

City of Bloomington Common Council

Legislative Packet

Wednesday, 02 October 2019

Regular Session - 6:30 PM

For legislation and background material regarding Ordinance 19-19, consult [18 September 2019 Legislative Packet](#).

Legislation and background material regarding Ordinance 19-24, Resolution 19-15, Resolution 19-16, and Resolution 19-17 are contained herein.

NOTE: The previously proposed Joint Session between the City of Bloomington and Monroe County will not occur and has been postponed with the date and time yet to be determined.

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

Office of the Common Council
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Bloomington, Indiana 47402
812.349.3409
council@bloomington.in.gov
<http://www.bloomington.in.gov/council>

City of
Bloomington
Indiana



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

Office of the Common Council
(812) 349-3409
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To: Council Members
From: Council Office
Re: Weekly Packet
Date: 27 September 2019

LEGISLATIVE PACKET CONTENTS

REGULAR SESSION: WEDNESDAY, 02 OCTOBER 2019 [6:30 PM]

- Memo from Council Office
- Regular Session Agenda
- Notice for Regular Session to begin at 6:30 pm

Regular Session - Second Reading

- Resolution 19-15 Preliminary Approval to Issue Economic Development Bonds and Lend the Proceeds for the Renovation of Affordable Housing – Re: Walnut Woods, 818 E. Miller Drive, and Reverend Butler Apartments, 1202 W. 11th Street (Bloomington RAD, I, LP, Petitioner)
 - Map of Sites (See PowerPoint Presentation – below);
 - Memo from Larry Allen, Assistant City Attorney, Legal Department
 - PowerPoint Presentation to EDC (and Council);
 - EDC Res 19-04;

Contact:
Larry Allen at 812-349-3426 or allenl@bloomington.in.gov
- Resolution 19-17– To Declare the Second Monday of October as Indigenous Peoples’ Day in the City of Bloomington and Encouraging Other Institutions to Recognize the Day
 - Insert with Quote from Cm. Piedmont-Smith

Contact Sponsors:
Cm. Chopra (chopraa@bloomington.in.gov), Granger (grangerd@bloomington.in.gov), and Piedmont-Smith (piedmoni@bloomington.in.gov)
- Resolution 19-16 To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regards to the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG)
 - Interlocal Cooperation Agreement Re: 2019 JAG Funds;
 - Memo to Council from Philippa Guthrie, Corporation Counsel;
 - Budget Narrative
 - Program Narrative

Contact: *Mike Rouker, City Attorney, 812.349.3426, roukerm@bloomington.in.gov*

(continued)

First Reading

- Ordinance 19-24 To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance"
 - Attachment A - [UDO Adoption Draft](#) (released August 2019 and revised September 2019);
 - Attachment B – Technical and grammatical amendments (to be inserted into Attachment A and together become the Consolidated Attachment A & B);
 - Attachment C - Future Amendments adopted by the Council;
 - Certification - (9-0-0) – 25 September 2019
 - Staff Report to the Council – Scott Robinson, Assistant Director, P&T
 - Summary of Significant Changes to the UDO – from Clarios

Contact:

Scott Robinson at 812-349-3423, robinsos@bloomington.in.gov

Minutes

25 September 2019 – Special Session

REGULAR SESSION ON WEDNESDAY, 02 OCTOBER 2019, AT-A-GLANCE, 6:30 PM

Second Readings

- Resolution 19-15 Preliminary Approval to Issue Economic Development Bonds and Lend the Proceeds for the Renovation of Affordable Housing – Re: Walnut Woods, 818 E. Miller Drive, and Reverend Butler Apartments, 1202 W. 11th Street (Bloomington RAD, I, LP, Petitioner)
- Ordinance 19-19 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" - Re: Amending Title 2 to Create a Procedure to Address Conflicts of Interest by Employees Responsible for Issuing Permits
→ *Please see the Council Legislative Packet issued for the [18 September 2019 Regular Session](#) for the legislation, materials, and summary.*
- Resolution 19-17 - To Declare the Second Monday of October as Indigenous Peoples' Day in the City of Bloomington and Encouraging Other Institutions to Recognize the Day
- Resolution 19-16 – To Approve an Interlocal Cooperation Agreement with the County in Regards to Use of 2019 Edward Byrne Memorial Justice Assistance Grant (JAG)

→ *Please see this packet for the legislation, materials, and summaries regarding [Resolution 19-15](#), [Resolution 19-17](#), and [Resolution 19-16](#).*

First Reading

- Ordinance 19-24 To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance"
→ ***Anticipated Action: Motion to Schedule Further Deliberations***
→ *Please see this packet for the legislation, materials, and summaries.*

PRELIMINARY MATTERS – REMINDERS FOR THE WEEK, ETC.

Reminders of Other Meetings (Whether being held or being postponed) of Interest:

Wednesday

*** Note** *The Joint Session of City and County Executives and Fiscal Bodies proposed for this date has been postponed until a yet-to-be-determined date and time.*

6:30 pm **Common Council – Regular Session** **Council Chambers**

Friday

12:00 pm **Common Council – Internal Work Session** **Council Library**

REGULAR SESSION – SECOND READINGS – NEW MATERIALS - SUMMARY

Item 1:

Resolution 19-15 - Supporting Tax Exempt Financing for the Acquisition and Renovation of Walnut Woods (818 E. Miller Drive) and Reverend Butler Apartments (1202 W. 11th Street - RAD I, LP, Petitioner

This resolution follows upon an action the Council took earlier this year to amend its almost 50-year-old Cooperation Agreement with the Bloomington Housing Authority (BHA).¹ The purpose of that Cooperation Agreement was to build and operate federally-funded low income housing and the recent changes allow for the Bloomington Housing Authority to pursue the Housing and Urban Development (HUD)-supported Rental Assistance Demonstration (RAD) program. The RAD program would, in turn, help the BHA renovate its units much sooner than would otherwise occur under current federal funding.

Through the RAD program, BHA will be able to “give housing vouchers directly to its residents” and “[a]s a result, has engaged RAD I, LP to acquire and renovate these development.” By sale of rental housing tax credits (RHTCs) through the Indiana Housing & Community Development Authority (IHCDA) and the issuance of associated tax exempt bonds by the City, Bloomington RAD I, LP, intends to invest up to \$11 million² toward acquiring and renovating these two apartment complexes by about 18-20 months after the financing closes (which is expected to occur during Q1 of 2020).

¹ See Resolution 19-08 which is contained and summarized in the [Council Legislative Packet](#) issued for the 12 June 2019 Regular Session.

² Tyler Kalichni, Ice Miller, explained that the amount to be issued via bonds should be lower than the \$11 million (which includes “a cushion” in the event “more bonds need to be sold at a discount” without seeking further approval of the Council. He also indicated that half of the total costs of development and acquisition will be financed by these bonds. Approximately \$4.5 million would go toward acquisition of the property and approximately \$6.7 million would go toward its rehabilitation.

Please note that the City has authorized what are also known as private-activity bonding to support affordable housing in the past. These include Limestone Apartments (formerly Canterbury House at 540 S. Basswood Court - [Res 18-27](#) and [Ord 19-10](#)),³ Henderson Court Apartments (2475 Winslow Court Henderson Courts Apartment - [Res 07-17](#)) and Willow Manor Apartments (3910 S. Walnut - [Res 01-07](#)). Along with Council Office files, this summary is based upon the legislation and memo provided by Larry Allen, Assistant City Attorney, and the information and material provided by representatives from Brinshore, a “turnkey developer of the project,” acting on behalf of Bloomington RAD I, LP.

The Project and Proposed Benefits.

BHA owns and operates Reverend Butler Apartments located at 1202 West 11th Street containing 56 units built in 1972 and Walnut Woods Apartments, located at 818 East Miller Drive containing 60 units built in 1981. There are eight employees who work at BHA and those positions will be retained. The memo describes the project as follows:

Bloomington RAD I, LP proposes to invest more than \$5 million in capital improvements to address significant needs at the properties. The renovations will focus on addressing code requirements⁴, environmental remediation, handicap accessibility, structural repair, unit modernization, improvements in energy efficiency, street appeal and site work. The work will include reconfiguring units to accommodate wheelchairs, safety features including new hardwired smoke detectors, new flooring throughout all units, new kitchen cabinets, countertops, addition of dishwashers and washers and dryers, high efficiency furnaces and air conditioner condensers, new roofs, handicap ramps, and site lighting. It has been estimated that the renovations will cost approximately \$53,000 per unit.⁵

Financing and Bonding Process. As noted above, Bloomington RAD I, LP is seeking tax credits and the issuance of a maximum of \$11 million in tax exempt revenue bonds with the proceeds to be used to reimburse the developer for costs associated with the acquisition, renovation, improvement, and equipping of these affordable housing complexes. The combination of the tax credits and tax exempt bonds allows owners to bring in an investor/partner (typically a bank) and all are an integral part of the Project. The term “acquisition” does not imply that the management will change, but rather that an investor/partner will infuse capital (with the help of the tax credits) to obtain most of the monetary risk in, (and ownership of) the Project. The PowerPoint indicates that both sites will be “owned and managed by partnership ([between the] investor LP and [the] BHA instrumentality - Summit Hill CDC, GP).

Upon adoption of the resolution, the petitioner will include it in their application for a combined tax credit and tax exempt bond financing from the Indiana Housing & Community Development Authority (IHCDA). The IHCDA will then consider this application along with others when deciding how to allocate its annual limit for revenue bonding. The location of these sites in a “qualified census tract that IHCDA considers a distressed area for development ... would allow for additional tax credits.”⁶ Should this package of financing succeed, then the petitioner can save about 1% in financing costs by coming back to the Council

³ The initial inducement resolution ([Resolution 18-27](#)) was contained and summarized in the [Council Legislative Packet](#) issued for the 12 December 2018 Special Session. The subsequent ordinance authorizing these bonds ([Ordinance 19-10](#)) was contained and summarized in the [Council Legislative Packet](#) issued for the 17 April 2019 Regular Session.

⁴ Tyler Kalichik, Ice Miller, explained that, while the buildings are “grandfathered,” once this level of rehabilitation is initiated, they must be brought up to current code standards. He also noted that an inspection had been done by IHCDA to “identify issues that need to be addressed in the scope of the rehabilitation.”

⁵ Memo, Rehabilitation Project, p.2.

⁶ Memo, Rehabilitation Project, p. 2.

with an ordinance, rather than obtain financing through the IHCD.7 As indicated above and in the memo, the City lends its name to these bonds, they do not become a debt or financial obligation of the City:

Bloomington RAD I, LP would assume total liability for bond payments and fully indemnify the City via a financing agreement. This would exert no effect on the City's constitutional debt limit or bank qualified limit. In essence, the City acts only as a "Conduit" – allowing the borrower to access capital at a tax-exempt rate and receive equity for the project in the form of tax credits.⁸

The resolution, in brief:

- Recites the City's authority under IC 36-7-11.9 & 12 to issue revenue bonds for financing economic development facilities in this manner and for this purpose;
- Summarizes the Project and notes its support from the EDC;⁹
- Finds that the public purpose (which includes diversification of industry and increase or retention of job opportunities [in this case - eight jobs]) to be achieved by this Project will be a public benefit to the issuer and its citizens; and
- States that the "Council has considered whether the Project will have an adverse competitive effect on similar facility already constructed or operating in" the City;
- Finds¹⁰ that it is desirable and in the public interest for the City take such action as they lawfully may in this community to encourage the public purposes served by the Project (as stated above);
- Asserts that the City approves/confirms that the issuing up to \$11 million of revenue bonds for the acquisition, renovation, improvement, and equipping of the Project will serve the above public purposes in accordance with statute;
- Asserts that, in order to induce the applicant to proceed with the Project, the City agrees that it will take such steps necessary to aid in the issuance of these bonds (including the adoption of ordinances) and any refinancing bonds necessary to complete the Project (providing the Project continues to satisfy the public purposes set forth in statute) and, further providing, that all of the foregoing are mutually acceptable to the City and Applicant;
- Provides for a broad definition of costs that may be paid out of bond proceeds that are consistent with applicable federal tax and state laws; and
- Provides that the resolution constitutes "official action" of the Council as required by federal treasury regulations.

Item 3:¹¹

Resolution 19-17 - To Declare the Second Monday of October as Indigenous Peoples' Day in the City of Bloomington and Encouraging Other Institutions to Recognize the Day

Resolution 19-17 establishes the second Monday of October as Indigenous Peoples' Day. It is sponsored by Cms. Chopra, Granger & Piedmont-Smith, recounts the history and contributions of native peoples, and states that this date shall be an opportunity to celebrate the culture and values of indigenous peoples in Bloomington and more broadly. It also encourages local organizations to recognize this day. Previously recognized by the City calendar as Columbus Day, this day was renamed "Fall Holiday" in 2016. The Mayor proclaimed October 8, 2018 last

⁷ Memo, Financing Process, p. 2.

⁸ Memo, Financing Process, p.2

⁹ The EDC adopted Res 19-04 at its 21 August 1019 meeting.

¹⁰ Note that the ordinance states that the Council "finds, determinss, ratifies, and confirms" various assertions, which for the sake of simplicity, are captured under the term "finds."

¹¹ Item 2 does not include new material and is not listed here.

year, making Bloomington the first city in the state to celebrate it.

The second Monday of October is traditionally observed as a holiday every four years by the City during non-election years in place of the November Election Day holiday. There is no anticipated change from this routine if the resolution is passed. However, it is the intention of the resolution that Indigenous Peoples Day be recognized each year in some way.

As Cm. Piedmont-Smith stated in a recent Press Release: "Our state name means the 'land of the Indians,' but we know that European settlers displaced many American Indian tribes or First Nations since the 18th century. This resolution is a small step toward recognizing the legacy of these native peoples, their continued cultural impact, and the history of mistreatment in the state and region that we are still working to overcome."

Item 4:

Resolution 19-16 – To Approve an Interlocal Cooperation Agreement with the County Regarding Use of 2019 Edward Byrne Memorial Justice Assistance Grant (JAG)

Res 19-16 authorizes the execution of an Interlocal Cooperation Agreement with Monroe County regarding the disbursal of Edward Byrne Memorial Justice Assistance Grant (JAG) funds for 2019. The JAG grant is a federal grant program intended to allow local communities to target with greater specificity their crime-fighting needs. Intended to be flexible, JAG funds are to be used for the following:

- (A) Law Enforcement
- (B) Prosecution and Courts
- (C) Crime Prevention and Education
- (D) Corrections and Community Corrections
- (E) Drug Treatment and Enforcement
- (F) Planning, Evaluation, and Technology Improvement
- (G) Crime Victim and Witness Programs (Other Than Compensation)
- (H) Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

34 U.S.C.A. § 10152

This year, JAG funds dedicated to the Bloomington Police Department (BPD) and the Monroe County Sheriff's Office (Sheriff) amount to \$33,506.00, collectively. According to the supporting Memo submitted by Philippa Guthrie, Corporation Counsel, JAG funds are allocated proportionately to each law enforcement entity based on violent crime statistics reported to the FBI through the Uniform Crime Report over a recent three-year period. Based on this formula, the City will receive 80% (\$26,805.00) and the County 20% (\$6,701.00).

2019 Funds

This year, BPD will use its portion to purchase a TruNarc handheld narcotics analyzer, and the County will use its portion to acquire intervention devices for vehicle pursuits (which it sought last year as well).

BPD JAG Funds: Further Details

BPD will use its entire allocation towards purchase of a TruNarc handheld narcotics analyzer. According to the 2019 Edward Byrne JAG Grant Program Narrative:

The [Bloomington Police] Department currently has very limited capability currently to test narcotics beyond sending the substances to a state-wide laboratory which can often take months.

This grant falls under the priorities of Addressing Violent Crime, Officer Wellness and Safety, and Responding to the Opioid Crisis and will assist officer in identifying potentially illegal and / or harmful substances with a minimum of handling and exposure.

General Terms of the Agreement

As a precondition to an award, the City and the County must enter into an agreement which is attached to the resolution. In brief, the agreement:

- “reflects the commitments and understandings ... of the governmental entities in order to efficiently and effectively utilize proceeds” from the award;
- allocates the grant between the two entities to be used as stated above;
- makes each party solely responsible for their own actions in furnishing services under this agreement;
- requires each party to communicate and cooperate with each other and to make good-faith efforts to obtain all necessary funds and otherwise comply with the Agreement;
- conditions performance of the duties under the Agreement on the receipt of sufficient JAG funds; and,
- is to be narrowly construed in regard to the obligations of the parties and does not create rights for persons who have not signed it.

Since at least 2009, the City and County have cooperatively pursued JAG funds. Locally, these grants have helped acquire items such as: vehicle-mounted video recording equipment for marked police vehicles, automated external defibrillators, body cameras, an NC4 *Street Smart* computer program, eDesk kiosks, a telephone system, digital interviewing equipment, in-car cameras, security cameras in the downtown, vehicle locator equipment and software, tire deflation devices for vehicle pursuits, and special vehicles.¹²

REGULAR SESSION – FIRST READINGS – NEW MATERIALS – SUMMARY

Item 1:

Ordinance 19-24 To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, “Unified Development Ordinance”

Procedure for Consideration of a Replacement Zoning Ordinance – Anticipated Action on Wednesday, October 2nd

The short turn-around time between certification of this material (Wednesday, September 25th) and the introduction of this legislation (Wednesday, October 2nd) is dictated by statute, which calls for the Council to take up the replacement of a zoning ordinance at its first regular meeting after the Plan Commission certifies the proposal to the Council.¹³ At this meeting the Council either may adopt, reject, or amend the proposal or decide to further consider it.

Based upon discussion at the Council Work Session on September 27th, the Council is choosing the latter course where, under statute, the Council may schedule the proposal for a further hearing at any Regular or Special Session of the Council within 90 days of certification (which expires on December 24th). Please know that, in order to do so, the Council must:

¹² In 2013 and 2014, funds initially allocated for polygraph equipment and training (in 2011) and a secure server (in 2012) were reallocated for one of the above purposes.

¹³ IC 36-7-4-606(b)

- publish notice of the hearing at least 10 days before the date of the hearing,¹⁴ announce the hearing during a meeting, and enter the announcement in its memoranda and minutes.

The notice and announcement must state:

- the date, time, and place of the hearing and that:
- it pertains to the original zoning ordinance;
- written objections to the proposal filed with the City Clerk or with the County Auditor at or before the hearing will be heard; and
- the hearing may be continued from time to time as may be found necessary.

Given these dictates of statute and the local practice of not debating an ordinance at First Reading¹⁵ next Wednesday, the Council is expected to consider a motion to schedule this legislation for a further hearing. The date, time, and place of next meeting of this continued hearing is expected to occur at 6:00 pm on Wednesday, October 16th, which should be continued at other meetings in October to learn about and discuss the document and for consideration of amendments in mid-November and, in all likelihood, early December. In addition, deadlines for submission of amendments (by Council members) and time limits for speakers are expected to be discussed and may be included in the motion.

Council Review

As Scott Robinson, Assistant Director, Planning and Transportation, mentions in his memo, the [36-7-4-600 600 Series--Zoning ordinance](#) of the Indiana Code sets forth the manner in which localities may enact a zoning ordinance. For Council members, the key substantive review parameters are set forth in Indiana Code § 36-7-4-603, which directs that the legislative body “shall pay reasonable regard” to the following:

- the Comprehensive Plan (see above for the Memo’s perspective on congruence with this document);
- current conditions and the character of current structures and uses in each district;
- the most desirable use for which the land in each district is adapted;
- the conservation of property values throughout the jurisdiction; *and*
- responsible development and growth. (I.C. § 36-7-4-603)

Importantly, these are factors that a legislative body must *consider* when making a zone map change decisions. However, nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors.¹⁶

¹⁴ IC 36-7-4-606(b) and please note that under IC 36-7-4-606(d) the Plan Commission recommendations must also be on file in the Commission’s office at least 10 days before that hearing.

¹⁵ BMC 2.04.300(a)

¹⁶ Notably, Indiana courts have made clear that municipalities have wide latitude in approving in PUDs and need not always comply with its comprehensive plan. Instead, comprehensive plans are guides to community development, rather than instruments of land-use control. *Borsuk v. Town of St. John*, 820 N.E. 2d 118 (2005).

Guide to Materials

The aforementioned short turn-around time, precluded anything more than a cursory summary and, in one case, mere mention, of the materials submitted to the Council Office, which include the ordinance, interdepartmental memo, and summary of changes prepared by the consultant.

Ordinance 19-24

- repeals BMC Title 20 and replaces it with a document consisting of:
 - Attachment A - UDO Adoption Draft (released August 2019 and Revised September 2019;
 - Attachment B – technical and grammatical amendments to Attachment A which, when inserted therein, will result in a Consolidated Attachment A & B;
 - Attachment C – a placeholder for all the amendments adopted by the Council (which must be returned to the Plan Commission with a Statement of Reasons for them which, in turn, has 45 days to consider the rejection or amendment and report back to the Council).¹⁷
- Authorizes and directs the Clerk to oversee the process of consolidating the document; and
- Delays the effective date of this ordinance to coincide with the effective date of the “conversion zoning map” (which will follow in 2020, and be followed thereafter by a “comprehensive update to the district boundaries” in the form of a “New Zoning Map.”

Interdepartmental Memo

Scott Robinson’s memo:

- recounts the work done in concert with the Clarion, the consultant, since February 2018;
- recounts the Plan Commission deliberations over seven hearings in August and September;
- summarizes 25 amendments (or variants of amendments considered by the Plan Commission - with 15 adopted, 7 rejected, and 2 withdrawn;
- identifies three areas (amendments) for introduction at the Council regarding:
 - recommendations of the Environmental Commission;
 - cooperative housing; and
 - “a timely, transparent, and understandable method for calculating the “in-lieu” payments that can support affordable housing incentives;”
- describes and refers the reader to various online materials at <http://bloomington.in.gov/planning/udo/update>; and
- provides a link to statutory provisions and describes procedures after certification to the Council.

¹⁷ IC 36-7-4-606(g) – which also sets forth the scenarios and outcomes (including effective dates).

Unified Development Ordinance –Summary of Significant Changes from Current Regulations

- sets forth the goals of the repeal and replacement and provides a chapter-by-chapter overview of the significant changes.

As a start to understanding the changes, the Council Office staff sets forth this side-by-side comparison of the chapters in the current and proposed replacement Title 20 – Unified Development Ordinance:

	<u>Current UDO</u>	~ Length	<u>Proposed UTO</u>	~ Length
Ch 1	Ordinance Foundation	18 p	Ordinance Foundation	9 p
Ch 2	Zoning Districts	45 p	Zoning Districts	53 p
Ch 3	Overlay Districts	30 p	Use Regulations	34 p
Ch 4	Planned Unit Developments	10 p	Development Standards & Incentives	118 p
Ch 5	Development Standards	80+ p	Subdivision Regulations	19 p
Ch 6	Subdivision Regulations	14 p	Administration & Procedures	100 p
Ch 7	Design Standards	24 p	Definitions	58 p
Ch 8	Non-Conforming Lots, Sites, Structures, and Uses	8 p		
Ch 9	Processes, Permits, and Fees	87 p		
Ch 10	Enforcement & Penalties	5		
Ch 11	Definitions	122		

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL**

**REGULAR SESSION
6:30 P.M., WEDNESDAY, 02 OCTOBER 2019
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES

Special Session – 25 September 2019

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 19-15 Preliminary Approval to Issue Economic Development Bonds and Lend the Proceeds for the Renovation of Affordable Housing – Re: Walnut Woods, 818 E. Miller Drive, and Reverend Butler Apartments, 1202 W. 11th Street (Bloomington RAD, I, LP, Petitioner)

Committee Recommendation

N/A

2. Ordinance 19-19 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Amending Title 2 to Create a Procedure to Address Conflicts of Interest by Employees Responsible for Issuing Permits

Committee Recommendation

N/A

3. Resolution 19-17 To Declare the Second Monday of October as Indigenous Peoples’ Day in the City of Bloomington and Encouraging Other Institutions to Recognize the Day

Committee Recommendation

N/A

4. Resolution 19-16 To Approve an Interlocal Cooperation Agreement with the County in Regards to Use of 2019 Edward Byrne Memorial Justice Assistance Grant (JAG)

Committee Recommendation

N/A

VII. LEGISLATION FOR FIRST READING

1. Ordinance 19-24 To Repeal and Replace Title 20 of the Bloomington Municipal Code entitled, “Unified Development Ordinance”

Anticipated Action: Motion to Schedule Further Deliberations

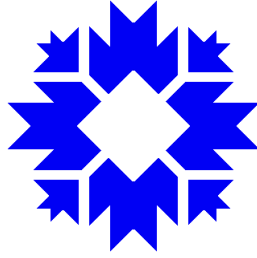
VIII. ADDITIONAL PUBLIC COMMENT*

(A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak. *Auxiliary aids are available upon request with adequate notice. Please call (812) 349-3409 or e-mail council@bloomington.in.gov.*



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

NOTICE

Wednesday, 02 October 2019

**The Council has decided to CANCEL
the *Committee of the Whole* and**

**HOLD a *Regular Session*
meeting at 6:30PM**

**Council Chambers (Suite #115) City Hall,
401 North Morton**

The previously proposed Joint Session between the City of Bloomington and Monroe County will not occur and has been postponed with the date and time yet to be determined.

This gathering constitutes 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.

Posted: Friday, 27 September 2019

RESOLUTION 19-15

PRELIMINARY APPROVAL TO ISSUE ECONOMIC DEVELOPMENT BONDS AND LEND THE PROCEEDS FOR THE RENOVATION OF AFFORDABLE HOUSING - Re: Walnut Woods, 818 E. Miller Drive, and Reverend Butler Apartments, 1202 W. 11th Street (Bloomington RAD I, LP, Petitioner)

WHEREAS, the City of Bloomington, Indiana (the "Issuer"), is authorized by IC 36-7-11.9 and 12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, improvement and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Bloomington RAD I, LP, an Indiana limited partnership, on behalf of itself or an affiliated to-be-formed Indiana limited partnership or limited liability company (the "Applicant"), has advised the Bloomington Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer lend proceeds of an economic development financing to the Applicant for the acquisition, renovation, improvement and equipping of multifamily housing facilities consisting of (a) an apartment complex known as Walnut Woods, containing approximately 60 apartment units located at 818 E. Miller Drive, Bloomington, Indiana, and (b) an apartment complex known as Reverend Butler Apartments containing approximately 56 units, each together with functionally related and subordinate facilities such as carports, garages and parking areas, located at 1202 W. 11th Street, Bloomington, Indiana (the "Project"); and

WHEREAS, on August 21, 2019, the Commission unanimously voted in support of RAD I, LP, to proceed with its application and to pursue issuing bonds as memorialized in Commission Resolution 19-04; and

WHEREAS, the diversification of industry and increase in or retention of job opportunities (approximately 8 existing jobs to be retained) to be achieved by the acquisition, renovation, improvement and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the Common Council has considered whether the Project will have an adverse competitive effect on any similar facility already constructed or operating in Bloomington, Indiana;

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

SECTION 1. The Common Council of the City of Bloomington, Indiana, finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Bloomington, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

SECTION 2. The Common Council of the City of Bloomington, Indiana, approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount not to exceed \$11,000,000 under the Act for the lending of the proceeds of the revenue bonds to the Applicant, for the acquisition, renovation, improvement and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, renovation, improvement and equipping of the Project, and subject to the further final approval of the Common Council of the City of Bloomington, Indiana, the Common Council of the City of Bloomington, Indiana, hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may

be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and that the aforementioned purposes comply with the provisions of the Act; and (iii) it will use its best efforts at the request of Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant.

SECTION 4. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, a portion of the interest paid during acquisition, improvement and equipping, underwriting expenses, attorney and bond counsel fees, acquisition, improvement and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

SECTION 5. This resolution shall constitute "official action" for purposes of compliance with federal and state laws requiring governmental action as authorization for future reimbursement from the proceeds of bonds, particularly Treas. Reg. 1.150-2.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2019.

DAVID ROLLO, 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 _____, 2019.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2019.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Resolution is for Preliminary Approval for the City of Bloomington to Issue Economic Development Revenue Bonds pursuant to Indiana Code 36-7-11.9 and 36-7-12 in an amount not to exceed Eleven Million Dollars (\$11,000,000.00). The City would lend the funds from this Economic Development Revenue Bond to Bloomington RAD I, LP, an Indiana limited partnership and its affiliated limited partner or limited liability company for the acquisition, rehabilitation, and renovation of the affordable housing developments currently known as Walnut Woods Apartments, 818 E. Miller Drive, and Reverend Butler Apartments, 1202 W. 11th Street in Bloomington. Bloomington RAD I, LP, and its partners would fully indemnify the City and take full responsibility for payment of the bond – the City would bear no cost. This renovation would modernize these housing developments, restore structural integrity, and bring them into compliance with current building codes.



MEMORANDUM

To: Members of the City of Bloomington Common Council

From: Larry D. Allen, Assistant City Attorney

CC: Alex Crowley, Director, ESD
Philippa Guthrie, Corporation Counsel
Dan Sherman, Attorney Advisor, Common Council

Date: October 2, 2019

Re: Resolution 19-15 — Request from Bloomington RAD I, LP for a Recommendation to Common Council Regarding Inducement Resolution for a Proposed Housing Bond Transaction

This Resolution is for Preliminary Approval for the City of Bloomington to Issue Economic Development Revenue Bonds pursuant to Indiana Code 36-7-11.9 and 36-7-12 in an amount not to exceed Eleven Million Dollars (\$11,000,000.00). The City would lend the funds from this Economic Development Revenue Bond to Bloomington RAD I, LP, an Indiana limited partnership and its affiliated limited partner or limited liability company for the acquisition, rehabilitation, and renovation of the affordable housing developments currently known as Walnut Woods Apartments, 818 E. Miller Drive, and Reverend Butler Apartments, 1202 W. 11th Street in Bloomington.

Bloomington RAD I, LP, and its partners would fully indemnify the City and take full responsibility for payment of the bond – the City would bear no cost. This renovation would modernize these housing developments, restore structural integrity, and bring them into compliance with current building codes. This Resolution is only the first step in the process, which is outlined below, and will allow Bloomington RAD I, LP, to apply for Indiana Community Housing Development Authority tax credits and bond volume cap that will make this project possible.

As requested by Council, the Economic Development Commission (“EDC”) considered and unanimously approved its recommendation of passage to the Council for this inducement on August 21, 2019, in EDC Resolution 19-04.

Background

Walnut Woods and Reverend Butler Apartments are currently owned by the Bloomington Housing Authority (“BHA”). Earlier this year, the BHA changed its funding model for these types of property based on the federal Rental Assistance Demonstration Program. This program enables the BHA to give housing vouchers directly to residents. As a result, BHA has engaged Bloomington RAD I, LP, to acquire and renovate these developments.

Walnut Woods Apartments, located at 818 E. Miller Drive, was built in 1981 and contains 60 affordable housing units. Reverend Butler Apartments, located at 1202 W. 11th Street, was built in 1972 and contains 56 affordable housing units. There are currently eight (8) employees working at these complexes, all of whom shall be retained throughout the acquisition and renovation process.

Rehabilitation Project

Bloomington RAD I, LP proposes to invest more than \$5 million in capital improvements to address significant needs at the properties. The renovations will focus on addressing current code requirements, environmental remediation, handicap accessibility, structural repair, unit modernization, improvements in energy efficiency, street appeal and site work. The work will include reconfiguring units to accommodate wheelchairs, safety features including new hardwired smoke detectors, new flooring throughout all units, new kitchen cabinets, countertops, addition of dishwashers and washers and dryers, high efficiency furnaces and air conditioner condensers, new roofs, handicap ramps, and site lighting. It has been estimated that the renovations will cost approximately \$53,000 per unit.

To fund this renovation project, Bloomington RAD I, LP will rely on available tax credits from the Indiana Community Housing Development Authority (IHCDA). Currently the project is located in a qualified census tract that the IHCDA considers a distressed area for development, which would allow for additional tax credits.

Financing Process

To finance this major rehabilitation project, Bloomington RAD I, LP will require the issuance of revenue bonds, in an amount not to exceed \$11,000,000. While they could seek these revenue bonds from the State of Indiana through IHCDA, that would add a 1% financing fee to the cost. Instead, they request that the City of Bloomington issue the necessary revenue bonds to finance the acquisition, renovation, improvement and equipping of the properties. These bonds would not be payable from taxes or be a general obligation of the City; they would be payable solely from revenues of the project. Bloomington RAD I, LP, would assume total liability for bond payments and indemnify the City via the financing agreement. This would exert no effect on the City's constitutional debt limit or bank qualified limit. In essence, the City acts only as a "conduit"—allowing the borrower to access capital at a tax-exempt rate and receive equity for the project in the form of tax credits.

Procedure of Housing Bond Transaction

Bloomington RAD I, LP, is seeking an inducement resolution from Common Council, which is essentially permission to issue bonds and use proceeds to reimburse developer for these improvements. It is a requirement of the application process through which Bloomington RAD I, LP, obtains IHCDA tax credits, and would also serve to formally begin the project process to preserve the "distressed" status of the qualified census tract containing Walnut Woods and Reverend Butler developments, resulting in a larger amount of tax credit equity for the rehabilitation of the project.

The public procedure required by state law is the following:

1. Common Council passes inducement resolution
2. Bloomington RAD I, LP, applies for IHCDA tax credits, negotiates financing agreement
3. IHCDA approves Bloomington RAD I, LP, tax credit application
4. EDC holds public hearing to approve financing agreement, issuance of bonds
5. Common Council approves financing agreement and issuance of bonds

The EDC recommends that the Common Council pass this inducement resolution and move forward with this housing bond transaction.

Resolution 19-15

**Preliminary Approval to Issue Economic Development
Bonds and Lend the Proceeds for the
Renovation of Affordable Housing –
Re: Walnut Woods, 818 E. Miller Drive, and
Reverend Butler Apartments, 1202 W. 11th Street
(Bloomington RAD, I, LP, Petitioner)**

For Location of Sites –
Please see the PowerPoint Presentation
(further on in this material)

Walnut Woods Highlights

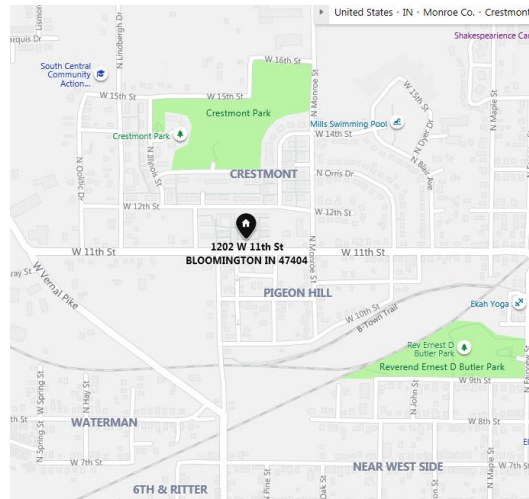
- Originally built in 1982.
- 60 apartments serving Individuals and Families.
- Located at 802-808 East Miller Drive and 1751-1781 South Park Ave.
- Head Start location.
- Currently managed and owned by Bloomington Housing Authority.
- 100% of the units will receive rental subsidy through a HAP contract.
- Will be owned and managed by partnership (investor LP and BHA instrumentality- Summit Hill CDC, GP)

3

Walnut Woods



Rev. Butler Apartments



5

Rev. Butler Highlights

- Originally built in 1972.
- 56 apartments serving Individuals and Families.
- Located at 1202-1326 West 11th Street and 1201-1321 West 12th Street.
- Currently managed and owned by Bloomington Housing Authority.
- 100% of the units will receive rental subsidy through a HAP contract.
- Will be owned and managed by partnership (investor LP and BHA instrumentality- Summit Hill CDC, GP)

6

Rev. Butler



Proposed Project

- Renovations focused on addressing code requirements, handicap accessibility, structural repair, unit modernization and energy efficiency.
- Includes reconfiguring units to accommodate wheelchairs and safety features as well as new roofs and site lighting.
- Interior improvements include: new hardwired smoke detectors, new flooring throughout all units, new kitchen cabinets, countertops, addition of dishwashers and washers and dryers, high efficiency furnaces and air conditioner condensers, new roofs, handicap ramps, and site lighting
- Total renovation cost per unit is \$53,000
- Resident relocation for no more than 60 days. Moving and relocation services will be paid for by BHA.
- No new jobs will be created and 8 jobs will be retained.

BRINSHORE DEVELOPMENT

- ✚ Established in 1994
- ✚ Senior Housing, market rate and low income community developer
- ✚ 7,000 unit portfolio
- ✚ Experienced community developer and partner
 - ✚ Supportive Service communities
 - ✚ Non-Profit Housing organizations
 - ✚ Health system partnerships
 - ✚ Arts and Public Housing

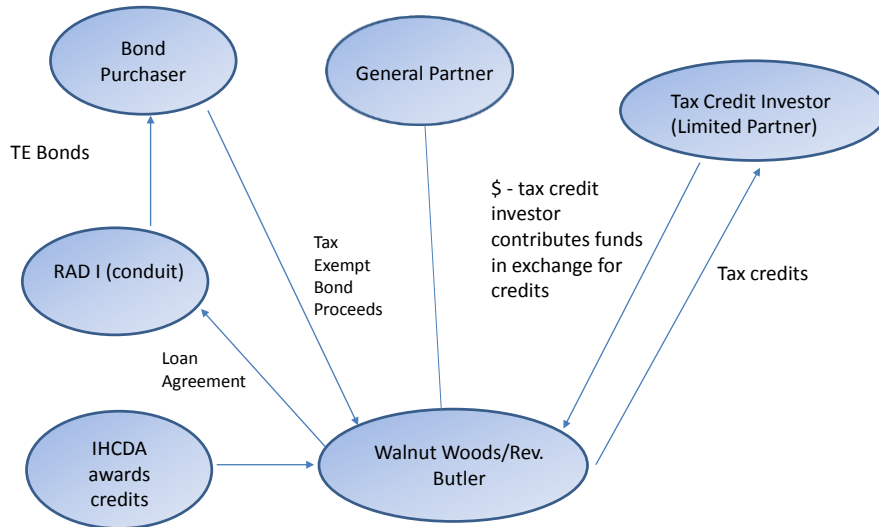
9

RENTAL ASST DEMONSTRATION (RAD)

- ✚ Enacted by Congress in 2012 because of underfunding of public housing.
- ✚ RAD allows public housing agencies to leverage public and private debt and equity in order to reinvest in the public housing stock. This is critical given the 25.6 billion dollar backlog of public housing capital improvements.
- ✚ In RAD, units move to a Section 8 platform with a long-term contract that, by law, must be renewed. This ensures that the units remain permanently affordable to low-income households.
- ✚ Residents continue to pay 30% of their income towards the rent and they maintain the same basic rights as they possess in the public housing program.
- ✚ RAD maintains the public stewardship of the converted property through clear rules on ongoing ownership and use.
- ✚ The RAD program is cost-neutral and does not increase HUD's budget. This program simply shifts units from the Public Housing program to the Section 8 program so that providers may leverage the private capital markets to make capital improvements.

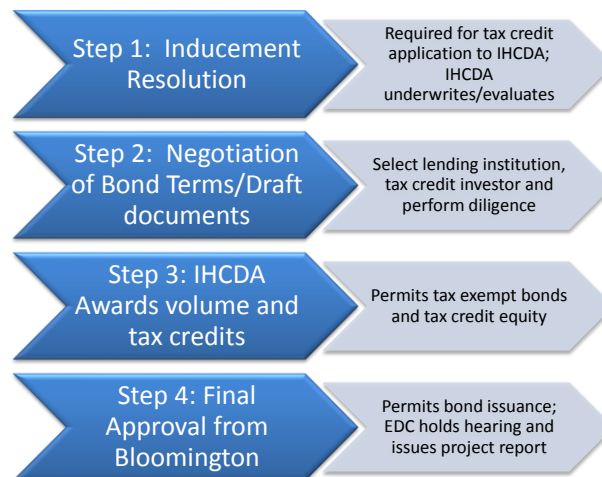
10

Bond and Credit Structure



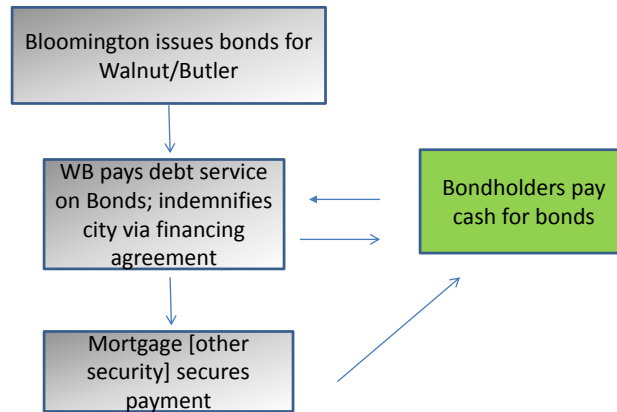
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Bond and Tax Credit Process



12

Basic Bond Issuance



13

Bond Characteristics

- Issued pursuant to IC 36-7-12
 - Requires EDC to render project report, hold public hearing, approve ordinance authorizing bonds
- Bonds will not be payable from taxes or be a general obligation of the city; payable solely from revenues of the project; no effect on the city's constitutional debt limit or bank qualified limit
- City acts only as a "conduit" – allowing the borrower to access capital at a tax-exempt rate and receive equity for the project in the form of tax credits
 - No ongoing obligations or administration by the city – borrower is responsible for all tax covenants, payments and indemnifies city in all respects

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Conclusion

Any Questions?

Thank you!

**RESOLUTION 19-04
OF THE
CITY OF BLOOMINGTON
ECONOMIC DEVELOPMENT COMMISSION**

WHEREAS, the City of Bloomington, Indiana (the "Issuer"), is authorized by IC 36-7-11.9 and 12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, improvement and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, the Common Council of the City of Bloomington, Indiana ("Common Council") has requested that the Bloomington Economic Development Commission ("Commission") review and make recommendations for all economic development revenue bond projects; and

WHEREAS, Bloomington RAD I, LP, an Indiana limited partnership, on behalf of itself or an affiliated to-be-formed Indiana limited partnership or limited liability company (the "Applicant"), has advised the Bloomington Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer lend proceeds of an economic development financing to the Applicant for the acquisition, renovation, improvement and equipping of multifamily housing facilities consisting of (a) an apartment complex known as Walnut Woods, containing approximately 60 apartment units located at 818 E. Miller Drive, Bloomington, Indiana, and (b) an apartment complex known as Reverend Butler Apartments containing approximately 56 units, each together with functionally related and subordinate facilities such as carports, garages and parking areas, located at 1202 W. 11th Street, Bloomington, Indiana (the "Project"); and

WHEREAS, the diversification of industry and increase in or retention of job opportunities (approximately 8 existing jobs to be retained) to be achieved by the acquisition, renovation, improvement and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the Commission has considered whether the Project will have an adverse competitive effect on any similar facility already constructed or operating in Bloomington, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BLOOMINGTON ECONOMIC DEVELOPMENT COMMISSION as follows:

1. The Commission finds, determines, and confirms that the promotion of diversification of economic development and job opportunities in and near Bloomington, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they

lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

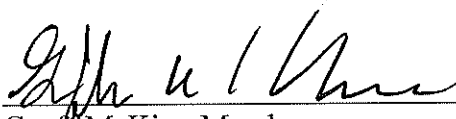
2. The Commission hereby recommends that the Common Council of the City of Bloomington, Indiana, approve the issuance and sale of economic development revenue bonds in an amount not to exceed \$11,000,000 under the Act for the lending of the proceeds of the revenue bonds to the Applicant, for the acquisition, renovation, improvement and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.
3. In order to induce the Applicant to proceed with the acquisition, renovation, improvement and equipping of the Project, and subject to the further final approval of the Common Council of the City of Bloomington, Indiana, the Commission hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and that the aforementioned purposes comply with the provisions of the Act; and (iii) it will use its best efforts at the request of Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant.
4. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, a portion of the interest paid during acquisition, improvement and equipping, underwriting expenses, attorney and bond counsel fees, acquisition, improvement and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

Adopted this 21st day of August, 2019.

CITY OF BLOOMINGTON ECONOMIC
DEVELOPMENT COMMISSION



Kurt Zorn, President



Geoff McKim, Member



Malcomb Webb, Member

RESOLUTION 19-17

TO DECLARE THE SECOND MONDAY OF OCTOBER AS INDIGENOUS PEOPLES' DAY IN THE CITY OF BLOOMINGTON AND ENCOURAGING OTHER INSTITUTIONS TO RECOGNIZE THE DAY

- WHEREAS, the City of Bloomington is located in the great state of Indiana, whose name means “Land of the Indians”; and
- WHEREAS, the land now known as Indiana has provided resources, has contained vital trade routes, and has served as the home for Native people, communities, and advanced social complexes for thousands of years; and
- WHEREAS, through the use of removal treaties, Native inhabitants, including members of the Miami, Delaware, Shawnee, Potawatomi, Kickapoo, Wea, Wyandot, and Piankeshaw, were systematically dispossessed from their homelands, forcibly creating the opportunity for Euro-American settlement and resource extraction; and
- WHEREAS, such documents as the Doctrine of Discovery of 1493, which gave Spain exclusive rights to the lands explorers encountered in the New World, were subsequently reinforced by American judicial decisions and such beliefs as manifest destiny, which fueled white settlers’ westward expansion; and
- WHEREAS, this imperialist ethos allowed for the inhumane treatment of the native peoples, their eradication from their homelands, and the cession of these lands to the federal government; and
- WHEREAS, many people of indigenous ancestry continue to live in Bloomington and throughout Indiana; and
- WHEREAS to this day, the highest distinctions awarded by the Governor of Indiana bear names from an American Indian language that designate paramount chiefs: the Sachem and the Sagamore; and
- WHEREAS support for the declaration of Indigenous Peoples’ Day has grown since the idea was presented by a delegation of Native Nations at the United Nations’ first International Conference on Discrimination Against Indigenous Populations in the Americas, held in Geneva, Switzerland in 1977; and
- WHEREAS, since then, at least 130 cities, six states, and many college and university campuses have officially declared the second Monday of October as Indigenous Peoples’ Day; and
- WHEREAS, many indigenous students bring their talents to Indiana University-Bloomington, where the Native American Student Association and the First Nations Educational and Cultural Center assist in their transition, provide opportunities for cultural observance and celebration, and set them up for success; and
- WHEREAS, IU’s American Indian Studies Research Institute and The Language Conservancy in Bloomington are dedicated to helping to preserve rapidly disappearing indigenous languages and cultures; and
- WHEREAS, the City of Bloomington has a responsibility to oppose systemic racism toward Indigenous Peoples of the United States, which perpetuates high rates of poverty and income inequality, exacerbating these communities’ disproportionately negative health, education, and social welfare indicators; and
- WHEREAS, the cultures and contributions of the original peoples of the Americas should be recognized, honored, and celebrated;

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

SECTION 1. The second Monday in October shall be declared as Indigenous Peoples' Day in the City of Bloomington.

SECTION 2. Indigenous Peoples' Day shall be an opportunity to celebrate the cultures and values that Indigenous Peoples of our region add to the communities in Bloomington, throughout Indiana, and globally.

SECTION 3. The City of Bloomington strongly encourages local schools, universities, businesses, and other organizations to recognize Indigenous Peoples' Day. With this goal in mind, a copy of this resolution shall be sent to the Monroe County Community School Corporation, Indiana University, Ivy Tech Community College Bloomington, the Greater Bloomington Chamber of Commerce, the Monroe County Commissioners, and the Governor of the State of Indiana.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2019.

DAVE ROLLO, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2019.

NICOLE BOLDEN, Clerk

SIGNED AND APPROVED by me this _____ day of _____, 2019.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Cms. Chopra, Granger, and Piedmont-Smith and declares the second Monday as Indigenous Peoples' Day in the City of Bloomington and offers this day as an opportunity to celebrate the cultures and values that Indigenous Peoples of our region add to the communities in Bloomington, throughout Indiana, and globally.

**Resolution 19-17 - To Declare the Second
Monday of October as Indigenous Peoples'
Day in the City of Bloomington and
Encouraging Other Institutions to
Recognize the Day**

Note: Please read the resolution which speaks for itself and will be distributed to various officials and entities both here and elsewhere.

As Cm. Piedmont-Smith stated in a recent Press Release:

"Our state name means the 'land of the Indians,' but we know that European settlers displaced many American Indian tribes or First Nations since the 18th century. This resolution is a small step toward recognizing the legacy of these native peoples, their continued cultural impact, and the history of mistreatment in the state and region that we are still working to overcome."

RESOLUTION 19-16

**TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON AND
MONROE COUNTY, INDIANA
IN REGARDS TO THE 2019 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG)**

WHEREAS, the City of Bloomington and Monroe County are authorized by I.C. 36-1-7-1, *et seq.*, to enter into agreements for the joint exercise of their powers for the provision of services to the public; and

WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG);

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

SECTION 1. The Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana in regards to the 2019 Edward Byrne Memorial Justice Assistance Grant, a copy of which is attached hereto and made a part hereof, is hereby approved.

SECTION 2. If any sections, sentences or provisions 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 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 3. This resolution shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2019.

DAVE ROLLO, 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 _____, 2019.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2019.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution approves the interlocal agreement between the City and the County for 2019 JAG funds. JAG funds are divided between the City and the County based on violent crime statistics reported to the FBI through the Uniform Crime Report. A three year review of violent crime statistics shows that the City is entitled to 80% of the grant funds, and the County is entitled to the remaining 20%. The overall JAG award for 2019 is \$33,506.00. The City shall receive \$26,805.00 and the County will receive \$6,701.00. The City shall use all of its award towards the purchase of a TruNarc handheld narcotics analyzer. The County shall use all of its award towards the purchase of additional vehicle pursuit intervention devices.

INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF BLOOMINGTON AND
MONROE COUNTY, INDIANA
IN REGARDS TO 2019 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG)

- WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation Agreements; and
- WHEREAS, each governmental entity, in performing their governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and
- WHEREAS, each governmental entity finds that the performance of this Interlocal Cooperation Agreement is in the best interests of both entities, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Interlocal Cooperation Agreement; and
- WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG); and
- WHEREAS, the funds from the JAG are to be divided between the two governmental entities based on violent crime statistics reported to the Federal Bureau of Investigation through the Uniform Crime Reports; and
- WHEREAS, a three (3) year review of the violent crime statistics for both governmental agencies indicates that the Bloomington Police Department is to receive eighty percent (80%) of the total JAG funds and that the Monroe County Sheriff's Department is to receive the remaining twenty percent (20%) of the JAG funds.

NOW, THEREFORE, City of Bloomington and Monroe County, Indiana, hereby agree as follows:

Section 1. Payment

The City shall receipt in all of the \$33,506.00 associated with the 2019 JAG and thereafter disburse \$6,701 (20% of the total JAG funds) to the Monroe County Sheriff's Department, while retaining \$26,805.00 for use by the City of Bloomington Police Department.

Section 2. Use of Funds

The City shall use all of the \$26,805.00 it is allocated from the JAG funds towards of a TruNarc handheld narcotics analyzer.

The County shall use all of the \$6,701.00 it is allocated from the JAG funds towards the purchase of (vehicle) pursuit intervention devices.

Section 3. Liability

Nothing in the performance of this Interlocal Cooperation Agreement (hereinafter, "Agreement") shall impose any liability for claims against either governmental entity other than claims for which liability may be imposed by the Indiana Tort Claims Act.

Section 4. Responsibility

Each entity to this Agreement shall be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 5. Commitment

The entities shall communicate and cooperate with one another to ensure that the purposes of this Agreement are achieved on behalf of and to the benefit of the publics they serve.

Section 6. Third Parties

The entities to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7. Intent

By entering into this Agreement, the entities do not intend to create any obligations express or implied other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 8. Severability

If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

Section 9. Appropriation of Funds

The entities acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by JAG. The parties agree to make a good faith effort to obtain all necessary appropriations and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

Approved this _____ day of _____, 2019, by the Monroe County, Indiana Commissioners:

MONROE COUNTY, INDIANA

ATTEST:

Julie Thomas, President
Monroe County Commissioners

Catherine Smith, Auditor

Lee Jones,
Monroe County Commissioners

Penny Githens, Commissioner
Monroe County Commissioners

Approved this _____ day of _____, 2019, by the City of
Bloomington Common Council.

Dave Rollo, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk

Approved this _____ day of _____, 2019, by the City of
Bloomington.

CITY OF BLOOMINGTON, INDIANA

ATTEST:

JOHN HAMILTON, Mayor

NICOLE BOLDEN, Clerk

MEMORANDUM

TO: MAYOR HAMILTON
FROM: PHILIPPA M. GUTHRIE; MICHAEL DIEKHOF
RE: JUSTICE ASSISTANCE GRANT
DATE: August 21, 2019

42 U.S.C. §3751(e) authorizes the Edward Byrne Memorial Justice Assistance Grant Program (“Program”). This Program allocates grant funds to a variety of law enforcement agencies across the country. The Bureau of Justice Statistics has an established and statutorily required formula for determining how individual states, cities and towns may qualify and apply for funds via this Program. The formula is mainly based on violent crime statistics for each state and/or local unit of government.

Communities that receive an award from the Program may generally use the funds allocated to them for things such as: technical assistance; training; equipment; supplies; contractual support; and information systems.

The Department and the Monroe County Sheriff (“Sheriff”) are jointly allocated one award each year under this Program. As the award is jointly given to both the Department and the Sheriff, the guidelines for the Program require the Department and Sheriff to enter into an inter-local agreement to document the allocations and uses for the funds.

In order to calculate the division, the Department and the Sheriff conduct a three year review of the violent crime statistics for both agencies and determine their percentages of the overall statistics. For calendar year 2019, the three year analysis by the agencies results in the Department receiving 80% percent of the total award and the Sheriff receiving 20% percent of the award.

The 2019 allotment is in the amount of \$33,506.00. The Department’s allocation is \$26,805.00 and the Sheriff’s allocation is \$ 6,701.00. The City will agree to receive the entirety of the award and distribute the Sheriff’s allocation upon receipt.

BJA FY19 Edward Byrne Memorial JAG Grant

Local Solicitation **2019-H4609-IN-DJ**

Budget Narrative:

Total Award	\$33,506.00
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Bloomington Police 'Share'	\$26,805.00
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Monroe County Sheriff 'Share'	\$6701.00
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Bloomington Police

TruNarc handheld narcotics analyzer	\$26,805.00
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Grant Award	\$26,805.00
-------------	-------------

Monroe County Sheriff

Pursuit Intervention Device	\$6,701.00
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(Tire Deflation)

Grant Award	\$6701.00
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Bloomington Indiana Police Department
21 August 2019

Proposal for

BJA FY19 Edward Byrne Memorial JAG Grant
Local Solicitation **2019-H4609-IN-DJ**

BJA FY19 Edward Byrne Memorial JAG Grant

Local Solicitation **2019-H4609-IN-DJ**

Program Narrative:

The Bloomington Indiana Police Department, and Monroe County Indiana Sheriff as a disparate jurisdiction, have been awarded \$33,506.00 under the BJA FY2019 Edward Byrne Memorial JAG Grant.

By agreement between the Chief of Police and the Sheriff, the award is to be split in an 80/20 fashion using a 3 year aggregate of UCR data for each jurisdiction. As a result of which the Bloomington Police Department will receive \$26,805.00 with the Monroe County Sheriff's Office receiving \$6,701.00

The Bloomington Police Department intends to use its portion of this grant to acquire a TruNarc handheld narcotics analyzer.

The Department currently has very limited capability currently to test narcotics beyond sending the substances to a state-wide laboratory which can often take months.. This grant falls under the priorities of Addressing Violent Crime, Officer Wellness and Safety, and Responding to the Opioid Crisis and will assist officer in identifying potentially illegal and / or harmful substances with a minimum of handling and exposure.

The Monroe County Sheriff's Office has determined that they will purchase additional (vehicle) pursuit intervention devices.

This grant is being advertised to the public as is required and will be heard in September of 2019 by the City of Bloomington Common Council as well as the Monroe County Council, also as part of the grant requirements.

Implementation of both portions of this disparate grant will begin within 60 days of actual monetary award receipt and should be completed within 90 days thereafter.

ORDINANCE 19-24

TO REPEAL AND REPLACE TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, “UNIFIED DEVELOPMENT ORDINANCE”

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, the Plan Commission has initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, in February 2018 the City retained Clarion Associates with McBride Dale Clarion to facilitate a comprehensive public engagement process, recommend best land use and zoning practices, and prepare a new UDO that will replace the 2007 UDO; and

WHEREAS, the Plan Commission forwarded the proposal to the Common Council with a favorable recommendation on September 23, 2019, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

WHEREAS, the UDO implements changes necessary to help mitigate the negative effects of climate change, which is consistent with the Common Council’s approval of Resolution 19-11, Resolution 18-19, and Resolution 17-13 regarding climate change; and

WHEREAS, in preparing and considering this proposal, the zoning map will be subsequently updated utilizing a two-step process: (1) consider adoption of a “Conversion Zoning Map” to change the respective names of the current zoning districts to the new names used in the UDO, and (2) later consider a more comprehensive update to zoning districts and boundaries in the form of a “New Zoning Map.”

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

SECTION 1. Title 20, entitled “Unified Development Ordinance”, is repealed.

SECTION 2. A replacement Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are incorporated herein and, in accordance with IC § 36-1-5-4, two (2) copies of the material are on file in the office of the clerk for the legislative body for public inspection:

- (a) The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (1) UDO Adoption Draft (released August 2019 and revised September 2019), (hereinafter “Attachment A”); and
 - (2) Plan Commission technical amendments to Attachment A (hereinafter “Attachment B”) which, once inserted into Attachment A, will together be referred to as Consolidated Attachment A and B; and
- (b) The Common Council’s amendments to the Consolidated Attachment A and B (hereinafter “Attachment C”).

SECTION 3. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section 2 into a single text document for codification.

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

SECTION 5. This ordinance shall be in full force and effect on the same date a zoning conversion map takes effect. This ordinance shall not be rendered effective prior to the effective date of the zoning conversion map, nor shall it be rendered effective in the event the Common Council declines to adopt a zoning conversion map.

SECTION 6. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2019.

DAVE ROLLO, 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 _____, 2019.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2019.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance repeals Title 20 of the Bloomington Municipal Code, containing the existing zoning ordinance and adopts a replacement ordinance, entitled “Unified Development Ordinance.”

The zoning maps will be updated separately. First, the Plan Commission and Common Council will consider adoption of a Conversion Zoning Map. The Conversion Zoning Map will only replace the names of existing districts with new district names as detailed in Table 2-1: Summary of Zoning Districts. The effective date of the UDO will be the same as the effective date of the Conversion Zoning Map. Following adoption of the Conversion Zoning Map, the Plan Commission and Common Council will consider a more comprehensive update to zoning district boundaries and may repeal the Conversion Zoning Map and replace it with a new Zoning Map.

ORDINANCE 19-24

**TO REPEAL AND REPLACE
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED, “UNIFIED DEVELOPMENT ORDINANCE”**

ATTACHMENT A

UDO Adoption Draft (released August 2019 and revised September 2019), (hereinafter “Attachment A”) – [Link](#)

Note: Two (2) copies of the material are on file in the office of the clerk for the legislative body for public inspection.

Proposed Edits to UDO Adoption Draft

Amendment 1: This omnibus amendment directs Planning and Transportation Staff to correct typographical and/or technical errors throughout the UDO Adoption Draft. This is in order to prepare a revised draft for the Common Council. Typographical errors include examples referenced below and those not listed that correct the following types of errors:

- Spelling;
- Punctuation;
- Tense;
- Plural;
- Cross-references;
- Conjunctions (e.g., and, or, but);
- Document formatting styles; and
- Numbering and sequencing.

20.04.060(I)(2)(E) – When No On-Site Vehicle Spaces are Provided

Where no vehicle parking spaces are provided on-site, one bicycle parking space shall be required for every 5,000 square feet of gross floor area in each primary building, or a minimum of six bicycle parking spaces, whichever is greater.

20.04.110(b)(3)(B) – Incentives, Administration

Projects that qualify for the affordable housing incentive and/or the sustainable development incentive established in Section 20.04.110: (Incentives), shall have the site plan portion of the petition processed as a minor (rather than major) site plan, except when the project is adjacent to a lot in the R1, R2, R3, or R4 zoning districts and/or contains more than 50 dwelling units.

20.04.110(c)(2)(B)(ii) – Incentives, Tier 2

A minimum of 7.5 percent of the total dwelling units (including those on floors awarded with an incentive) are income-restricted permanently, unless otherwise adjusted or forfeited by the City, to households earning below 80120 percent of the HUD AMI for Monroe County, Indiana; and

Reference chart of typographical and/or technical errors:

General Corrections throughout Adoption Draft:

- The '0' in last section of names needs to be added. It is often in the text, but missing from the headers and the guiding headers in top right of page. Ex.) 20.03.80 should be 20.03.080 for searching and consistency purposes. Ex.) page 86: 20.03.30 in Title, but 20.03.030 in text
- The 'C' should be capitalized in City when it is a noun.
- capitalize Planned Unit Development(s)
- Consistent use of Character Areas. In Chapter 3 alone, they are called 'Character Overlay Areas' 'Character Areas' 'Overlay districts' and 'downtown character areas' Also listed as two things (Downtown Character Overlay District and MD Character Overlay Areas) in TOC
- Zone districts. Should be Zoning districts

- Consistency with the use of 'bold'/'not bold' throughout. Evaluate the hierarchy used for bold and correct whole document. (lower case letters)(alphanumeric)(upper case)(roman numerals) (example: End of page 84 and beginning of page 85. Upper case not bold on 84, upper case bold on 85.)
- Change 'handicap' and 'handicapped' parking to 'ADA-accessible' parking
- Single-family is hyphenated throughout the doc, the rules stated in chapter 1 for using 'and' & 'or' are need to be evaluated
- The plural of cul-de-sac is culs-de-sac
- office of the Monroe County Recorder. Should be: Office of the Monroe County Recorder
- Dripline is one word

Table of Contents and Chapter One:

- Page iv - (I): Needs space between District and Sign
- Page iv 20.05.50(j): Right-of-Ways should be Rights-of-Way
- Page (b)(1): SAP is not part of the Comp Plan. Strike 'Sustainability Action Plan'.
- Page (b)(4): Remove '.' after 'automobile'
- Page (b)(8): Add ',' after 'residence'
- Page 20.01.20(c): Why the reference to interlocal cooperation agreement?
- Page 5 (9): Capitalize City Clerk
- Page 5 20.01.40: Clarification - (1)(B) and (2) are the same and clarify that (B) is saying CU is not required and (2) is saying that it is required.
- Page 6 (4): Change 'legal' to 'lawful'
- Page 6 (6): Change '.....provisions established in Section 20.06.050(b).....to.....provision in effect at the time the conditional use was granted...' for consistency.
- Page 6 (7): Change '.....limitations set forth in the rules under which... to.....provision in effect at the time.....'
- Page 7 (b)(1): Incorrect reference. 20.01.040(b)(2) should be 20.01.040(b)(3)
- Page 9 (c): 'Other than as specifically set forth in this Section 20.01.040(b)' does not make sense. Clarify reference.

Chapter Two:

- Page 12 Remove the extra space before the comma after "structures" in the Front build-to-line section
- Page 21 correct the change in font or bold type in the Purpose statement
- Page 32 Clarify/consistency section under (2) Dimensional Standards, "....the sub area specific dimensional..." when all the other districts say "....district specific dimensional...."
- Page 33 Clarify/consistency under (3) why does it reference the overlay's as "Mixed-Use Downtown Character Areas" when the other section just say "Downtown Character Areas" Same under General Comments.
- Pages 34, 36, 38, 40, 42, 44 Correct the Notes [4] citation for Student Housing section should be 20.03.30(b)(12)
- Pages 24, 34, 38, 40, 42, 50 under Dimensional Standards add a space between "Section 20.04.010" and "(Dimensional Standards)"
- Page 51 Add a semi-colon at the end of (B)(6)(E) instead of a comma
- Page 54 Add a period at the end of each sentence in the table "Roof Shape Permitted"
- Page 56 Add a colon at the end of the sentence under (8) Facade Articulation
- Page 58 Add period at end of sentence under Notes [2]

Chapter Three:

- Page 59 Table of Allowed Uses in first paragraph should be 'Allowed Use Table' for consistency Under (c)(1): Change 'Table of Allowed Uses' to 'Allowed Use Table'
- Page 62 under section (f): Any adaptive 'use' should be 're-use' for consistency with (g)
- Page 63 Table 3-1 Note: References 20.03.060, correct reference.
- Page 65 Table 3-1: don't capitalize 'Dance' 'Distillery' 'Winery'
- Page 66 Table 3-1: don't capitalize 'Laundry'
- Page 67 Table 3-1: Fully capitalize 'TEMPORARY USES' in heading
- Page 68 change to singular and not plural - 20.03.030(b)(1)(C): unit, not units
- Page 69 section (C)(iii): Remove 'to,'
- Page 69 section (4)(A): 'duplex' should say 'triplex and fourplex'
- Page 70 Table 3-2: Vertical line missing between 1 acre and 5 acres
- Page 71 section (F)(ii): Parking lot landscaping reference should be 20.04.080 (Landscaping, Buffering, and Fences)
- Page 71 section (9)(A)(i): change 'egress to' to 'egress from'
- Page 71 section (9)(A)(iii): change 'aprons' to 'apron'
- Page 72 add a space needed between (10) and Group
- Page 72 Change (10)(A) "Chapter 20.07 Definitions" to "Chapter 20.07 (Definitions)"
- Page 72 Change (10)(E): Reference should be to sections (C) and (D) above
- Page 73 section (C)(i): 20.04.0110(c): check consistency in reference (extra '0'?)
- Page 73 section (c)(3)(A): Remove hyphen and capitalize Care in 'Day Care Center' heading for consistency
- Page 75 section ii: change exceed to exceeds
- Page 75 section 7(B): Why referencing donors?
- Page 76 section (4): 20.03.030(d)(1) check and correct reference should be 20.03.030(d)(2)
- Page 78 section (10)(B): change appearance with...to....appearance to...
- Page 79 section (14)(A): Remove the comma after ME
- Page 79 section (14)(B): Change the period to comme after MM
- Page 79 section (14)(F)(i): change Business Park to Mixed-Use Employment
- Page 79 section (15): Change first sentence to start with 'Vehicle Impound Storage' for consistency
- Page 79 section (15): Add 'Required plantings shall be located on the side of the fence closest to abutting properties.' at end for consistency.
- Page 80 section (e)(1)(B): Add 'Required plantings shall be located on the side of the fence closest to abutting properties.' at end for consistency.
- Page 80 section (C): add 'and' before 'pallets'
- Page 81 section (3)(B): Clarify the need for CC involved?
- Page 82 section (C): use one term 'Co-location' and 'collocation' both used.
- Page 82 section (C): Change 'wireless' to 'communication'
- Page 83 section (F): Add 'Required plantings shall be located on the side of the fence closest to abutting properties.' at end for consistency.
- Page 84 section (3): Add 'Required plantings shall be located on the side of the fence closest to abutting properties.' at end for consistency.
- Page 85 Table 3-4: IN and OS are not zoning districts. Should be EM and PO
- Page 85 section (G): Should be.....larger than 120, not 120 or larger

- Page 86 section (2): Either clarify that the code reference is to larger BMC or refer to UDO Definitions section
- Page 86 section (B)(v): remove the extra space after 'Definitions'
- Page 86 section (B)(v): clarify the one family per ADU vs lot
- Page 88 section (iii): Capitalize Department of Housing and Neighborhood Development
- Page 88 section (I): References a petition, but there is no petition now b/c by-right, correct?
- Page 88 section (6)(A)(i): change follow to following
- Page 90 section (7)(A): principle should be principal
- Page 90 section (7)(C)(i): change the colon ':' to a period '.'
- Page 92 section (3): add 'the' between 'to' and 'following' – e.g. "to the following"

Chapter Four:

- 20.04.03 change Environmental (adjective) to Environment (noun)
- Page 93 Dimensional standards. Should be: Dimensional Standards
- Page 93 20.04.40 is incorrectly labeled as Drainage and Floodplain. Should be: Floodplain
- Page 93 Outdoor lighting. Should be: Outdoor Lighting
- Page 94 Chapter 20.02 Zoning Districts. Should be: Chapter 20.02 (Zoning Districts). First time
- Page 94 Chapter 20.02 Zoning Districts. Should be: Chapter 20.02 (Zoning Districts). Second time
- Page 99 (end units) need observe. Should be: (end units) need to observe
- Page 100 20.05.050(j)(7)(A)iii. Should be: 20.05.050(j)(7)(A)(iii)
- Page 102 20.04.30. Should be: 20.04.030
- Page 102 20.04.10. Should be 20.04.010
- Page 102 20.05.40. Should be 20.05.040
- Page 106 mobile home, and manufactured home homes. Should be: Mobile home, and manufactured home dwellings.
- Page 106 20.04.30. Should be 20.04.030
- Page 110 required by this subsection (e). Should be: subsection (g)
- Page 120 office of the Monroe County Recorder. Should be: Office of the Monroe County Recorder
- Page 131 Connector paths shall be constructed of asphalt or concrete. Alternative surface materials may be authorized by the City Planning and Transportation Department in order to mitigate impacts to environmental features. Should be: Connector paths shall be constructed of asphalt or concrete. Alternative surface materials may be authorized by the City Planning and Transportation Department to mitigate environmental impacts. In order to match similar language throughout the section.
- Page 133 Public transit facilities, shelters, and appurtenant amenities shall be built to meet. Should be: Public transit facilities shall be built to meet. In order to match similar language throughout the section. And, transit facilities is already defined earlier in the section to include shelters, and amenities.
- Page 133 Public transit facilities, shelters, and appurtenant amenities shall be exempt. Should be Public transit facilities shall be exempt. In order to match similar language throughout the section. And, transit facilities is already defined earlier in the section to include shelters, and amenities.
- Page 135 (Parking and Loading). shall be. Should be (Parking and Loading) shall be
- Page 135 When measurements of the number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction of 0.5 or larger shall be rounded up to the next higher whole number. This conflicts with 20.01.30(a)(7)
- Page 142 Shown in Table 4.1 by 15 percent. Should be: Table 4-9: Minimum Vehicle Parking Requirements
- Page 143 the "remaning" off- street parking. Should be: remaining off-street parking

- Page 143 the minimum off street parking. Should be: the minimum off-street parking
- Page 143 in 20.04.060(i) shall. Should be: in 20.40.060(i) shall
- Page 144 All parking shall comply with parking landscape standards in Section 20.04.60. Should be 20.04.080(h) I think? Otherwise its referencing itself
- Page 145 Following dimensional standards. Should be: following dimensional standards:
- Page 157 This whole page has Residential District capitalized – correct capitalization
- Page 159 Section 20.04.08 There is an extra space and change 'and' to 'or'
- Page 160 section 080(g). Any... there is an extra space
- Page 162 ...Permitted Street Tree Species left off part of the name
- Page 163 Tilia americana correct spelling
- Page 166 Blue-stemmed Goldenrod correct spelling
- Page 167 Praire Dropseed correct spelling
- Page 172 Credit Toward Other no "s"
- Page 172 ... or parking lot landscaping
- Page 173 in the heading, change 'and' to 'or' in the first two columns
- Page 177 "ground level" there is no hyphen here
- Page 177 section ii.....of planting; or
- Page 177 section iii ...can be clearly... extra spaces seem to be formatting, not just extra spaces
- Page 179 Through Lots. formatting is different – consistency
- Page 179 section 4Aiv electrified wires: "or" not "and"
- Page 181 section (b)(2) put a comma after Replacement. That comma use has been employed throughout
- Page 183 Floodlights and Spotlights formatting right justified
- Page 183 Figure 53: Shielding correct spelling
- Page 184 section (C),ii ...no later than 11 p.m. space after 11
- Page 186 section (3) Double-faced ..., projecting or temporary signs, not "and"
- Page 187 section (3) Signs that purport to be, are an imitation of... ..yield signs, or pedestrian
- Page 192 section (B)ii8. ...shall extra space
- Page 199 section (7)(C)iv formatting/word spacing
- Page 201 section (a) ...a zoning district. extra space
- Page 205 section (B) on site, not on-site
- Page 205 section (B) off site, not off-site
- Page 206 section (2) ...options below:
- Page 209 section (b)(3) ...Municipal Code.

Chapter Five:

- Page 210 (1) the sentence should end with ";" instead of a period. This is consistent with the rest of the purpose statements in this section
- Page 210 section (10) remove the "and" at the end of the sentence and place at the end of (11)
- Page 213 On Table 5-3 under Notes [2] the "i" is capitalized in "Is"
- Page 214 Under 20.05.40(b)(2) the section reference is listed twice
- Page 218 Under (a) capitalize "city"
- Page 219 Under Table 5-5 under Notes [2] the "i" is capitalized in "Is"
- Page 221 Under (C)iii.Slope- remove the "is" from the sentence "a four is to one ratio"
- Page 224 section (E)i. Add "or" to sentence and add comma at the end "surfaced with asphalt, concrete, or permeable pavers,"

- Page 226 section (7)(A)i - reword to say "fourplex residential lots may directly front arterial level streets if rear alleys are...."
- Page 229 section (D) - capitalize "Downtown Vision and Infill Strategy Plan". Also, as a general note this section should be located somewhere else, we never see subdivisions in the Downtown and we want these standards to be in the development standards section, not the subdivision section.

Chapter Six:

- Page 232 section (c)(1)(B): Isn't PC review of Final plan the default?
- Page 232 section (c)(1)(F) this one begins strangely, with a lower case "which" that appears to be mid thought
- Page 233 section (p): oxford comma needed after "publish" and after "ordinances"
- Page 233 section (V): oxford comma needed after "modify"
- Page 233 section (R): Remove 'to' between 'certify' and 'all'
- Page 233 section (3)(A): Remove 'council' from first line.
- Page 234 section (3)(C)(i): oxford comma after "enforcement"
- Page 235 section (e)(1): Remove ',' after designee
- Page 235 section (e)(1)(A): oxford comma after "plans"
- Page 235 section (e)(1)(D): Is that code reference correct?
- Page 236 section (5): oxford comma after "permits" in the first line and after "city" at the end of the third line
- Page 236 section (6): oxford comma after "charts" in 4th line
- Page 237 section (2)(K) needs to end with '; and'
- Page 237 section (2)(L) needs to end with '.'
- Page 238 section (C): Remove 'under' in second line
- Page 239 Table 6-1: Needs to be clear that things that CAN go to Hearing Officer, may also be routed to BZA instead. It doesn't currently show that. (Similar to how Plat approvals are split between Plat and PC.)
- Page 239 Table 6-1: Grading permit UDO Section is 20.06.050(e)
- Page 239 Table 6-1: Should Comp Plan Amend include 'Posted'?
- Page 239 Table 6-1: Comp Plan Amend: Can't a member of the public request one? If so, should Pre-Submittal Meeting be checked?
- Page 239 Table 6-1: Zoning Text Amendment does not need 'Posted'.
- Page 240 Table 6-1: Admin Appeal: 'Mailed' should be checked and 'Posted' should not be checked
- Page 241 section (b)(1)(A): Last sentence should say: 'on or prior to'
- Page 242 section (2)(A): Development Review Committee to be capitalized in first line
- Page 242 section (2)(A):is intended to provide an opportunity for the petitioner to listen to City staff from several departments discuss details and....."
- Page 243 section (ii): Add 'neighborhood' between 'pre-submittal' and 'meeting'
- Page 243 section (E)(i): Add 'neighborhood' between 'pre-submittal' and 'meeting'
- Page 243 section (E)(ii): Add 'neighborhood' between 'pre-submittal' and 'meeting' twice.
- Page 243 section (c)(1)(B)(i): Remove 'or its zoning jurisdiction'
- Page 243 section (c)(1)(B)(ii): this is describing who is authorized to submit a petition on behalf of those listed in (c)(1)(B)(i), and at the end, the last person listed is "or another person". Surely this is not our intention.
- Page 244 section (2)(A)(i): replace the parenthetical phrase with something more serious-sounding, like a standalone statement that says "The Administrative Manual is subject to change at the discretion of Planning & Transportation staff to reflect current best practices."

ATTACHMENT B

- Page 244 section (3)(A): add "office" to the end of the last statement
- Page 244 section (3)(B): add "office" after "Department" in the first line and "amount" after the word "total" in the 3rd line
- Page 244 section (3)(D): Add 'a' before 'not-for-profit'
- Page 244 section (3)(D): Concerned that the not-for-profit definition is a little vague - could we specify that they must be a 501(C)(3)?
- Page 245 section (5)(A): Capitalize Notice of Compliance
- Page 246 section (d)(2)(A)(i): Replace first 'decision' in fifth line with 'petition' and last 'decision' with 'petition'
- Page 246 section (10): change last portion of the section to say "in the Planning and Transportation Department office."
- Page 246 section (d)(2)(B)(i): 5th line should read: Appeals for "a" decision
- Page 247 section (5)(A): last line should read "state reasons for a denial, conditions of approval, or commitments."
- Page 247 section (6)(B)(i): "This" in title should be lowercase
- Page 248 section (6)(B)(iii): Should all references to "City Utilities Department" be changed to "City of Bloomington Utilities"?
- Page 248 section (6)(C)(i): Capitalize "Comprehensive Plan"
- Page 251 section (8)(C): Capitalize "County Recorder's"
- Page 251 section (8)(C): Capitalize "Certificates of Zoning Compliance"
- Page 251 section (8)(D): "...zoning map, designating a planned unit development zoning district, or approval of a final plan."
- Page 252 section (8)(F): Capitalize "County Recorder's"
- Page 252 section (8)(F): Capitalize "Certificate of Zoning Compliance"
- Page 252 section (e)(2)(C)(ii): Change "zone" to "zoning"
- Page 252 section (e)(2)(C)(iii): Change "zone" to "zoning"
- Page 254 section (e)(3)(B)(i): pursuant "to the" Administrative Manual (add to)
- Page 261 section (9): Add 'Any' at beginning.
- Page 292 section (a)(1): Change "jurisdictional" to "jurisdiction"
- Page 293 Figure 6.6-1: Capitalize "Plan Commission" and "Plat Committee"
- Page 294 section (b)(3)(A)(iii): add "a" to "decision by the Plan Commission, a pre-submittal neighborhood meeting..."
- Page 295 section (F)(iii): Change "not later" to "no later" and remove extra space before parenthesis at end of bullet.
- Page 295 section (c)(2): Capitalize "County Recorder's Office"
- Page 296 Figure 6.6-2: Capitalize "Plan Commission" and "Plat Committee"
- Page 297 section (E)(i)(3): Capitalize "County Recorder's Office"
- Page 298 section (iii)(3)[d]: add "site" to read "on-site and off-site"
- Page 301 Figure 6.6-3: Capitalize "Plan Commission" and #4 change to "See Text"
- Page 302 section (i)(4): Should this be "public right-of-way" vs. "public way"?
- Page 302 section (F)(i)(2): Capitalize "County Recorder's Office"
-
- Page 311 section (3)(b) Substantial increase in the cube of a building. Change cube to envelope

Chapter Seven:

ATTACHMENT B

- Page 381 The definition of "Parapet" is repeated
- Page 381 The definition of "Park" is repeated
- Full Chapter Top right says '(f) Appeals' left over from Chapter 6
- Art Gallery, Museum, or Library Add ',' after 'appraisal' and ',' after 'historical'
- Art, Public Add an 'a' between 'in' and 'way'
- Bar or Dance Club
- Page 401 Void-to-solid isn't used except in the definitions. The concept was changed to Table 2-26: Windows and Doors on Primary Facades.
- Definitions with a corresponding floodplain and general definition need to have the general definition appear first.

ORDINANCE 19-24

**TO REPEAL AND REPLACE
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED, “UNIFIED DEVELOPMENT ORDINANCE”**


ATTACHMENT C

Note: The Common Council’s amendments to the Consolidated Attachment A and B (hereinafter “Attachment C”) will be inserted here and returned to the Plan Commission with a Statement of Reasons for them in accordance with IC 36-7-4-606(g).

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 19-24 is a true and complete copy of Plan Commission Case Number ZO 30-19 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on September 23, 2019.

Date: September 25, 2019


Terri Porter, Secretary
Plan Commission

Received by the Common Council Office this 25th day of September, 2019.


Nicole Bolden, City Clerk

Appropriation Ordinance #	19-24	Fiscal Impact Statement Ordinance #	Resolution #
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Type of Legislation:

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

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

Cause of Request:

Planned Expenditure		Emergency	
Unforeseen Need		Other	

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No XX

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

Approval of the 2019 Unified Development Ordinance (UDO), repeals and replaces the 2007 UDO and does not have a major fiscal impact. This ordinance is in accordance with Indiana Code 36-7-4-600.

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

Interdepartmental Memo

To: Members of the Common Council
From: Scott Robinson, Assistant Director, Planning and Transportation
Subject: Ordinance 19-24 (ZO-30-19)
Date: September 25, 2019

Included below is the staff report for Plan Commission case ZO-30-19 – to replace the 2007 Unified Development Ordinance with an updated Ordinance. The Plan Commission heard this petition over a series of seven hearings starting August 26, 2019 through September 23, 2019 (hearings on 8/26/2019, 8/29/2019, 9/5/2019, 9/10/2019, 9/16/2019, 9/17/2019, and 9/23/2019). The Plan Commission heard public testimony on the Adoption Draft of the UDO at each of its meetings.

In order to consider amendments to the Adoption Draft the Plan Commission used a process of resolutions that, if passed, directed staff to draft amendments. Amendments then could be drafted and vetted before the next hearing where they would be discussed and public comment would be taken. A total of 23 resolutions were offered directing staff to prepare 23 amendments. Except for Amendment 8, the amendments, respective public comments, and outcomes are posted on the UDO Update website (link below). With regard to Amendment 8 and Amendment 21, the Plan Commission directed staff to bring them forward for consideration by Council. Amendment 8 is based on general recommendations by the Environmental Commission and needed additional time for coordination and vetting. Amendment 21 raised legal concerns over the definition of cooperative housing. Below is a general summary of the 23 Amendments:

- #1 – Amendment to correct the typographical errors throughout the Adoption Draft - **Amendment 1 adopted;**
- #2 – Amendment to allow duplex, triplex, and fourplex as permitted uses for new subdivisions and undeveloped locations of the City while keeping duplex, triplex, and fourplex as conditional uses for other areas of the City- **Amendment 2 adopted;**
- #3 - Amendment to clarify and specify how to discourage the demolition of existing houses in order to create duplex, triplex, and fourplex residential buildings – Amendment 3 **failed for lack of a motion;**
- #4A - Amendment to remove duplex, triplex, and fourplex from R1, R2, and R3 zones **Amendment 4A failed for lack of a motion;**
- #4B – Amendment to allow duplex, triplex, and fourplex in R1, R2, and R3 zones- Amendment 4B **failed;**
- #5A – Amendment to change ADU to a conditional use **Amendment 5A adopted;**
- #5B – Amendment to expand ADUs to allow two bedrooms and larger maximum square footage - **Amendment 5B adopted as amended;**
- #6 – Amendment to consider the size and weight of livestock in addition to species and prohibited species - **Amendment 6 adopted;**

- #7 – Amendment to clarify the methods and procedures used for payment in-lieu options of affordable housing incentives and require Common Council approval - **Amendment 7 adopted as amended;**
- #8 – Amendment to consider changes to impervious surface standards, invasive plant species, and other Environmental Commission recommendations - **Amendment 8 withdrawn for Council consideration;**
- #9 – Amendment to expand the Demolition Delay process of contributing structures for partial demolition permits - **Amendment 9 failed;**
- #10 – Amendment to clarify the financial surety requirements for plats and 2nd plats - **Amendment 10 adopted;**
- #11 – Amendment to reorganize the PUD criteria and prioritize the highly valued design features G and H as standalone subsections - **Amendment 11 adopted;**
- #12 – Amendment to provide more specific information and characteristics on the new Mixed-Use Student Housing (MS) district - **Amendment 12 adopted;**
- #13 – Amendment to allow for more than one driveway for duplex, triplex, and fourplex residential uses - **Amendment 13 failed;**
- #14 – Amendment to evaluate the list of prohibited and discourage plant species for additional prohibited species – **Amendment 14 adopted;**
- #15 – Amendment to modify the electric vehicle parking standards to count towards parking maximums - **Amendment 15 adopted;**
- #16- Amendment to revise the summary section of the PUD summary within 20.02.10 to specify Plan Commission and Planning & Transportation Department - **Amendment 16 adopted;**
- #17 – Amendment to revise the definition of family to be more inclusive - **Amendment 17 adopted;**
- #18 – Amendment to remove the limitation of two unrelated adults for duplex, triplex, and fourplex units - **Amendment 18 adopted;**
- #19 – Amendment to revise the amplified sound and noise requirements for HVAC - **Amendment 19 failed;**
- #20 – Amendment to reduce the minimum lot requirements for R2-R4 zones - **Amendment 20 adopted;**
- #21 – Amendment to propose a definition for Cooperative Housing to distinguish this housing type from student housing - **Amendment 21 withdrawn for Council consideration;**
- #22 – Amendment to reconsider the definition of owner-occupied under ADU requirements - **Amendment 22 failed; and**

- #23 – Amendment to reduce the vehicle stacking standards for commercial drive-through lanes - **Amendment 23 adopted.**

Staff prepared an amended UDO Adoption draft based on the adopted amendments. The Plan Commission voted 9-0 to recommend adoption of the proposed Unified Development Ordinance to the City of Bloomington Common Council. The Plan Commission also passed a resolution strongly urging the Common Council, with the help of staff, to further amend the UDO with recommendations by the Bloomington Environmental Commission and create a pathway for cooperative housing. The resolution also calls for a timely, transparent, and understandable method for calculating the “in-lieu” payments that can support affordable housing incentives.

For reference, the Plan Commission report is included below.

REQUEST: The City is requesting to replace the 2007 Unified Development Ordinance with an updated Unified Development Ordinance (UDO).

BACKGROUND and PROCESS: The City of Bloomington adopted the 2018 Comprehensive Plan in March of 2018. This replaced the 2002 Growth Policies Plan. The next step is to update and replace the UDO. This is important to better align policies and ensure consistency with land use guidance provided in the 2018 Comprehensive Plan. The practice of updating comprehensive plans and then zoning ordinances is widely accepted and used throughout American communities; some dating back to the early 1900s when zoning was first being used to promote the health, safety, and welfare of communities. Historically, Bloomington has also updated its zoning ordinance after updates to the Comprehensive Plan.

In February 2018, Clarion Associates and McBride-Dale-Clarion, hired by the City to facilitate the project, kicked off the UDO update. The first public meeting outlined the purpose and general approach to evaluating, reviewing, and updating the UDO. The approach separated the update process into the following steps:

- UDO Assessment (April 30 - May 1, 2018): identify recommended development regulations that need to be added, deleted, or revised to better align the UDO with the Comprehensive Plan objectives;
- Zone Districts and Permitted Uses (July 16 - 17, 2018): propose zone district and use (permitted/conditional/accessory/temporary) changes with each change footnoted;
- Dimensional and Development Standards (September 11 - 12, 2018): propose changes to dimensional standards (height, size, setbacks, and location of primary and accessory structures) and development layout and quality standards (access/ connectivity, parking, lighting, landscaping/buffering, signage, and maintenance standards);
- Procedures and Administration (November 27 - 28, 2018): propose changes to review and adoption procedures and criteria for both new development and redevelopment projects;
- Consolidated UDO Draft (March 19-20, 2019): propose changes and integrate prior steps into a Consolidated Draft for review; and
- Adoption Draft (August 5) – provide a final draft to be considered for adoption and replacement of the 2007 UDO.

Each step was comprised of multiple meetings with stakeholders, an Advisory Committee, elected officials, board and commission members, and residents from the general public. All meetings within each step were conducted using the same information and process. A project website also mirrored each step to provide consistency and help ensure information was readily available throughout the process. Residents could provide input at any of the 35 public meetings and/or through the website regardless of whether they were able to personally attend a meeting or not. The culmination of these steps together resulted in an Adoption Draft that was posted on August 5, 2019. Copies were also made available at the Planning and Transportation Department and Monroe County Public Library.

The next step is to start the adoption process for the Adoption Draft. The first of three scheduled Plan Commission meetings is on August 26, 2019. After the Plan Commission review, the Adoption Draft and any amendments recommended by the Plan Commission will then be considered by the Common Council. The City, per Plan Commission rules and IC 36-7-4-604, is required to notice the public hearing for the UDO update. Postcards providing notice were mailed to all City of Bloomington property owners beginning on July 31, 2019. A notice was also published in the Herald Times on August 15, 2019. Public comments on the Adoption Draft have been received and posted weekly since August 5th. All comments received prior to 4 pm EDT, August 26, 2019 will be posted on the project website and can be accessed at: <https://bloomington.in.gov/planning/udo/update>.

Residents are encouraged to attend the Plan Commission public hearings for another opportunity to provide feedback. The Plan Commission may introduce changes (amendments) to the Adoption Draft before they make a final recommendation.

REPORT: A handout is included (also posted on the project website link above) that outlines key changes being proposed with this Adoption Draft. Please review the handout for key changes.

The Consolidated Draft has all proposed changes clearly detailed with footnotes from prior steps of the UDO update process. The Adoption Draft is the version incorporating any of those changes that staff is proposing for consideration. The large majority of these changes are not identified in the handout as key changes. Furthermore, all footnotes and overview narratives from the Consolidated Draft have been removed from the Adoption Draft. This background information is not included for consideration as the Adoption Draft is the actual ordinance being proposed for approval. The handout identifies key changes proposed and should be used to guide review of the Adoption Draft and focus discussion around key changes.

Clarion Associates and McBride-Dale-Clarion have used this methodology successfully throughout many zoning ordinance updates across the country. This methodology has been consistent in our process since the kick off meeting in February 2018. In June of 2019, the Advisory Committee found this process thorough and recommended that an Adoption Draft be prepared and considered for adoption.

CRITERIA AND FINDINGS: Indiana State Code (IC 36-7-4- 600 series - <http://iga.in.gov/legislative/laws/2019/ic/titles/036#36-7-4-600>) provides the rules and standards that the Plan Commission and Common Council must follow for adopting a zoning

ordinance/UDO. Section 601 details the powers and duties of the legislative body and requires that a comprehensive plan must be approved before a zoning ordinance is adopted. Section 602 outlines the procedure for adopting a zoning ordinance. Section 603 sets out criteria that the Plan Commission must pay reasonable regard to in considering the proposed ordinance. Section 604 provides the notice requirements for the public hearing. Section 605 provides the certification process to the Common Council once the Plan Commission takes final action on the request. Section 606 details the procedure for the adoption process for the Common Council.

It is important to keep these legal requirements in mind when considering the Adoption Draft. A key provision for the Plan Commission is Ind. Code § 36-7-4-603, “Zoning ordinance; preparation and consideration of proposals” which states as follows:

Sec. 603. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

Together the 2018 Comprehensive Plan and the update process have resulted in an Adoption Draft that staff believes meets these requirements for approval.

RECOMMENDATION: Based on the report above, the Planning and Transportation Department is recommending that ZO-30-19 be forwarded to the Common Council with a positive recommendation. Once the Plan Commission makes its determination, then ZO-30-19 must be considered by the Common Council. Once the action by the Plan Commission is certified to the Common Council Office (which must be within 10 days of final action by the Plan Commission), then Common Council must either adopt, reject, or amend ZO-30-19 within 90 days.

The Plan Commission will only see this request again if the Council amends or rejects ZO-30-19. Furthermore, in this scenario the Plan Commission will only be able to accept or reject (within 45 days) the final action by the Common Council.

BLOOMINGTON INDIANA



UNIFIED DEVELOPMENT ORDINANCE SUMMARY OF SIGNIFICANT CHANGES FROM CURRENT REGULATIONS

Over the past two years, Clarion Associates and McBrideDaleClarion have worked with Bloomington staff, stakeholders, citizens, and property owners to update the Bloomington Unified Development Ordinance (UDO). The goals of this project have been to:

- Align the UDO with the 2018 Bloomington Comprehensive Plan;
- Improve the effectiveness, efficiency, and predictability of the UDO;
- Create new opportunities for more affordable housing; and
- Improve the user-friendliness of the UDO.

The result of this work is an Adoption Draft of the UDO that is scheduled to begin the public hearing and adoption process on August 26, 2019. The Adoption Draft contains numerous changes from Bloomington's current zoning and subdivision regulations. This document focuses on the most significant of those changes to Bloomington's current land use control regulations. For more detailed information related to proposed changes, we encourage you to review the full UDO document available on the project website: <https://bloomington.in.gov/planning/udo/update>.

Structure of the Regulations

All of the city's zoning and subdivision regulations have been reorganized into seven chapters:

- 20.01: Ordinance Foundation
- 20.02: Zoning Districts
- 20.03: Use Regulations
- 20.04: Development Standards & Incentives
- 20.05: Subdivision Standards
- 20.06: Administration & Procedures
- 20.07: Definitions

Chapter 20.01: Ordinance Foundation

This chapter establishes the legal framework for adopting and administering development regulations in Bloomington. The content was largely carried forward from various sections of the current UDO. Purpose statements and ties to the Comprehensive Plan were strengthened.

Chapter 20.02: Zoning Districts

This chapter describes an updated list of zoning districts available to accommodate current development and implement the Comprehensive Plan. It consolidates the content in current Chapter 20.02 (Zoning Districts); Chapter 20.03 (Overlay Districts); and Chapter 20.04 (Planned Unit Development Districts).

- Each district now includes a conceptual drawing and graphics to better illustrate the intended scale and character of development in each district (but do not reflect all of the development details addressed by the UDO).
- Each district now includes an updated table summarizing key dimensional standards such as lot size, maximum building height, and building setbacks. Changes to the existing dimensional standards are described in the Development Standards and Incentives section below.
- Four new zoning districts have been created (but not yet mapped):

- An R1 Residential Large Lot district with a minimum lot size of 20,000 sq. ft.;
- An R4 Residential Urban district to accommodate urban single-family lots of 4,800 sq. ft. (smaller than the current minimum size of 7,200 sq. ft.) to promote affordable housing (as suggested by the Comprehensive Plan);
- An MS Mixed-Use Student Housing district to accommodate large student housing projects with a maximum height of six stories (not to exceed 75 feet), to reduce pressure for large projects downtown (as suggested by the Comprehensive Plan); and
- A PO Parks and Open Space district to designate and protect City parks and open spaces.
- Most existing zoning districts have been renamed for internal consistency. The current RS district is now named R2 Residential Medium Lot, and the current RC district is now named R3 Residential Small Lot. A summary table clarifies how each existing district has been renamed, and which districts are new.
- The six current downtown overlay zone districts have been consolidated into one district with six separate character areas, for easier administration.
- Design and character guidance in the six downtown character areas has been retained, but standards for pedestrian-orientation were enhanced, and other standards were revised to avoid repetition and to remove unintentional inconsistencies and overly-subjective language.
- The ability to apply for Planned Unit Development (PUD) zoning has been narrowed, and the criteria for approval of PUDs has been strengthened, to ensure that this type of district produces developments of significant value to the City, rather than simply a way to avoid compliance with the City's development standards. PUDs are not available in the MD (Mixed-use Downtown) district.

Chapter 20.03: Use Regulations

This chapter consolidates all of the City's regulations concerning what land uses are permitted by right, or with conditional approval, and under what conditions, in each of the zoning districts.

- All regulations regarding permitted and conditional uses in each zoning district are summarized in a single Table of Allowed Uses, and all conditions and limitation on uses are cross-referenced in a consolidated list of Use-Specific Standards that follows the table. A portion of the table is shown below.

Table: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use,

Uses with an * = use-specific standards apply

NOTE: Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

Proposed Name Current Name	Residential								Mixed-Use								Non-Residential		Use-Specific Standards
	RE	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
	RE	--	RS	RC	--	RM	RH	MH	--	CL	CG	CA	BP	IN	CD	MD	IG	QY	--
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family (detached)	P	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)			P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C	C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex		C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex					C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)

- The list of uses has been updated and reorganized into broader and more flexible categories.
- In response to public concern about the size and number of student housing projects in downtown, a new Student Housing or Dormitory use has been added, to clearly distinguish housing types designed and intended to be occupied by students from other types of housing. Any multi-family development with four or more bedrooms, or more than 33 percent three-bedroom units, is treated as student housing.
- Student Housing or Dormitory developments are limited in size and height and are required to be separated from each other in all zoning districts except the new MS Mixed-Use Student Housing zoning district. This use is also subject to conditional use approval in the RM Residential Multifamily, MN Mixed-Use Neighborhood-Scale, and MD Mixed-Use Downtown zoning districts.
- In order to promote the creation of more affordable housing and to diversify the housing stock in Bloomington, new duplex, triplex, and fourplex housing uses have been added.
- Although proposed to be allowed by right in the R2, R3, and R4 zoning districts in earlier drafts of the UDO, duplexes and triplexes are now proposed to be conditional uses (requiring a public hearing) in the RE, R1, R2, and R3 zoning districts, and fourplexes are only allowed in the RM, RH, and the new R4 district. In addition, based on public concern about possible crowding of these new types of housing, the number of bedrooms in duplex, triplex, and fourplex housing is now limited, and occupancy for each unit is limited to no more than two unrelated adults and their relatives.
- A new live-work use has been added.
- Because the current requirements for the construction of ground-floor retail space have produced an over-supply (much of which is unoccupied), those requirements have been reduced, and the number of downtown blocks where new ground-floor retail is required has been limited.
- Standards for noncommercial urban agriculture were clarified and updated.

- Standards for crops and pasturage and numbers of animals permitted were clarified.
- The 300-foot spacing requirement for accessory dwelling units has been removed to avoid inequities created by the current “first come first served” approach.

Chapter 20.04: Development Standards & Incentives

This chapter consolidates all of the site and building layout and development quality standards for new development in Bloomington and organizes those standards into broad categories. Key changes to each topic are summarized below.

Applicability

The UDO includes a new table that clarifies which development standards apply to which types of development and redevelopment projects.

Table: Development Standards Compliance Thresholds

UDO Standard	UDO Section	Change of Use		New Development		Redevelopment (minor site plan)		Redevelopment (major site plan)	
		Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only
Dimensional standards	20.04.020		✓	✓			✓	✓	
Environmental	20.04.030		✓	✓			✓	✓	
Drainage and Floodplain	20.04.040		✓	✓			✓	✓	
Access and Connectivity	20.04.050	✓		✓		✓		✓	
Parking and Loading	20.04.060	✓		✓		✓		✓	
Site and Building Design	20.04.070		✓	✓			✓	✓	
Landscape, Buffering, and Fences	20.04.080		✓	✓		✓		✓	
Outdoor lighting	20.04.090	✓		✓			✓	✓	
Signs	20.04.100	✓		✓		✓		✓	

20.04.020: Dimensional Standards

- All dimensional standards have been consolidated into four tables.
- In the residential districts, the current low dwelling unit per acre standards were replaced by revised controls on building size, height, and numbers of bedrooms. This removes an incentive for developers to build fewer, larger, less affordable dwelling units, rather than smaller and more affordable units.
- In addition, Dwelling Unit Equivalent standards designed to discourage large student-oriented housing projects were replaced with new definitions and controls for Student Housing and Dormitory that achieve the same result.
- In the multifamily residential districts, the current large minimum lot sizes and lot widths were reduced to encourage efficient development of multifamily housing in new development areas, as recommended by the Comprehensive Plan.

- In mixed-use zoning districts, the current large minimum lot sizes and lot widths were reduced and lot coverage maximums were increased slightly to allow for more efficient infill and new development, as recommended by the Comprehensive Plan.
- The lower height limits adopted for the downtown MD zoning district in 2017 now only apply to Student Housing and Dormitory uses, but not to other downtown development.

20.04.030: Environmental

- The wording of several standards was revised to better align with current and best practices, and to better reflect the goals of the Comprehensive Plan.
- New standards to protect trees during construction have been added.

20.04.040: Floodplain

- Floodplain standards were separated from environmental standards.
- Floodplain standards were updated to reflect the Indiana Department of Natural Resources model floodplain ordinance.

20.04.050: Access and Connectivity

- This new section collects all standards related to access, connectivity, and walkability and emphasizes their importance and better integrates them into decision-making.
- Standards requiring sidewalk connections to building entrances adjacent to public street were strengthened.

20.04.060: Parking and Loading

- Minimum parking requirement (two spaces per dwelling) for single-family detached and attached dwellings were removed to encourage more efficient and affordable residential developments.
- Minimum parking requirements for new duplex, triplex, and fourplex uses were set at one-half space per dwelling unit in all zoning districts, except in the MD (downtown) district, where no parking is required.
- Maximum vehicle parking requirements were updated and simplified to focus on medium and large facilities where over-supply of parking can have a significant impact on neighborhood character and walkability, rather than small parcels and facilities that are unlikely to over-provide parking and that have only small impacts.
- Minimum vehicle parking space dimensions were reduced to reflect current trends, to reduce the overall area dedicated to vehicle parking, and to increase land use efficiency.
- A new standard requires electric vehicle (EV) charging stations in new parking areas with more than 50 vehicle parking spaces.

20.04.070: Site and Building Design

- The UDO now clarifies which types of developments and what types of activities require compliance with site and building design standards.
- New standards require that adequate space be provided for on-site refuse and recycling containers.

- In order to protect low density residential neighborhoods from overshadowing by nearby development, new neighborhood transition standards require increased building setbacks and lower building heights for new projects within 100 feet of a property in the RE, R1, R2, R3, and R4 zoning districts.

20.04.080: Landscaping, Buffering, and Fences

- A new standard allows public art to count towards up to five percent of the required landscape area.
- The permitted plant list was updated to only include native plants.
- Buffer yard standards were revised and are now based on adjacent land use rather than zoning district (i.e., single-family, multifamily, mixed-use, commercial, etc.), which is a more accurate indicator of the need for buffering.
- New standards require mechanical equipment to be screened, and standards for loading, service, and refuse areas were strengthened.

20.04.090: Outdoor Lighting

- Outdoor lighting standards were reorganized, clarified, and illustrated with new graphics.

20.04.100: Signs

- Sign regulations were revised to comply with the U.S. Supreme Court's ruling in Reed v. Gilbert, which strictly prohibits content-based regulations.

20.04.110: Incentives

- This section of the UDO has been substantially revised to focus incentives on the key City goals of housing affordability and sustainable development, and to reduce the need for lengthy negotiations to achieve those incentives. Affordable housing incentives have been substantially increased to allow builders to offset the added costs of this type of development.
- New affordable housing incentives allow multifamily projects to earn one additional floor of building height in return for providing at least 15 percent of the dwelling units as affordable to households earning below 120 percent of the HUD AMI for Monroe County, Indiana, and to earn up to two additional floors of building height if half of the rent restricted units are affordable to households earning below 80 percent of the HUD AMI for Monroe County, Indiana. Developers of non-residential projects and Student Housing and Dormitory projects may earn the same incentives if they include enough affordable units to offset the additional demand for affordable housing created by their project. However, all affordable housing projects located within 100 feet of low-density residential zone districts must still comply with the lower height limits and increased building setbacks in the neighborhood transition standards.
- In the case of low-density residential developments, developers that provide at least 7.5 percent of units as affordable to households earning below 120 percent of the HUD AMI for Monroe County, Indiana qualify for reduced lot sizes and setbacks.
- New sustainable development incentives allow developers to earn one additional floor of building height if they include at least four of six listed sustainability features, or if their building is certified to

meet a defined level of sustainability based on LEED or another approved third party rating system. If a developer meets the criteria for both the sustainability incentive and the affordable housing incentive, the additional height “added” by the sustainability incentive is limited to one-half floor. Again, projects located within 100 feet of low-density residential zone districts must still comply with the lower height limits and increased setbacks in the neighborhood transition standards.

- The criteria for earning the revised incentives are objective, and are determined by staff during the project review in order to increase predictability and reduce the time needed for project review and approval. Although the Hearing Officer or the Plan Commission often have final authority to approve or deny a project, that review will take place based on project designs that include any incentives earned by the applicant. Reducing the time needed for project approval and increasing the predictability of the review process significantly increases participation in incentive programs.
- A new payment-in-lieu process has been added, and tied to documented affordable housing impacts rather than individualized negotiations, to allow developers to contribute funds to a City-managed affordable housing fund in lieu of constructing affordable units.

20.04.120: Operation and Maintenance

- All City standards related to the operation and maintenance of buildings and sites (such as the duty to maintain landscaping) have been consolidated into this section of the UDO.

Chapter 20.05: Subdivision Standards

This chapter consolidates all of the standards for the subdivision of land and the creation of new developable lots in Bloomington, including street and lot layout, easement requirements, utility requirements, and other related standards. We have proposed several changes to these standards as outlined below:

- The “suburban subdivision” type was not carried forward because that type of development pattern is not consistent with the guidance provided in the Comprehensive Plan. New infill subdivision regulations provide flexibility without the curvilinear street layouts required by the old standards.
- Several technical standards have been revised based on staff feedback to better align standards with current practices and to address gaps and inconsistencies in the current regulations.

Chapter 20.06: Administration & Procedures

This chapter consolidates all of the zoning and subdivision administration and procedures and helps users understand the process for receiving approval to engage in specific activities in the City.

20.06.020: Review and Decision Making Bodies

- All of the roles and responsibilities for each review and decision-making body in Bloomington have been consolidated into a single section.
- A new section on the responsibilities of the floodplain administrator has been added to be consistent with the state model floodplain language.

- To improve readability, minor procedural requirements (such as internal operating procedures for some appointed bodies) have been relocated to an Administrative Manual outside of the UDO.

20.06.030: Summary Table of Review Procedures

A new table consolidates information about each type of application under the UDO, which bodies review and make a decision on the application, which bodies hear appeals of those decisions, and what kind of public notice is required. A portion of that table is shown below.

Table: Summary Table of Review Procedures

R = Review and Recommendation D = Decision A = Appeal * = Public Hearing Required

Procedure	UDO Section	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Submittal Meeting	DRC Meeting	Neighborhood Meeting	Staff	Plan Commission	Plat Committee	Board of Zoning Appeals	Common Council	Hearing Officer	Historic Preservation Commission
Development Permits and Procedures														
Site Plan Review, Minor	20.06.050(a)				✓			D	A					
Site Plan Review, Major	20.06.050(a)	✓	✓	✓	✓	✓	✓	R	D*					
Conditional Use Permit	20.06.050(b)	✓	✓	✓	✓			R			A		D*	
Demolition Delay Permit	20.06.050(c)			✓	✓			R						D
Floodplain Development Permit	20.06.050(d)							D						
Grading Permit	20.06.050(d)							D						

20.06.040: Common Review Procedures

This section consolidates information about the common steps in most application review and approval procedures and states them once, rather than repeating them for each procedures (as in the current UDO). The petition-specific procedures in sections 20.06.050 through 20.06.080 refer back to these common review procedures and note any modifications or additions.

- Submittal requirements for each type of petition, as well as public notice verification procedures, have been relocated to an Administrative Manual outside the UDO, where they can be updated more easily as technology changes.
- Public notice requirements currently separated in the UDO, the Plan Commission Rules and Procedures, and the BZA Rules and Procedures have been integrated and now appear in the UDO.
- Numerous different notice periods for different procedures, and that vary based on who submits the application (all property owners, some property owners, or the City), have been simplified. The UDO now contains (1) a major decision notice period of 21 days for those decisions requiring action

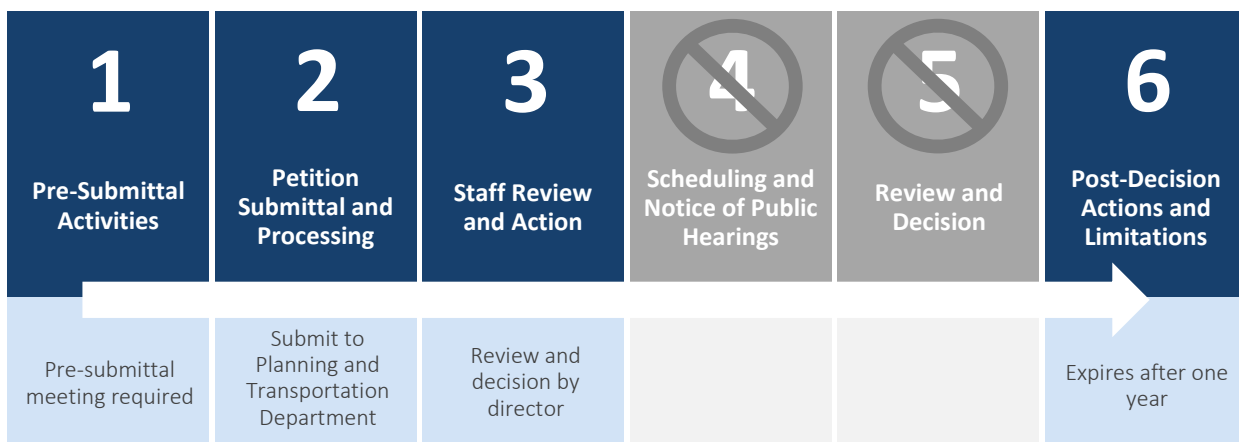
by the Plan Commission or Board of Zoning Appeals, and (2) a minor notice period of 10 days for decisions requiring action by staff, the Hearing Officer, or the Plat Committee.

- Where a petition might be routed to one of two different review bodies, the criteria for making that decision have been clarified.
- The criteria to be applied in making decisions on different types of petitions have been clarified and made more objective, and repetitive language has been removed. Criteria are now grouped into (1) general compliance criteria, (2) additional criteria for conditional uses; and (3) criteria for zoning map amendments, plats, and PUDs.

20.06.050: Development Permits and Procedures

This section consolidates information about those types of petitions that generally do not require review or action by the Plan Commission, Board of Zoning Appeals, or City Council. In addition, the UDO contains a horizontal flowchart illustrating the steps involved in review of each type of petition and referring back to section 20.06.040 where one or more of the common procedures apply. An example of one of those flowcharts is shown below.

Minor Site Plan Review Procedure



- The criteria for deciding when a site plan approval is required (and when it is not required) have been clarified.
- The current site plan review procedure has been into two categories -- minor and major -- and clarifies what types of petitions fall into each category. A minor site plan can be approved administratively by staff.
- To encourage the use of affordable housing and sustainable development incentives, the site plan portion of any petition that qualifies for those incentives may be reviewed through the minor site plan process, with one exception. If the project is located adjacent to a lot in the R1, R2, R3, or R4 zoning districts and contains more than 50 dwelling units, major site plan review will be required.

Requests for rezoning, conditional uses, variances, or other types of approval would still require a public hearing.

- A new floodplain development permit procedure has been added to align with the Indiana state model floodplain ordinance.
- A financial surety requirement for grading permits has been added.
- The current practices for obtaining a certificate of zoning compliance and certificate of nonconforming use are now codified in the UDO.

20.06.060: Subdivision Procedures

- The platting procedures have been renamed to align with state law (i.e., primary plat, secondary plat).
- The subdivision review criteria have been revised to implement language from the state model floodplain ordinance.
- The current plat waiver and modification process has been removed, because the UDO contains other flexibility and adjustment tools that can achieve the same result.

20.06.070: Plan and Ordinance Amendments

- Because of the difficulty of administering Planned Unit Developments (PUD) and doubts about the benefits received by the City when this tool is used, the eligibility criteria for a PUD petition have been narrowed.
- Updated the approval criteria for rezoning to a PUD to reflect updates to replace vague considerations with more objective standards, in order to ensure that substantial public benefits are obtained, and to discourage the use of this district except for very unique projects. PUD applications are now required to provide additional open space, recreational, entertainment, or cultural amenities, or to protect important historical, ecological, natural, architectural, or archaeological resources, or to provide more affordable housing than that required to earn an affordable housing incentive.

20.06.080: Flexibility and Relief Procedures

- The current procedures for development standards variance, use variance, and floodplain variance have been consolidated into a single procedure, although each type of variance has its own review and approval criteria.
- A new "minor modification" process has been created to allow the final decision-making body to approve minor deviations (within defined limits) from certain dimensional or other numeric standards when justified by unique site circumstances.
- The text on "administrative interpretation" has been made clearer and more objective, and now applies to all interpretations of the UDO text (not just interpretation of land uses).

20.06.090: Nonconformities

This section clarifies how the UDO applies to properties and land uses that were created legally in the past, but that now do not meet the UDO standards because of later amendments to the UDO.

- The content has generally been carried over from the current UDO, but has been reorganized to begin with those general standards applicable to all nonconformities, followed by specific provisions applicable to nonconforming uses, structures, site features, and signs.
- Text now clarifies that the ability to continue to operate a nonconforming land use or to occupy a nonconforming building or site is not affected by later changes in ownership or tenancy of the business or property.

20.06.100: Enforcement and Penalties

This section carried forward current UDO content with some minor wording edits.

Chapter 20.07: Definitions

This chapter consolidates all of the definitions for words and phrases used throughout the UDO, with several clarifying edits to current definitions and several new definitions based on new uses or standards elsewhere in the UDO. Among other changes, this chapter includes clearer definitions of student housing related uses to distinguish them from general workforce multifamily housing and to better control the impacts of student housing on the housing stock and adjacent neighborhoods.

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, September 25, 2019 at 6:32pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
September 25, 2019

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

ROLL CALL [6:33pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:34pm]

Councilmember Steve Volan moved and it was seconded to approve the minutes of August 14, 2019. The motion was approved by voice vote.

APPROVAL OF MINUTES
August 14, 2019 (Regular Session)
[6:35pm]

Volan moved and it was seconded that Resolution 19-14 be read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis, giving the committee do-pass recommendation of Ayes: 7, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[6:36pm]

Volan moved and it was seconded that Resolution 19-14 be adopted.

Resolution 19-14 Resolution
Proposing an Ordinance Modifying
Local Income Tax Allocations in
Monroe County and Casting Fifty-
Eight Votes in Favor of the
Ordinance - Re: Adjusting the
Allocations between the Public
Safety Answering Point (PSAP)
and General Public Safety
Purposes Tax Rates Without
Changing Other Allocations or the
Total Expenditure Tax Rate

Councilmember Isabel Piedmont-Smith presented the legislation. She explained that the adjustment of the allocation between the public safety answering point (PSAP) and the general public safety purposes tax rates did not change the other allocations or the total expenditure tax rate.

There were no council questions.

Council questions:

There was no public comment.

Public comment:

There were no final comments.

Council comment:

The motion to adopt Resolution 19-14 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 19-14
[6:41pm]

Volan moved and it was seconded that Appropriation Ordinance 19-05 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

LEGISLATION FOR FIRST
READING [6:41pm]

Appropriation Ordinance 19-05
An Ordinance for Appropriations
and Tax Rates (Establishing 2020
Civil City Budget for the City of
Bloomington)

Volan moved and it was seconded that Appropriation Ordinance 19-06 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Appropriation Ordinance 19-06
An Ordinance Adopting a Budget
for the Operation, Maintenance,
Debt Service and Capital
Improvements for the Water and
Wastewater Utility Departments
of the City of Bloomington, Indiana
for the Year 2020

Volan moved and it was seconded that Appropriation Ordinance 19-07 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Appropriation Ordinance 19-07
Appropriations and Tax Rates for
Bloomington Transportation
Corporation for 2020

Volan moved and it was seconded that Ordinance 19-20 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 19-20 An Ordinance
Fixing the Salaries of Officers of
the Police and Fire Departments
for the City of Bloomington,
Indiana, for the Year 2020

Volan moved and it was seconded that Ordinance 19-21 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 19-21 An Ordinance
Fixing the Salaries of Appointed
Officers, Non-Union and
A.F.S.C.M.E. Employees for All the
Departments of the City of
Bloomington, Monroe County,
Indiana, for the Year 2020

Volan moved and it was seconded that Ordinance 19-22 be read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 19-22 To Fix the
Salaries of All Elected City Officials
for the City of Bloomington for the
Year 2020

Council Attorney Dan Sherman reviewed the upcoming council schedule.

COUNCIL SCHEDULE [9:26pm]

Volan moved and it was seconded to adjourn the meeting. The motion was approved by voice vote.

ADJOURNMENT [6:47pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2019.

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington