>th</sup>**

**IU Five-Year List of Religious Holidays**

## Council Schedule

### **Annual Council Legislative Schedule for 2019**

This packet contains two versions of the Annual Council Legislative Schedule (Council Schedule) for 2019. In lieu of an additional Memo to the Council, usually attached to the Council Schedule, this summary serves that purpose and is intended to explain the dates and alternatives. Occasionally, you'll see variants (in red font) that present proposals from council members and motions that can be adopted by the Council.

This is the third iteration of the Council Schedule since the initial one was emailed on October 22<sup>nd</sup> and you'll see that format has greatly improved (that is, much more easily read and understood) over those in the past. This is due to suggestions from Cm. Volan – most of which were incorporated into the document.

**Formatting Changes and Issues.** As noted above, some but not all of the suggested changes were made. Here's a brief mention of what was changed and what stayed the same in the headings for the Schedule (with the understanding that further changes can be made by motion of the Council):

- Staff-Council Internal Work Sessions – would now be called Work Sessions, because they are neither exclusively with staff and Council nor internal;
- Reference to First Reading of Ordinance remains – discussion has begun about having certain fiscally-significant resolutions introduced at First Reading. Keeping the existing language follows local code and is not intended to forestall additional readings for resolutions in the event the Council decides to do so;
- Reference to Committee of the Whole/Land Use Committee Discussion – staff has entered this heading rather than reference to Committee Discussion. Reason being that these are the only two of the Council committees that, under local, are scheduled for discussion at this point in the Legislative Cycle.

Please review the material and offer your comments and be ready to vote on it on November 14<sup>th</sup>. Acting on it in November makes it easier for those working with boards and commissions to resolve room-conflicts and establish their schedules for 2019.

**Legislative Cycles.** The Annual Schedule includes 20 legislative cycles and one Budget Cycle which are set forth in rows with five columns of dates for the following meetings and deadlines associated with each legislative cycle:

- Work Sessions;
- Deadline for submittal of ordinances and associated materials to the Council Office (and another for resolutions);
- First Regular Session;
- Committee of the Whole/ Land Use Committee; and
- Second Regular Session.

**Exceptions and Additions to the Usual – Four Wednesday – Schedule.** As you know, the Council generally meets on the first four Wednesdays of the month alternating between Regular Sessions one week and Committees of the Whole and/or Land Use Committee the next. It also meets on Fridays about twice a month for what would now be called Work Sessions to informally hear about upcoming legislation and other pending matters. Here is an overview of the Council Schedule with mention of some meetings (and deadlines) that would *not* follow the usual rule (please see the proposed Schedule and Memo for more detailed information):

- **6:30 pm Start-Time for Regular Sessions and Committees of the Whole** – as you know, the Council changed the start time of these regular meetings as of 2017.
- **Staff-Council Internal Work Sessions** are scheduled on Friday at noon in the Council Library (unless a bigger room is necessary) except for:
  - Monday, December 17, 2018 – (before Council members and staff often take time off for the holidays); and
  - Monday, December 16, 2019 - (*same*);
- **January - Organizational Meeting and first Committee of the Whole** are scheduled for second Wednesday in January per past practice;
  - *However, given the first week off and the fifth Wednesday in January, Cm. Volan proposes the following change (in yellow) which can be adopted by a Motion to Adopt Cm. Volan’s Proposed Schedule for January 2019:*

LEGIS CYCLE	INTERNAL WORK SESSIONS <sup>10</sup>	DEADLINE FOR ORDINANCES; E-MAILED TO CCL BY NOON	DEADLINE FOR RESOLUTIONS; E-MAILED TO CCL BY NOON	REGULAR SESSION 1st READING FOR ORDS.	COMMITTEE OF THE WHOLE/ LAND USE COMMITTEE DISCUSSION	REGULAR SESSION 2 <sup>nd</sup> READINGS AND RESOLUTIONS
1	Mon. Dec. 17 (2018)	Wed. Dec. 19 (2018)	Wed. Dec. 19 (2018)	Jan. 9 <sup>1</sup>	<sup>1</sup> Jan-9 16	Jan. 19 23
2	Fri. Jan. 11	Mon. Jan. 14	Fri. Jan. 18	Jan. 23	Jan. 31	Feb. 6

- **March** – The Council does not meet over IU Spring Break (March 10<sup>th</sup> – 16<sup>th</sup>) and doubles-up the first Regular Session and Committee of the Whole of the month on the first Wednesday in order to avoid meeting on the second Wednesday which falls over Spring Break;
- **January, May, July & October all have fifth Wednesdays** – There are five Wednesdays in four months next year. All those may be used for meetings because of holidays or other Council activities (e.g. Summer Recess at the end of June; Departmental Budget Hearings in August).
- **June & July – Early Summer Recess** – Like last year, in order to coincide down-time with the Council Recess, this schedule proposes that the Council start its Summer Recess after the last Wednesday in June and end with the second Wednesday in August (after a Work Session on the last Friday in July).

**ALTERNATIVE SUMMER RECESS (IN PACKET) – Mid-June to Mid-July** – In response to interest for an even earlier Summer Recess, there is an alternative Council Schedule that commences the Recess in mid-June (June 12<sup>th</sup>) and has the Council return for a Work Session in mid-July (July 19<sup>th</sup>). It keeps time in June to consider the Annual Tax Abatement Report and brings the schedule more in line with the past schedules for the PS LIT Committee which meets in June, July & August. One problem with this schedule, however, is that it, in order to preserve the same number of Legislative Cycles, it would require doubling-up Regular Sessions and Committee of the Whole /Land Use Committee on both July 31<sup>st</sup> and August 7<sup>th</sup>.

<sup>1</sup> This change would require removing the last sentence of Note #1 (regarding the Committee of the Whole scheduled for that evening.)



- **However, both Cm. Piedmont-Smith and Volan are interested in another variant (“Scenario C”) which is set forth below and could be adopted by a Motion to Adopt Cm. Piedmont-Smith and Volan’s Proposal for Post Summer Schedule (changes in yellow-shade):**

LEGIS CYCLE	WORK SESSIONS	DEADLINE FOR ORDINANCES; E-MAILED TO CCL BY NOON	DEADLINE FOR RESOLUTIONS; E-MAILED TO CCL BY NOON	REGULAR SESSION 1st READING FOR ORDS.	COMMITTEE OF THE WHOLE/ LAND USE COMMITTEE DISCUSSION	REGULAR SESSION 2nd READINGS AND RESOLUTIONS
SUMMER RECESS (ENDING WITH WORK SESSION ON JULY 5 AND REGULAR SESSION ON JULY 17 AND DEPARTMENTAL BUDGET HEARINGS (STARTING ON MONDAY, AUGUST 19))						
11	Fri. July 5	Mon. July 8	Mon. July 15	July 17	July 24	July 31
12	Fri. July 19	Mon. July 22	Mon. July 29	July 31	Aug 7	Aug 14

- **Budget Schedule - May and August thru early October** - The Budget Schedule keeps the start of the Departmental Budget Hearings on third Monday in August and otherwise entails:
  - A Budget Advance on the last Tuesday in April at 5:30 pm in the McCloskey Room
    - *Note: The day and time of this meeting is similar to last year and allows more time to for these deliberations (since a Council meeting does not follow at 6:30 pm).*
  - Department Budget Hearings over four evenings starting on the third Monday of August (Monday the 19<sup>th</sup> – Thursday the 22<sup>nd</sup>)
    - *This means the hearings fall on the week before the first week of classes at IU. In the past, the conclusion seemed to be that no week was ideal for these hearings.*
    - *This schedule continues to list the expected arrival of the Budget Books a week before the hearings begin.*
  - Formal Consideration of the Budget with a:
    - Special Session and Committee of the Whole on Wednesday, September 25<sup>th</sup> and
    - Special Session on Thursday, October 10<sup>th</sup>;
      - *This separates the two evenings by two weeks and holds the second meeting on a Thursday, since Yom Kippur (the Jewish Day of Atonement) falls on that Wednesday.*
- **Non-Budget Meetings in August, September, and October** – The months of August, September, and October include both Budget (noted above) and Non-Budget (see below) that deserve note.
  - **August** – Depending upon the Council Schedule adopted by the Council, the post-recess sessions start in either late July or early August and may include doubling-up of Regular Sessions and Committee of the Whole / Land Use Committees. Doubling-up is done on the assumption that no legislation carries over and not result in an onerous evening.
    - *One of the challenges for Council Office staff is processing items as part of the normal legislative cycles in the latter part of August and participating in the Departmental Budget Hearings (including preparing the Chart of Unanswered Questions from those hearings).*
  - **September and October** – the second Legislative Cycle in September overlaps with the Budget Cycle and, therefore, includes a Regular Session on the third Wednesday in September, a

*Committee of the Whole on the first Wednesday in October, and a Regular Session on the third Wednesday in October (after which the Council returns to its usual schedule of Legislative Cycles.*

- **October and November** - the Council does not meet on the eve of Thanksgiving but, given the five Wednesdays in October, would, under this schedule, meet on the fifth Wednesday in October in order to avoid doubling-up meetings in mid-November.
- **Religious Holiday Adjustments** (*See excerpts from the IU Religious Holiday Schedule*) – as often happens, this proposal makes an adjustment in the schedule due to religious holidays (typically Passover, Rosh Hashanah, or Yom Kippur). As noted above, the latter is on the second Wednesday in October and has led to moving that meeting to the following night. I can use your help in determining whether there are other religious holidays to be observed. Please see the attached document from IU which lists religious holidays next year.

**CITY OF BLOOMINGTON, INDIANA**  
**ANNUAL COUNCIL LEGISLATIVE SCHEDULE FOR 2019**  
**(Subject to Revision by Common Council)**

**The Legislative Cycle.** While it is typical for the Council to introduce and take final action on legislation during the same legislative cycle, which typically spans three consecutive Wednesdays (or 14 days), the Council may schedule legislation for further consideration at subsequent Committees of the Whole, Regular Sessions, or Special Sessions. Matters certified by the Plan Commission may be referred to the Land Use Committee which, unless given more time by that motion, may return the matter to the full Council at the second Regular Session following its referral to the Land Use Committee.

**Work Sessions.** Work Sessions provide an opportunity for the Council members to learn about City initiatives, most of which are close to formal consideration by the Council. (Please see Footnote #6 for the broadened purpose of the meeting held at the end of July.) These meetings will be held in the Council Office Library (Room 110 of City Hall) at noon. If the room is too small for the meeting, the Council may move it to another room in City Hall and post notice on the door of the Council Office the day of the change in location. Except for the meetings on Monday, December 18, 2018, Thursday, April 18, 2018, and Monday, December 16, 2019, these meetings will be held on a Friday.

**Deadlines for Legislation:** There are typically two deadlines for submitting legislation for each legislative cycle: one for ordinances and another for resolutions. These deadlines include the submittal of all accompanying materials, including a summary memo, and are set at noon on the date listed above. For information on the manner for submitting these materials, please inquire with the Council Office.

**Usual Day, Location, and Time of Meetings:** Unless otherwise indicated, the Council meets on the first four Wednesdays of the month in the Council Chambers in Room 115 of the Showers Center, 401 North Morton, at 6:30 p.m. It also meets for a Work Session on Fridays about 10 days before the beginning of the next legislative cycle. See the first column of the chart (below) and Work Session (above) for the day, time, location of those meetings and the typical topics discussed at them. Matters certified by the Plan Commission to the Common Council may be referred to the Land Use (Standing) Committee. When considering those matters, the Land Use Committee, as a standing committee of the Council, shall meet on the second and fourth Wednesday of the month and start its meeting between 5:30 pm and 9:45 pm. (BMC 2.04.255)

LEGIS CYCLE	WORK SESSIONS	DEADLINE FOR ORDINANCES; E-MAILED TO CCL BY NOON	DEADLINE FOR RESOLUTIONS; E-MAILED TO CCL BY NOON	REGULAR SESSION 1st READING FOR ORDS.	COMMITTEE OF THE WHOLE/ LAND USE COMMITTEE DISCUSSION	REGULAR SESSION 2nd READINGS AND RESOLUTIONS
1	Mon. Dec. 17 (2018)	Wed. Dec. 19 (2018)	Wed. Dec. 19 (2018)	<sup>1</sup> Jan. 9	<sup>1</sup> Jan. 9	Jan. 16
2	Fri. Jan. 4	Mon. Jan. 7	Mon. Jan. 14	Jan. 16	Jan. 23	Feb. 6
3	Fri. Jan 25	Mon. Jan. 28	Mon. Feb. 4	Feb. 6	Feb. 13	Feb. 20
4	Fri. Feb. 8	Mon. Feb. 11	Mon. Feb. 18	Feb. 20	Feb. 27	Mar. 6
5	Fri. Feb. 22	Mon. Feb. 25	Mon. Feb. 25	<sup>2</sup> Mar. 6	<sup>2</sup> Mar. 6	Mar. 20
6	Fri. Mar. 8	Fri. Mar. 8	Mon. Mar. 18	Mar. 20	Mar. 27	Apr. 3
7	Fri. Mar. 22	Mon. Mar. 25	Mon. Apr. 1	Apr. 3	Apr. 10	Apr. 17
8	Fri. Apr. 5	Mon. Apr. 8	Fri. Apr. 12	Apr. 17	Apr. 24	May 1
9	Thu. Apr. 18	Mon. Apr. 22	Mon. Apr. 29	<sup>3</sup> May 1	May 8	May 15
10	Fri. May 3	Fri. May 3	Mon. May 13	May 15	May 22	<sup>4</sup> May 29
11	Fri. May 17	Mon. May 20	Fri. May 24	<sup>4</sup> May 29	<sup>4</sup> June 5	<sup>4 &amp; 5</sup> June 12
12	Fri. May 31	Mon. June 3	Mon. June 10	4 & 5 June 12	4 June 19	<sup>4</sup> June 26
SUMMER RECESS (ENDING WITH INTERNAL WORK SESSION ON JULY 26 AND DEPARTMENTAL BUDGET HEARINGS (STARTING ON MONDAY, AUGUST 19) <sup>3</sup> )						
13	<sup>6</sup> Fri. July 26	Mon. July 29	Mon. July 29	<sup>6</sup> Aug 7	<sup>6</sup> Aug. 7	<sup>6</sup> Aug. 14
14	Fri. Aug. 2	Mon. Aug. 5	Mon. Aug. 12	<sup>6</sup> Aug. 14	Aug. 28	Sep. 4
15	Fri. Aug. 16	Mon. Aug. 26	Fri. Aug. 30	Sep. 4	Sep. 11	<sup>7</sup> Sep. 18
Budget	N/A	Mon. Sep. 9	Mon. Sep. 9	<sup>8</sup> Sep. 25	<sup>8</sup> Sep. 25	<sup>8</sup> Oct. 10
16	Fri. Sept. 6	Mon. Sept. 9	Mon. Sept. 16	<sup>7</sup> Sep. 18	<sup>7</sup> Oct. 2	<sup>7</sup> Oct. 16
17	Fri. Oct. 4	Mon. Oct. 7	Mon. Oct. 14	Oct. 16	Oct. 23	<sup>9</sup> Oct. 30
18	Fri. Oct. 18	Mon. Oct. 21	Mon. Oct. 28	<sup>9</sup> Oct. 30	<sup>9</sup> Nov. 6	<sup>9</sup> Nov. 13
19	Fri. Nov. 1	Fri. Nov. 1	<sup>9</sup> Wed. Nov. 6	<sup>9</sup> Nov. 13	<sup>9</sup> Nov. 20	Dec. 4
20	Fri. Nov. 15	Mon. Nov. 18	Mon. Dec. 2	Dec. 4	Dec. 11	<sup>4</sup> Dec. 18
YEAR END RECESS						
First Legislative Cycle for 2019:						
1	Mon. Dec. 16 (2019)	Wed. Dec. 18	Wed. Dec. 18	<sup>1</sup> Wed. Jan. 8 (2020)	<sup>1</sup> Wed. Jan. 8 (2020)	Wed. Jan. 15 (2020)

The following footnotes list and explain the exceptions to this general rule:

1. **Organizational Meeting.** The Council will hold an annual Organizational Meeting on this date when, along with other matters, it elects officers, appoints its members to serve on boards and commissions, and gives legislation first reading. Under local code, the meeting must be held by the second Wednesday in January unless rescheduled by a majority of the Council. (BMC 2.04.010 and BMC 2.04.050[a, c & d]). This meeting will be immediately followed by a Committee of the Whole.
2. **Spring Break.** The Council will hold its first Regular Session and first Committee of the Whole in March on the first Wednesday (March 6, 2019). This schedule calls for two meetings on one night in order to avoid meeting over Spring Break (when many residents are out-of-town).
3. **Budget Hearings.** The Council will hold a Council Budget Advance in the McCloskey Room (Room 135) of City Hall at 5:30 p.m. on Tuesday, April 30 and Departmental Budget Hearings in the Council Chambers at 6:00 p.m. on Monday, August 19, Tuesday, August 20, Wednesday, August 21, and Thursday, August 22, 2019. Budget Books are scheduled to be delivered on Monday, August 13, which is one week before the start of the Departmental Budget Hearings.
4. **Summer Recess.** BMC 2.04.050[e] & [g] call for the Council to take a brief recess after the first Regular Session in August and the second Regular Session in December, and not introduce legislation for first reading at these meetings. By approving this Annual Schedule, the Council will be starting and ending the Summer Recess earlier than set forth in the BMC. The Summer Recess will begin after the second legislative cycle in June and end with a Work Session on Friday, July 26. Please note that this will move one legislative cycle from before to after the Summer Recess. In order to begin the Summer Recess before the end of June, this schedule will also use the fifth Wednesday in May to move the last two legislative cycles before the Summer Recess up one week. This results in a Regular Session on May 29, Committee of the Whole on June 5, Regular Session on June 12, Committee of the Whole on June 19, and Regular Session on June 26.
5. **Tax Abatement Report.** The Council will hear the Annual Tax Abatement Report as a Report from the Mayor and City Offices at this Regular Session.
6. **Summer Schedule Adjustment.** As mentioned in Footnote #4, this Annual Schedule moves one legislative cycle from before to after the Summer Recess and ends that recess earlier than usual. That legislative cycle includes a Work Session on Friday, July 26, a Regular Session and Committee of the Whole on August 7 and a Regular Session on August 14. Please note that statute (IC 36-4-6-7) and local code (BMC 2.04.050[a]) require the Council to hold regular meetings at least once a month. By adoption of this Annual Schedule, the Council is intending for the Work Session on July 26 to comply with this requirement. The President of the Council will approve the agenda and a quorum of the Council will be necessary to conduct any business.
7. **Cycle after the Budget.** The second legislative cycle in September overlaps with the Budget Cycle and is intended to allow for consideration of routine, non-budget legislation during that time. That schedule results in the second legislative cycle spanning from the third Wednesday in September to the third Wednesday in October. Those meetings will include a Regular Session on Wednesday, September 18, a Committee of the Whole on October 2 (a first Wednesday), and a Regular Session on October 16. In essence, this arrangement replaces one legislative cycle in early October with the Budget Cycle.
8. **Budget Cycle Schedule.** After holding Departmental Budget Hearings in the mid-August (See Footnote #3), the Council will formally consider the City Budget for 2019 during a separate legislative cycle (known as the "Budget Cycle") starting in late September and ending in early October. In keeping with the Wednesday meeting schedule, this Budget Cycle typically starts with a Special Session and Committee of the Whole on the fourth Wednesday in September and ends with a Special Session on the second Wednesday in October. However, because Yom Kippur (Jewish High Holy Day) falls on Wednesday, October 9, the Budget Cycle in 2019 will entail a Special Session and Committee of the Whole on Wednesday, September 25 and a Special Session on Thursday, October 10. Please note that the statutorily required initial public hearings associated with the City Budget package will be held during the aforementioned Committee of the Whole in September and the adoption hearings will be held at the Special Budget Session in October.
9. **Scheduling around Thanksgiving.** The Council will not meet for a Committee of the Whole on the Wednesday before Thanksgiving per BMC 2.04.050 (f). In order to hold a full complement of Wednesday meetings during the two legislative cycles in November, this schedule starts the first legislative cycle in November on the fifth Wednesday of October. The meetings in those legislative cycles include: a Regular Session on Wednesday, October 30, a Committee of the Whole on Wednesday, November 6, a Regular Session on Wednesday, November 13, a Committee of the Whole on Wednesday, November 20 and a Regular Session on Wednesday, December 4.

*Note: By adoption of this schedule, the Council gives staff the authority to correct typographical errors and align the footnotes and narrative to mesh with changes made in the course of Council approval of this schedule. These changes will not alter the date, time, or place of any meeting voted upon by the Council.*

**CITY OF BLOOMINGTON, INDIANA**  
**ANNUAL COUNCIL LEGISLATIVE SCHEDULE FOR 2019**  
**(Subject to Revision by Common Council)**

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**Work Sessions.** Work Sessions provide an opportunity for the Council members to learn about City initiatives, most of which are close to formal consideration by the Council. These meetings will be held in the Council Office Library (Room 110 of City Hall) at noon. If the room is too small for the meeting, the Council may move it to another room in City Hall and post notice on the door of the Council Office the day of the change in location. Except for the meetings on Monday, December 18, 2018, Thursday, April 18, 2018, and Monday, December 16, 2019, these meetings will be held on a Friday.

**Deadlines for Legislation:** There are typically two deadlines for submitting legislation for each legislative cycle: one for ordinances and another for resolutions. These deadlines include the submittal of all accompanying materials, including a summary memo, and are set at noon on the date listed above. For information on the manner for submitting these materials, please inquire with the Council Office.

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LEGIS CYCLE	WORK SESSIONS	DEADLINE FOR ORDINANCES; E-MAILED TO CCL BY NOON	DEADLINE FOR RESOLUTIONS; E-MAILED TO CCL BY NOON	REGULAR SESSION 1st READING FOR ORDS.	COMMITTEE OF THE WHOLE/ LAND USE COMMITTEE DISCUSSION	REGULAR SESSION 2nd READINGS AND RESOLUTIONS
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5	Fri. Feb. 22	Mon. Feb. 25	Mon. Feb. 25	<sup>2</sup> Mar. 6	<sup>2</sup> Mar. 6	Mar. 20
6	Fri. Mar. 8	Fri. Mar. 8	Mon. Mar. 18	Mar. 20	Mar. 27	Apr. 3
7	Fri. Mar. 22	Mon. Mar. 25	Mon. Apr. 1	Apr. 3	Apr. 10	Apr. 17
8	Fri. Apr. 5	Mon. Apr. 8	Fri. Apr. 12	Apr. 17	Apr. 24	May 1
9	Thu. Apr. 18	Mon. Apr. 22	Mon. Apr. 29	<sup>3</sup> May 1	May 8	May 15
10	Fri. May 3	Fri. May 3	Mon. May 13	May 15	May 22	<sup>4</sup> May 29
11	Fri. May 17	Mon. May 20	Fri. May 24	<sup>4</sup> May 29	<sup>4</sup> June 5	<sup>4 &amp; 5</sup> June 12
SUMMER RECESS (ENDING WITH REGULAR SESSION ON JULY 31 AND DEPARTMENTAL BUDGET HEARINGS (STARTING ON MONDAY, AUGUST 19) <sup>3</sup> )						
12	Fri. July 19	Mon. July 22	Mon. July 22	<sup>6</sup> July 31	<sup>6</sup> July 31	<sup>6</sup> Aug 7
13	Fri. July 26	Mon. July 29	Mon. July 29	<sup>6</sup> Aug 7	<sup>6</sup> Aug. 7	<sup>6</sup> Aug. 14
14	Fri. Aug. 2	Mon. Aug. 5	Mon. Aug. 12	<sup>6</sup> Aug. 14	Aug. 28	Sep. 4
15	Fri. Aug. 16	Mon. Aug. 26	Fri. Aug. 30	Sep. 4	Sep. 11	<sup>7</sup> Sep. 18
Budget	N/A	Mon. Sep. 9	Mon. Sep. 9	<sup>8</sup> Sep. 25	<sup>8</sup> Sep. 25	<sup>8</sup> Oct. 10
16	Fri. Sept. 6	Mon. Sept. 9	Mon. Sept. 16	<sup>7</sup> Sep. 18	<sup>7</sup> Oct. 2	<sup>7</sup> Oct. 16
17	Fri. Oct. 4	Mon. Oct. 7	Mon. Oct. 14	Oct. 16	Oct. 23	<sup>9</sup> Oct. 30
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19	Fri. Nov. 1	Fri. Nov. 1	<sup>9</sup> Wed. Nov. 6	<sup>9</sup> Nov. 13	<sup>9</sup> Nov. 20	Dec. 4
20	Fri. Nov. 15	Mon. Nov. 18	Mon. Dec. 2	Dec. 4	Dec. 11	<sup>4</sup> Dec. 18

YEAR END RECESS

First Legislative Cycle for 2019:

1	Mon. Dec. 16 (2019)	Wed. Dec. 18	Wed. Dec. 18	<sup>1</sup> Wed. Jan. 8 (2020)	<sup>1</sup> Wed. Jan. 8 (2020)	Wed. Jan. 15 (2020)
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(Over)

The following footnotes list and explain the exceptions to this general rule:

1. **Organizational Meeting.** The Council will hold an annual Organizational Meeting on this date when, along with other matters, it elects officers, appoints its members to serve on boards and commissions, and gives legislation first reading. Under local code, the meeting must be held by the second Wednesday in January unless rescheduled by a majority of the Council. (BMC 2.04.010 and BMC 2.04.050[a, c & d]). This meeting will be immediately followed by a Committee of the Whole.
2. **Spring Break.** The Council will hold its first Regular Session and first Committee of the Whole in March on the first Wednesday (March 6, 2019). This schedule calls for two meetings on one night in order to avoid meeting over Spring Break (when many residents are out-of-town).
3. **Budget Hearings.** The Council will hold a Council Budget Advance in the McCloskey Room (Room 135) of City Hall at 5:30 p.m. on Tuesday, April 30 and Departmental Budget Hearings in the Council Chambers at 6:00 p.m. on Monday, August 19, Tuesday, August 20, Wednesday, August 21, and Thursday, August 22, 2019. Budget Books are scheduled to be delivered on Monday, August 13, which is one week before the start of the Departmental Budget Hearings.
4. **Summer Recess.** BMC 2.04.050[e] & [g] call for the Council to take a brief recess after the first Regular Session in August and the second Regular Session in December, and not introduce legislation for first reading at these meetings. By approving this Annual Schedule, the Council will be starting and ending the Summer Recess earlier than set forth in the BMC and earlier than has been done before. The Summer Recess will begin after the first legislative cycle in June and end with a Work Session on Friday, July 19. Please note that this will move two legislative cycles from before to after the Summer Recess. In order to begin the Summer Recess in mid-June, this schedule will also use the fifth Wednesday in May to move the last legislative cycle before the Summer Recess up one week. This results in a Regular Session on May 29, Committee of the Whole on June 5, and a Regular Session on June 12.
5. **Tax Abatement Report.** The Council will hear the Annual Tax Abatement Report as a Report from the Mayor and City Offices at this Regular Session.
6. **Summer Schedule Adjustment.** As mentioned in Footnote #4, this Annual Schedule moves two legislative cycles from before to after the Summer Recess and ends that recess earlier than usual. In order to avoid losing a legislative cycle (because of Departmental Budget Hearings), those two legislative cycles will entail doubling-up Regular Sessions and Committees of the Whole on both July 31 and August 7. Those legislative cycles include a Work Session on Friday, July 19, a Regular Session and Committee of the Whole on July 31, Regular Session and Committee of the Whole on August 7, and a Regular Session on August 14.
7. **Cycle after the Budget.** The second legislative cycle in September overlaps with the Budget Cycle and is intended to allow for consideration of routine, non-budget legislation during that time. That schedule results in the second legislative cycle spanning from the third Wednesday in September to the third Wednesday in October. Those meetings will include a Regular Session on Wednesday, September 18, a Committee of the Whole on October 2 (a first Wednesday), and a Regular Session on October 16. In essence, this arrangement replaces one legislative cycle in early October with the Budget Cycle.
8. **Budget Cycle Schedule.** After holding Departmental Budget Hearings in the mid-August (See Footnote #3), the Council will formally consider the City Budget for 2019 during a separate legislative cycle (known as the "Budget Cycle") starting in late September and ending in early October. In keeping with the Wednesday meeting schedule, this Budget Cycle typically starts with a Special Session and Committee of the Whole on the fourth Wednesday in September and ends with a Special Session on the second Wednesday in October. However, because Yom Kippur (Jewish High Holy Day) falls on Wednesday, October 9, the Budget Cycle in 2019 will entail a Special Session and Committee of the Whole on Wednesday, September 25 and a Special Session on Thursday, October 10. Please note that the statutorily required initial public hearings associated with the City Budget package will be held during the aforementioned Committee of the Whole in September and the adoption hearings will be held at the Special Budget Session in October.
9. **Scheduling around Thanksgiving.** The Council will not meet for a Committee of the Whole on the Wednesday before Thanksgiving per BMC 2.04.050 (f). In order to hold a full complement of Wednesday meetings during the two legislative cycles in November, this schedule starts the first legislative cycle in November on the fifth Wednesday of October. The meetings in those legislative cycles include: a Regular Session on Wednesday, October 30, a Committee of the Whole on Wednesday, November 6, a Regular Session on Wednesday, November 13, a Committee of the Whole on Wednesday, November 20 and a Regular Session on Wednesday, December 4.

*Note: By adoption of this schedule, the Council gives staff the authority to correct typographical errors and align the footnotes and narrative to mesh with changes made in the course of Council approval of this schedule. These changes will not alter the date, time, or place of any meeting voted upon by the Council.*

## 2018–2019

### 1st Semester

Beginning of Ramadan	<u>Islamic</u>	May 16*#	Wednesday
Eid-al-Fitr (Eid-ul-Fitr) (first day of Shawwal)	Islamic	June 15*	Friday
Eid-al-Adha	Islamic	Aug. 21*#+	Tuesday
Rosh Hashanah [New Year]	<u>Jewish</u>	Sept. 10-11*	Mon.-Tuesday
Al-Hijra (Muharram) (New Year)	Islamic	Sept. 11*	Tuesday
Yom Kippur [Day of Atonement]	Jewish	Sept. 19*	Wednesday
Aashura (10th day of Muharram)	Islamic	Sept. 20*	Thursday
Autumn Equinox (EDT)	<u>Equinox / Solstice</u>	Sept. 22	Saturday
Sukkot [Feast of Tabernacles]	Jewish	Sept. 24-25*	Mon.-Tuesday
Shemini Atzeret & Simchat Torah	Jewish	Oct. 1-2*	Mon.-Tuesday
Birth of the Báb	<u>Bahá'í</u>	Oct. 20*	Saturday
Birth of Bahá'u'lláh	Bahá'í	Nov. 12*	Monday
Mawlid-al-Nabi (Muhammed's birthday)	Islamic	Nov. 20*	Tuesday
Day of the Covenant	Bahá'í	Nov. 26*	Monday
Ascension of 'Abdu'l-Bahá	Bahá'í	Nov. 28*	Wednesday
Hanukkah (Chanukah) [8-day Feast]	<u>Jewish</u>	Dec. 3-10*	Mon.-Monday
Bodhi Day (Rohatsu)	<u>Buddhist</u>	Dec. 8	Saturday
Winter Solstice (EST)		Dec. 21	Friday
Christmas	Western Christian	Dec. 25	Tuesday
Kwanzaa	<u>Interfaith / African-American</u>	Dec. 26-Jan. 1	Wed.-Tuesday

\*Holy days start at sundown on evening preceding first day and end at sundown or nightfall of concluding date.

#All dates are from Fiqh Council of North America (FCNA) and European Council for Fatwa and Research (ECFR) adopted Islamic Calendar. For events based on sightability of the moon in North America, those denoted with "#" will be the next day from these dates.

+These dates may be changed by Saudi Arabia to the next day due to Solar Eclipse on New Moon Day.

## 2018–2019

### January 2019 - Note from Council Office

### 2nd Semester

Gantan-sai (New Year)	<u>Shinto</u>	Jan. 1	Tuesday
Feast of the Nativity	<u>Eastern Orthodox</u>	Jan. 7	Monday
Asian Lunar New Year [Year of the Boar]	<u>Chinese</u>	Feb. 5	Tuesday
Vernal Equinox (EDT)		March 20	Wednesday
Naw-Rúz (Bahá'í New Year)	Bahá'í	March 21*	Thursday
Purim	Jewish	March 21*	Thursday
Palm Sunday	Western Christian	April 14	Sunday
Good Friday	Western Christian	April 19	Friday
Passover (Pesach), 1st two days	Jewish	April 20-21*	Sat.-Sun.
Easter	<u>Western Christian</u>	April 21	Sunday

Palm Sunday	Eastern Orthodox	April 21	Sunday
Ridvan Festival, 1st of 12 days	Bahá'í	Apr. 21*	Sunday
Holy Friday	Eastern Orthodox	April 26	Friday
Passover (Pesach), concluding days	Jewish	Apr. 26-27*	Fri.-Sat.
Pascha	<u>Eastern Orthodox</u>	April 28	Sunday
9th Day of Ridvan	Bahá'í	Apr. 29*	Monday
12th Day of Ridvan	Bahá'í	May 2*	Thursday

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## 2019

### Summer Sessions

Beginning of Ramadan	Islamic	May 6*	Monday
Declaration of the Báb	Bahá'í	May 23*	Thursday
Ascension of Bahá'u'lláh	Bahá'í	May 29*	Wednesday
Eid-al-Fitr (Eid-ul-Fitr) (first day of Shawwal)	Islamic	June 4*#	Tuesday
Shavuot (Feast of Weeks)	Jewish	June 9-10*	Sun.-Mon.
Summer Solstice (EDT)		June 21	Friday
Martyrdom of the Báb	Bahá'í	July 9*	Tuesday

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## 2019–2020

### 1st Semester

Beginning of Ramadan	<u>Islamic</u>	May 6*	Monday
Eid-al-Fitr (Eid-ul-Fitr) (first day of Shawwal)	Islamic	June 4*#	Tuesday
Eid-al-Adha	Islamic	Aug. 11*	Sunday
Al-Hijra (Muharram) (New Year)	Islamic	Aug. 31*#	Saturday
Aashura (10th day of Muharram)	Islamic	Sept. 9*#	Monday
Autumn Equinox (EDT)	<u>Equinox / Solstice</u>	Sept. 23	Monday
Rosh Hashanah [New Year]	<u>Jewish</u>	Sept. 30-Oct. 1*	Mon.-Tuesday
Yom Kippur [Day of Atonement]	Jewish	Oct. 9*	Wednesday
Sukkot [Feast of Tabernacles]	Jewish	Oct. 14-15*	Mon.-Tuesday
Birth of the Báb	Bahá'í	Oct. 20*	Sunday
Shemini Atzeret & Simchat Torah	Jewish	Oct. 21-22*	Mon.-Tuesday



Mawlid-al-Nabi (Muhammed's birthday)	Islamic	Nov. 9*#	Saturday
Birth of Bahá'u'lláh	Bahá'í	Nov. 12*	Tuesday
Day of the Covenant	Bahá'í	Nov. 26*	Tuesday
Ascension of 'Abdu'l-Bahá	Bahá'í	Nov. 28*	Thursday
Bodhi Day (Rohatsu)	<u>Buddhist</u>	Dec. 8	Sunday
Winter Solstice (EST)		Dec. 21	Saturday
Hanukkah (Chanukah) [8-day Feast]	<u>Jewish</u>	Dec. 23-30*	Mon.-Monday
Christmas	Western Christian	Dec. 25	Wednesday
Kwanzaa	<u>Interfaith / African-American</u>	Dec. 26-Jan. 1	Thursday-Wed.

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## 2019–2020

### 2nd Semester

Gantan-sai (New Year)	<u>Shinto</u>	Jan. 1	Wednesday
Feast of the Nativity	<u>Eastern Orthodox</u>	Jan. 7	Tuesday
Asian Lunar New Year [Year of the Rat]	<u>Chinese</u>	Jan. 25	Saturday
Purim	Jewish	March 10*	Tuesday
Vernal Equinox (EDT)		March 19	Thursday
Naw-Rúz (Bahá'í New Year)	Bahá'í	March 21*	Saturday
Palm Sunday	Western Christian	April 5	Sunday
Passover (Pesach), 1st two days	Jewish	April 9-10*	Thurs.-Friday
Good Friday	Western Christian	April 10	Friday
Easter	<u>Western Christian</u>	April 12	Sunday
Palm Sunday	Eastern Orthodox	April 12	Sunday
Passover (Pesach), concluding days	Jewish	Apr. 15-16*	Wed.-Thursday
Holy Friday	Eastern Orthodox	April 17	Friday
Pascha	<u>Eastern Orthodox</u>	April 19	Sunday
Ridvan Festival, 1st of 12 days	Bahá'í	Apr. 21*	Tuesday
Beginning of Ramadan	Islamic	April 24*#	Friday
9th Day of Ridvan	Bahá'í	Apr. 29*	Wednesday
12th Day of Ridvan	Bahá'í	May 2*	Saturday

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