



City of Bloomington Common Council

Legislative Packet

Wednesday, 15 June 2016

Regular Session

*For legislation and background material regarding
Ordinance 16-08, Ordinance 16-09, Ordinance 16-10,
and Ordinance 16-11, please consult the
[01 June 2016 Legislative Packet](#).*

All other material contained herein.

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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Second Reading:

- **Res 16-06** 2016 Jack Hopkins Social Services Funding Allocations and Related Matters
 - Solicitation Material (Letter from Chair and Application)
 - Elaboration of Criteria
 - Allocation Sheet
 - Funding Agreement Template

Contact: Chair Tim Mayer at mayer@bloomington.in.gov or (812) 332-5269

Water and Wastewater Rate and Bond Ordinances

Please see the [Weekly Council Legislative Packet](#) issued for the June 1st Regular Session this package of legislation, summaries and related material.

- **Ord 16-08** To Amend Title 9 of the Bloomington Municipal Code Entitled "Water" (Rate Adjustment)
- **Ord 16-09** An Ordinance of the Common Council of the City of Bloomington, Indiana, Authorizing the Acquisition, Construction, Installation and Equipping by the City of Bloomington, Indiana, of Certain Improvements and Extensions to the City's Waterworks, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Waterworks and Other Related Matters

- **Ord 16-10** To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater” (Rate Adjustment)
- **Ord 16-11** An Ordinance of the Common Council of the City of Bloomington, Indiana, Authorizing the Acquisition, Construction, Installation and Equipping by the City of Bloomington, Indiana, of Certain Improvements and Extensions to the City's Sewage Works, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters

Legislation and Background Material for First Reading:

- **Ord 16-12** To Vacate Public Parcels - Re: Two 12-Foot Wide Alley Segments and Two Fifty-Foot Wide Street Segments Located at the Northwest Corner of West 11th Street and North Rogers Street (Duke Energy, Petitioner)
 - Maps of Proposed Vacation and Area;
 - Memo to Council from Staff
 - Pre-Petition Application (to start review by Planning and Transportation staff)
 - Petitioner Materials:
 - Letter
 - Exhibits:
 - Survey and Legal description for each alley and street
 - Illustration of proposed utility substation with depictions of elevations before and after construction
 - Transmittal to Utility and Safety Services
 - Summary of Responses from Utilities
 - Memo to Board of Public Works from staff
 - List of concerns from residents
 - Memo from Patty Mulvihill, City Attorney – Re: Pre-emption of Regulation of Duke Energy by Indiana Utility Regulatory Commission
 - Map of Site and Existing Substations
 - Street views of existing substations

Contact: Christy Langley at 812-349-3423, langleyc@bloomington.in.gov

- **Ord 16-13** To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” To Amend a Historic District to Reflect Re-Addressing of a Designated Property – Re: 305 East Vermilya Avenue
 - Memo to Council from Patty Mulvihill, City Attorney

Contact: Patty Mulvihill at 812-349-3426 or mulvihill@bloomington.in.gov

Minutes from Regular Sessions on:

- June 1, 2016
- December 16, 2015
- December 2, 2009
- December 20, 2006

Memo

One Resolution and Four Ordinances Ready Under Second Readings and Resolutions and Two Ordinances Ready for First Readings at the Regular Session on Wednesday, June 15th

There is a resolution and four ordinances ready for consideration under Second Readings and Resolutions and two ordinances ready for First Reading at next Wednesday’s Regular Session. The legislation, summaries, and related material for items ready for Second Reading are split between this packet (where you will find the resolution) and the packet prepared for the June 1st Regular Session (where you will find the ordinances). The two ordinances and related information ready for introduction next week will also be found in this packet.

Second Reading and Resolutions

Item One – Res 16-06 – Authorizing Allocations of the Jack Hopkins Social Services Funding Committee and Other Related Actions

This is the 24th year of the Jack Hopkins Social Services Funding Program, named after former Councilmember Jack Hopkins. Since its inception in 1993 through 2015, the City has expended approximately \$3.27 million under this program. The funding available through this program has more than tripled since its inception – from \$90,000 available in 1993 to \$280,000 available in 2016. After a series of five

meetings, the Jack Hopkins Social Services Funding Committee recommended funding for 24 agency programs.

Res 16-06 will be considered by the full Council on June 15, 2016. It implements the Committee's recommendations by:

- Allocating the grant funds;
- Approving the *Funding Agreements* with these agencies;
- Delegating questions regarding the interpretation of the *Agreements* to the Chair of the Committee (Tim Mayer);
- Authorizing the Chair of each year's Committee to appoint two non-Council member appointees to the Committee; and
- Approving the *Report* of the Hopkins Committee (which is comprised of this summary and the related packet materials).

Committee Members and Staff

The Committee is a Standing Committee of the Council. The 2016 Committee included five Council members assigned by the President of the Council: Tim Mayer (Chair), Allison Chopra, Dorothy Granger, Isabel Piedmont-Smith, and Susan Sandberg. The Committee also included two members from other City entities: Sue Sgambelluri and John West. Along with Committee members and Council Office staff, Dan Niederman from the HAND department assisted with the process.

Policies, Procedures, and Schedule for 2016

The following is a summary of the proceedings for this year:

- **Organizational Meeting – February 24, 5:15 - 6:35p, Hooker Room**
The Committee met to review the 2015 funding process and establish a procedure for the 2016 round. At this meeting the Committee:
 - *Heard a report of last year's grants from Dan Niederman, HAND department;*
 - *Acknowledged that \$280,000 is available this year;*
 - *Requested that last year's policy of establishing a hard deadline for claim submission of December be continued;*
 - *Discussed the return of \$23,900 in unspent 2015 monies. The Committee requested the Chair to inquire if the Mayor would consider appropriating these funds toward the 2016 program. [Postscript: The Mayor indicated*

his amenability. After a review of 2016 applicants, the Committee decided not to move forward with the request.]

- *Voted to accept requests for operational funding that do not fit within one of the long-standing exceptions to the “one time funding” rule: pilot projects, bridge funding, and collaborative projects.*
 - *Authorized the Chair to approve the solicitation letter; and*
 - *Established a schedule for 2016.*
-
- **Solicitations – March 1** - The Council Office sent solicitation letters to social services agencies and posted the letter and related materials on the Committee's website. The United Way distributed this information to its members and in the Non-Profit Alliance Newsletter and subsequently the H-T provided a brief article. Public Service Announcements were also distributed to local radio stations. Reminder e-mails were sent to agencies approximately two weeks after the initial e-mail solicitation was sent.

 - **Technical Assistance Meeting - March 15, 4-5pm** - The Council Office held a Voluntary Technical Assistance meeting in order to explain the program to, and answer questions from, agency representatives. Sixteen people attended the meeting.

 - **Deadline for Applications - March 28, 4pm** (no late applications accepted) - 29 applications were submitted to the Council Office by the deadline and requested about \$539,940 in funds.

 - **Distribution of Packet of Applications – April 20** - The Council Office distributed summaries and application materials to committee members and staff and posted it online for the public.

 - **Initial Review of Applications by the Committee – April 25, 5:3pm-8:30pm** - The Committee met for initial review of the 29 applications. The Committee first announced potential conflicts of interests¹ and then reviewed the applications, removed four applications from further consideration, and developed questions to be answered by presenters at the Presentation Hearing.

¹ These involved service on boards and volunteer efforts by various members, but no financial conflicts.

- **Presentations – May 5, 4pm-6:45pm** - The Committee met, heard presentations from, and asked questions of 25 agencies.
- **Ratings and Recommended Allocations–May 11** - The committee members submitted their evaluations and recommended allocations to the Council Office. The Council Office averaged allocations and turned the averages around to the Committee in interest of its next meeting.
- **Preliminary Recommendations – May 16, 6:30pm-7:55pm** - The Committee met and made preliminary recommendations for funding to be considered at its Allocation meeting.
- **Final Recommendations –May 19, 4pm-4:15pm** - The Committee recommended funding 24 agency applications for a total of \$280,000. Please note that the Committee offered an opportunity for public comment before voting on its recommendations.
- **De-Briefing Meeting – June 8, 5:30pm-6:55pm** – The Committee met to review the 2016 program – what worked well and what warrants change in 2016.
- **Council Action - June 15 --** The Common Council will consider the *Resolution* approving recommendations and taking related actions regarding the program.
- **Technical Assistance Meeting - Tuesday, June 21, 8:30am, McCloskey Room**– Dan Niederman in the HAND department has scheduled a Technical Assistance meeting at this time to inform funded agencies how to obtain reimbursements under the grant.

Note: The memoranda of the meetings will be available in the Council Office once they are reviewed and approved by the Committee.

Criteria and Other Program Policies

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

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

On Criteria: Further Modifications to the "One-Time" Funding Rule for the 2016 Funding Cycle

As originally envisioned, Hopkins funds were intended to be a "one-time investment." This one-time funding rule was intended to encourage innovation, address changing community needs, and to discourage dependency of an agency on Hopkins funding for its on-going operational needs. Over time, the Committee has established exceptions to the "one time funding" rule. Those exceptions allow for requests for operating funds for a pilot project, to bridge the gap left by a loss of another funding source, and for collaborative projects. For the last 3-4 years, the Committee has received increasing feedback from agencies calling for a broader allowance for operational requests. Agencies have opined that in the current economic climate, operational funds are the hardest to come by and that such funds are critical for non-profits continued provision of essential services. In response, the Committee agreed to accept applications for operational funds that do not fit one of the aforementioned exceptions. The included the following proviso in its solicitation material:

Please note that the Committee recognizes the growing need for operational funds that do not fit one of the aforementioned exceptions. For that reason, this year -- in addition to accepting applications for operational funds for pilot, bridge, or collaborative programs -- the Committee is accepting applications for operational funds that do not meet one of the exceptions to the one-time funding rule. However, know that preference will still be given to initiatives that are one-time investments. Know further that this new allowance is specific to the 2016 funding cycle; the Committee may not offer this allowance in 2017.

*Applicants should be advised that, as always, **funding of any project or initiative this year does not guarantee funding in future years.***

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

Of the 12 agencies who sought operational funds this year, 6 did so under this new allowance. In the Committee's debriefing meeting, the group agreed that it is too early to measure the efficacy of this new allowance, but recommended to subsequent Hopkins Committees that the practice continue for at least 3 or 4 years. At the end of the period, the allowance should be re-visited.

Membership

Since its inception, the Hopkins Committee has been composed of five Councilmembers and two other people representing "other City entities." The intent behind this inclusion of people on the Committee who were not elected officials, was to open the Committee up to broader representation. However, over time, it has become clear that the requirement that such members be drawn "from other City entities" unnecessarily and artificially constrains the pool of potential members. For that reason, the Committee voted to broaden the membership requirement to "two City residents with experience in social services." This resolution solemnizes this change.

Recommendations to Fund 24 Programs

The Committee recommended funding 24 agency programs. These agencies, programs, grant amounts and claim submission dates are briefly described below (and summaries of all 29 applications can be found on the [Jack Hopkins Committee website](#)):

Agency	Grant	Purpose
All-Options Pregnancy Resource Center	\$8,400.00	To purchase disposal diapers and wipes for the <i>All-Options Diaper Bank</i>
Amethyst House	\$13,500.00	To pay for tree removal at both the Men's 3/4 Way House located at 416 W. 4th and at the Women's House at 322 W. 2nd and to pay for the replacement of the retaining wall at the Women's House at 322 W. 2nd.
Area 10 Agency on Aging	\$1,400.00	To purchase gardening beds, fencing, soil, garden mix, plants, and seeds for the Area 10 Vegetable Garden, providing produce to Mobile Food Pantry clients.
Boys & Girls Club of Bloomington	\$19,000.00	To cover renovation costs of a two-story section of a Boys and Girls Club building located at 803 North Morton Street
CASA – Monroe County	\$6,878.00	To purchase and install a Toshiba C1X40 Digital Hybrid telephone system
Community Kitchen	\$19,824.00	To purchase a tilt skillet and to pay for parking lot repair.
El Centro	\$1,000.00	To pay for trained interpreters for medical and community appointments in cases where funding is not available.
First Christian Church	\$1,100.00	To purchase tables for the <i>Gathering Place</i> .
First Presbyterian Church	\$5,500.00	To pay for the purchase of a dishwasher for the <i>Saturday Morning Breakfast Program</i> .
Girls Inc.	\$4,496.00	To pay for gutter and downspout replacement, said replacement having occurred in January-February 2016.
Habitat for Humanity	\$14,500.00	To pay for tools, construction volunteer expenses, materials for classes and education outreach supplies.
Hoosier Hills Food Bank	\$12,000.00	To purchase and install a lift gate for the Food Bank's primary food collection and delivery truck.
Indiana Recovery Alliance	\$17,600.00	To pay for the purchase of an unmarked vehicle used in the provision of Indiana Recovery Alliance services.
LIFEDesigns	\$14,000.00	To pay for the purchase of a wheelchair-accessible vehicle.
Middle Way House	\$11,800.00	To purchase beds, mattresses, vinyl sofas, rocking chairs and related furnishings for 338 S. Washington Street.
Monroe County United Ministries	\$20,000.00	To pay for construction costs associated with MCUM's <i>Food Pantry Expansion Project</i> located at 827 W. 14th Ct.
Mother Hubbard's Cupboard	\$15,000.00	To pay for staff salaries to expand Mother Hubbard's Cupboard's Education and Tool share programs.

My Sister's Closet	\$10,000.00	To pay for the salary of the Success Institute Coordinator.
New Hope Family Shelter	\$13,382.00	To purchase and install a corded telephone system linking New Hope offices; to purchase and install desktop and laptop computers; to purchase and install a security system monitor; to purchase and install a wireless network; to pay for hardwiring and set up of aforementioned technology; to purchase cribs, tables, child-sized chairs, tip-resistant shelving, a coat locker, outdoor sheds, and related equipment for New Hope's <i>Early Childhood Program</i> .
Planned Parenthood	\$3,000.00	To pay for subsidized removal/insertion of long-acting removal contraceptives (LARCs) and to pay for subsidized STD testing through the Women's Health Fund at the Bloomington Health Clinic, located at 421 S. College Avenue.
Shalom Center	\$25,000.00	To pay for two months of operational funding for emergency, overnight sheltering at <i>A Friend's Place</i> , located at 917/919 S. Rogers Street, Bloomington, Indiana
Stepping Stones	\$10,120.00	To pay for staff salaries for Stepping Stones' <i>Street and Community Outreach Pilot Program</i>
Susie's Place	\$11,000.00	To pay for the following components of the <i>Pediatric Sexual Assault Medical Exam Program</i> : cabinet, counter and sink construction and installation; Medgyn-AL 106 Digital Video Colposcope with Swing Arm, and foot pedal.
Volunteers in Medicine	\$21,500.00	To pay for salaries of dentists, dental assistants, and dental hygienists in interest of the expansion of Volunteers in Medicine's dental services.

Funding Agreements. Along with recommending these allocations, the *Resolution* also approves the *Funding Agreement* between each grantee and the City. These *Agreements* are designed to ensure that the money is used for the intended purpose. Each *Agreement* states the amount and purpose of the grant as well as the manner and schedule for the agency to follow in order to receive funds. Each also acknowledges that grantees may be subject to the Living Wage requirements if the grant is \$25,000 or greater and must comply with the City's Affirmative Action program if that grant is in excess of \$10,000.

The HAND department will monitor the *Agreements* and release the funds on a reimbursement/claims basis similar to other funds it oversees (such as the City's Community Development Block Grants). The *Agreements* give each agency a date by which to submit its claims. Due to increasing concerns expressed by the City Controller with agencies encumbering funds well into the following year and the intent that these social service dollars be put to work in the community as soon as practicable, this year's Committee agreed that the last date by which an agency should submit its final claim reimbursement should be early December. All but a very few of the Funding Agreements reflect this deadline and those with the December deadline may be extended. The Agreement does allow the Director of HAND to extend the deadline if the agency submits a request in writing at least two weeks before that date providing good cause for an extension. In those cases, the Director of HAND may extend the deadline and may also encumber the money for use into 2017, up until March 31, 2017. Any extension beyond that date must be approved by the Committee.

Under the *Agreement*, agencies will be required to follow customary accounting procedures when keeping track of the grant and must allow the City to inspect their records; records must be kept for at least three years from the date of the *Resolution*. The *Agreement* also makes it clear that the City is not liable to 3rd parties due to the agency's handling of the funds. Lastly, the City may terminate the *Agreement* if it does not have the funds (and, in that event, must promptly notify the affected agencies) and may require the refunding of monies if they are not used as agreed upon or in accordance with the law.

Chairperson Interprets the *Funding Agreement*. This *Resolution* authorizes the Chair of the Committee to resolve any questions that may arise concerning the interpretation of the *Funding Agreements*.

Appointments of Members to Committee. This *Resolution* acknowledges that the Committee is a Standing Committee of the Council. That generally means that the President of the Council assigns members of the Council to serve on it and also appoints the Chair. The *Resolution*, however, delegates the appointment of the two non-Council members to the Chair and that those members must be two city residents with experience with social services.

Approval of Report of this Standing Committee. The Jack Hopkins Social Services Funding Committee, as a Standing Committee of the Council, must file a *Report* of its activities to the full Council. This summary and the accompanying background material constitute the *Report*.

First Readings

**Item One – Ord 16-12 To Vacate Two Alley and Two Street Segments
Totaling Approximately One-Third of an Acre at the Northwest Corner of
West 11th Street and North Rogers Street
(Duke Energy, Petitioner)**

Ord 16-12 would vacate two twelve-foot wide alley segments (~ 417 lineal feet) and two fifty-foot wide street segments (~188 lineal feet) located within a 2.7 acre triangular-shaped area at the northwest corner of West 11th Street and North Rogers Street (and bordered on the north by the Indiana Rail Road corridor). The vacation would comprise about one third of an acre of land and is being sought by Duke Energy for the purpose of constructing a utility substation.

The Nature of the Project

The memo from the petitioner explains that there are two current substations serving the City – one at East 13th and North Dunn and the other in the 1600 block of South Rogers – which, even after an upgrade in 2005, will not be to meet the present and future demand of the City. A third, interconnected substation at 11th and Rogers, it states, is needed to meet the electricity load growth for the City and IU campus.

In summarizing this need, the memo notes that “over the last two years, Bloomington has accounted for the largest increase of Duke customers in the State...” For the City, this growth included “432 residential apartment units with

more being contemplated, increased commercial business space, new hotels with meeting spaces, and plans for the Certified Technology Park (nearby).”

On the IU campus, this growth included “new or renovated buildings at Franklin Hall, Assembly Hall, Kelly School of Business Hodge Hall, School of Infomatics & Computing, School of Global & International Studies and Rose Hall residence (facility).” In the next few years, it will also include the construction of a new hospital along the SR 45/46 Bypass.

The petitioner’s memo indicates that the new substation will offer the following “significant and lasting public benefits”:

- Increased capacity “to adequately serve the needs of the City and Indiana University”;
- Enhanced reliability by the reassigning of power from one substation to another and the “re-routing of power in the event of system outages which, in turn, will reduce the time necessary to restore electricity service... (and will) help prevent power outages during performance of necessary system maintenance.”

In order to alleviate concerns from residents, the petitioner has proposed berms and landscaping to shield the surrounding area. The materials include images of the site from various vantage points both before and after construction to illustrate how the substation will appear to those living near or passing by the site.

Procedural Matters

Vacations of rights-of-way are governed by specific procedures enumerated in State statute (I.C. §36-7-3-12 et seq.) Such procedures are commenced when a petitioner files a petition with the Common Council. Under these procedures, the City Clerk must assure that owners of property abutting the right-of-way are notified by certified mail of the proposed action. The Clerk must also advertise the hearing wherein the public may offer the Council its comments and objections (June 29, 2016). Those objections or grounds for remonstrance are generally limited by statute to questions of access, use of public ways, and the orderly development of the neighborhood or unit as a whole. (*See* I.C. §36-7-3-13) Please note that aside from a failure of notice or an instance of impropriety, there is little recourse for those who object to the *denial* of vacation of right-of-way. In the event the ordinance is adopted, the Clerk must then file a copy with the County Recorder and the County Auditor.

In Bloomington, we begin with a pre-petition application submitted to the Planning and Transportation Department. Lynne Darland, Senior Zoning Compliance Manager, then reviews the request and notifies all the utility services, safety services, and the Board of Public Works of the proposed action. After receiving the responses and evaluating the proposal in terms of local criteria (described below), Darland (in consultation with City Legal) prepares a report and an ordinance for the Council.

Please note that the Council's action to vacate a right-of-way or an easement must be done in the public interest. It extinguishes the City's interest in the property which generally has the effect of splitting the right-of-way between the owners of adjacent lots. The extinguishing of the right-of-way also makes enforcement of any promises about future uses difficult to enforce.

Concerns of Surrounding Property Owners

The subject alleyways abut a number of properties involving three owners: Bender Enterprise, LLC, Jennifer and Ronald Druding (504 West 11th Street), and the Indiana Rail Road Company. The supporting material indicates that first two of these three owners have agreed to sell their land to the petitioner.

As Council members know, residents are concerned about the proposed substation and the petitioner has met with them in an effort to address their concerns. Some of those concerns were expressed to the Board of Public Works and noted for the Council (which are briefly noted in a sheet that follows the staff report to the Board of Public Works). They include:

- The need to protect a core neighborhood which, in this instance, feels left out of the process (paraphrase) and under attack from JB Salvage and the Diamond Hill proposal, by preserving their quality of life and value of their property;
- Addressing the proximity of houses to the substation and, for example, the noise generated by it (estimated at 55 decibels);
- The uncertain benefit of the berm and landscaping plan in reducing the noise and hiding the substation;
- The uncertain value of the railroad corridor as a buffer since the railroad has cut down all of the trees in the past; and
- The choice of this site in light of the location of the other two substations and the electrical needs of the entire City.

In addition, residents have created a webpage (<http://substationsolutions.info/>) with arguments for reconsideration of the siting and design of this substation. In brief, the webpage argues that:

- This site would be a better location for commercial or residential uses (given the vitality they would offer to that intersection) and other sites outside of the downtown would offer more suitable locations for a substation (given the location of the other substations and growth in the community);
- The design of the substation (i.e. the scale or foot-print, massing, site enclosure, landscaping, and architectural features) “should be respectful of (its) surrounding environment”;
- There are risks associated with substations (which “house high-voltage electrical equipment”) that can be addressed by burying or encasing it; and
- There are newer (albeit more expensive technologies) that allow for smaller more “neighborly substations.”

Description of Vacated Property

This request is for the vacation of two, twelve-foot wide alley segments and two, fifty-foot wide street segments at the northwest corner of West 11th and North Rogers in the Maple Heights Addition, which are further described below:

- Two 12-Foot Wide Alley Segments – including:
 - One North/South Alley segment, which runs between Lots 59 (on the east) and Lots 60 (on west) for ~ 132.25’; and
 - One East/West Alley segment, which runs between Lots 62-66 (on north) and Lots 57-61 (on the south) for ~ 285.10’;
- Two 50-Foot Wide Street Segments – including:
 - One North Jackson Street segment, which runs from West 11th Street north between Lot 61 and an alley (on the east) and Lot 2 and part of Lot 1 (on the west) for ~ 144.17’; and
 - West 12th Street segment, which runs west of North Rogers Street between Lot 73 (on the north) and Lot 66 (on the south) for 43.99’.

The memo from staff and petitioner mentions that the remaining portions of these alleyways and streets in this triangular shaped area were vacated by ordinance in 1907, presumably in order to allow the rail road to serve the downtown area. *Please note that the attached survey map and the legal description of this right-of-way were provided by the petitioner and the legal description is also set forth in the ordinance.*

Interest of Utilities and Safety Services

State statute protects utilities which occupy or use all or part of the public way from losing their rights upon the vacation of the right-of-way, unless they choose to waive those rights (I.C. §36-7-3-16). The Memo from staff and supporting materials indicate that the City of Bloomington Fire Department, Police Department, Information Technology Services Department, and Bloomington Digital Underground along with ATT Midwest, Comcast, and Vectren had no objections. However, the memo notes that AT&T “has an easement in the area and requests an easement of equal dimensions as the proposed vacated right-of-way and that they be reimbursed for any rerouting expenses they incur.” *Please see attached Summary of Responses from Utilities*; copies of original responses can be found in the Council Office.

Local Criteria

The Council has adopted local guidelines for the review of a request for a vacation of a public right-of-way. Those criteria and responses from staff and the petitioner are summarized below:

1) **Current Status-Access to Property:** The current utilization of the right-of-way in question – as means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.

- *Response from staff: The staff memo advises that access to the property is available via North Rogers and that both City Police and Fire can service this area absent the subject rights-of-way.*
- *Response from petitioner: The petitioner’s memo notes that the right-of-ways being vacated “have not served the public for many years” and follow a vacation over 100 years ago (in 1907) of much of the other alleyways and streets in this area which was probably granted in order to accommodate the railroad corridor. Rather than cause a loss of public access or purpose, the memo argues that the vacation will “have the effect of causing the subject land to be used for a purpose that benefits the public.”*

2) Necessity for Growth of the City:

- **Future Status:** The future potential for public utilization, possible future need for the right-of-way due to future changes in land use;
 - *Response from staff: The staff memo indicates that “[t]he rights-of-ways in question are not currently improved. There is no guidance from City transportation plans or the CTP Master Plan to improve the right-of-ways for future land development needs or adjacent property connectivity.”*
 - *Response from petitioner: The petitioner’s memo argues that the previous vacation of right-of-ways, the railway corridor on the north, and the oddly shaped nature of this group of parcels makes future public use or need of these right-of-ways “unlikely.”*

- **Proposed Private Ownership Utilization:** The proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to the orderly growth of the City);
 - *Response from staff: The staff memo indicates that as result of purchase agreements with the two property owners (Bender Enterprises, LLC and Mr. and Mrs. Druding (504 West 11th Street), Duke Energy will acquire these right-of-ways (for the purpose of constructing a substation);*
 - *Response from petitioner: The petitioner’s memo indicates that the property will be used for an electrical substation with “benefits ...that will outweigh the need to retain the small pieces of land for public use.”*

- **Compliance with Regulations:** The effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change-of-use?);²

² Please note that Patty Mulvihill, City Attorney, has provided a memo indicating that “public utilities are regulated by the IURC and are not subject to the zoning authority of local units of government with respect to the location of any of their facilities.”

- *Response from staff: The staff memo indicates that these vacations do not create any compliance conflicts with local regulations and that the substation is a permitted use. It also indicates that the petitioner has offered a landscape plan with site access from North Rogers Street.*
 - *Response from petitioner: The petitioner’s memo indicates that vacating these right-of-ways with the intention of constructing an electrical substation “will not create non-compliance with any existing regulation.”*
- **Relation to Plans:** The relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.
 - *Response from staff: The staff memo indicates that “[t]his proposal is consistent with City Plans. Encouraging appropriate infill and redevelopment projects into the city’s downtown is a goal of the Unified Development Ordinance, the Growth Policies Plan, the Downtown Vision & Infill Strategy Plan, and the Certified Technology Park Master Plan. Appropriate, adequate, and dependable electrical sources are needed to ensure future needs for the City’s downtown.”*
 - *Response from petitioner: The petitioner memo states that the vacation does not pose an inconsistency with relevant city plans and will result in the construction of an electrical substation which is a permitted use in the underlying Commercial Downtown (CD) zoning district.*

Approvals and Recommendation

The staff report to the Board of Public Works recounted the request, noted the need for more electrical power to serve the area, indicated compliance with relevant City plans, summarized the responses from other utilities, and recommended approval of the vacation. On May 31st, after hearing from staff, the petitioner, and concerned residents (see above under Concerns of Surrounding Property Owners), the Board of Public Works approved the vacation.

Item Two – Ord 16-13 Amendment Title 8 of the BMC (Historic Preservation and Protection) to Reflect Re-Addressing of a Designated Property (305 East Vermilya Avenue)

Ord 16-13 would amend Title 8 of the Bloomington Municipal Code (Historic Preservation and Protection) to reflect the re-addressing of a recently designated property. The Council may recall its designation of the mid-century “massed ranch style home” located at 305 East Vermilya Avenue in early April of this year. One step taken in that legislation was to add the address to a list of designated properties set forth in 8.20 of the BMC (List of Designated Historic and Conservation Districts). As noted in the memo from Patty Mulvihill, City Attorney, this property now has two separate units and distinct uses – one serves as a leasing office and the other serves as a rental unit – and now has new and separate addresses. The ordinance deletes the old address and adds the two new addresses – 304 East Melrose Avenue (for the leasing office) and 306 East Melrose Avenue (for the rental unit).

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, JUNE 15, 2016
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

- III. APPROVAL OF MINUTES:** June 01, 2016 (Regular Session)
December 16, 2015 (Regular Session)
December 02, 2009 (Regular Session)
December 20, 2006 (Regular Session)

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 16-06 – Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2016 and Other Related Matters

Committee Recommendation: *None*

2. Ordinance 16-08 – To Amend Title 9 of the Bloomington Municipal Code Entitled “Water” (Rate Adjustment)

Committee Recommendation: Do Pass 7-0-1

3. Ordinance 16-09 – An Ordinance of the Common Council of the City of Bloomington, Indiana, Authorizing the Acquisition, Construction, Installation and Equipping by the City of Bloomington, Indiana, of Certain Improvements and Extensions to the City's Waterworks, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Waterworks and Other Related Matters

Committee Recommendation: Do Pass 7-0-1

4. Ordinance 16-10 – To Amend Title 10 of the Bloomington Municipal Code Entitled “Wastewater”(Rate Adjustment)

Committee Recommendation: Do Pass 7-0-1

5. Ordinance 16-11 – An Ordinance of the Common Council of the City of Bloomington, Indiana, Authorizing the Acquisition, Construction, Installation and Equipping by the City of Bloomington, Indiana, of Certain Improvements and Extensions to the City's Sewage Works, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters

Committee Recommendation: Do Pass 7-0-1

(over)

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

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

VII. LEGISLATION FOR FIRST READING

1. Ordinance 16-12 – To Vacate Public Parcels – Re: Two 12-foot Wide Alley Segments and Two Fifty-Foot Wide Street Segments Located at the Northwest Corner of West 11th Street and North Rogers Street (Duke Energy, Petitioner)
2. Ordinance 16-13 – To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” To Amend a Historic District to Reflect Re-Addressing of a Designated Property – Re: 305 East Vermilya Avenue

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 *Reports from the Public* 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.

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

To Council Members
From Council Office
Re Weekly Calendar – 13 - 18 June 2016

Monday, 13 June

5:00 pm Utilities Services Board, Utilities
5:30 pm Bicycle & Pedestrian Safety Commission, Hooker Room

Tuesday, 14 June

4:00 pm Bloomington Community Farmers' Market, Corner of Sixth Street and Madison Street
4:30 pm Commission on Aging, Hooker Room
6:00 pm Bloomington Commission on Sustainability, McCloskey

Wednesday, 15 June

9:30 am Emergency Management Advisory Council, Chambers
9:30 am Tree Commission, Bryan Park, North Shelter, 1001 S. Henderson St.
2:00 pm Hearing Officer, Kelly
2:30 pm Affordable Care Act Committee, McCloskey
4:00 pm Board of Housing Quality Appeals, McCloskey
4:15 pm Economic Development Commission, Hooker Room
6:00 pm Council of Neighborhood Associations, Hooker Room
7:30 pm Common Council – Regular Session, Chambers

Thursday, 16 June

8:00 am Bloomington Housing Authority Board of Commissioners,
Bloomington Housing Authority, 1007 N. Summit Rd., Community Room
5:15 pm Monroe County Solid Waste Management District – Citizens' Advisory Council,
McCloskey
7:00 pm Environmental Commission, McCloskey

Friday, 17 June

12:00 pm Domestic Violence Taskforce, McCloskey

Saturday, 18 June

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N Morton St

**Auxiliary aids for people with disabilities are available upon request with adequate notice. Please contact the applicable board or commission or call (812) 349-3400.*

RESOLUTION 16-06

AUTHORIZING THE ALLOCATION OF THE JACK HOPKINS SOCIAL SERVICES PROGRAM FUNDS FOR THE YEAR 2016 AND OTHER RELATED MATTERS

- WHEREAS, the Common Council established the Social Services Funding Committee (Committee) in 1993 to make recommendations to the entire Common Council and Mayor regarding the allocation of discretionary social services funds and, in 2002, named the program in the honor of Jack Hopkins, who was instrumental as a Council member in the establishment of this funding program; and
- WHEREAS, according to Resolution 02-16, as amended by Resolution 13-07, the Committee serves as a standing committee of the Council with five members from the Council assigned by the President of the Council;
- WHEREAS, historically, the Committee has also included as many as two members “from other City entities” appointed by the President; however, the 2016 Committee recommends revising this eligibility standard such that members of the public serving on this Committee shall be “Two City of Bloomington residents with experience in social services;”
- WHEREAS, this year the Committee includes Council members Tim Mayer (Chair), Allison Chopra, Dorothy Granger, Isabel Piedmont-Smith, and Susan Sandberg along with two community members representing other City entities -- Sue Sgambelluri and John West; and
- WHEREAS, this year the City increased the funding from \$270,000 to \$280,000; and
- WHEREAS, the Committee held an Organizational Meeting on February 24, 2016 to establish the program procedures for the year; and
- WHEREAS, at that time, the Committee affirmed the Policy Statement, which set forth and elaborated upon the following criteria for making their recommendations:
1. The program should address a previously identified priority for social services funds (as indicated in the *Service Community Assessment of Needs (SCAN)*, the City of Bloomington Housing and Neighborhood Development Department’s *Consolidated Plan*, or any other community-wide survey of social service needs); and
 2. The funds should provide a one-time investment that, through matching funds or other fiscal leveraging, makes a significant contribution to the program; and
 3. This investment in the program should lead to broad and long lasting benefits to the community; and
- WHEREAS, this affirmation included an amendment in 2012 that allowed agencies to submit a second application with one or more other local social services agencies as a collaborative project; and
- WHEREAS, this affirmation included a change this year that allowed agencies to subject requests for operational funding that did not meet one of the long-standing exceptions to the “one time funding requirement:” pilot projects, bridge funding, and collaborative projects; and
- WHEREAS, by the deadline at 4:00 p.m. on March 28, 2016, the Committee received 29 applications seeking approximately \$539,940 in funds; and
- WHEREAS, on April 25, 2016 the Committee met to discuss the applications, decided to hear from 25 applicants and raised questions to be addressed by the applicants at the presentation hearing, which was held on May 5, 2016; and
- WHEREAS, in the days following the presentations, the members of the Committee evaluated proposals and assigned each proposal a recommended allocation; and
- WHEREAS, on May 16, 2016, the Committee met for a pre-allocation meeting and adopted a preliminary recommendation to fund 24 applications and these recommendations were adopted by the Committee at its Allocation meeting on May 19, 2016; and
- WHEREAS, all the foregoing meetings were open to the public to attend, observe and record what transpired, and a period of public comment was offered before a vote on the recommendations was taken; and

WHEREAS, funding agreements have been executed by the 24 agencies recommended to receive funds, and those agencies understand and agree to abide by the terms of those agreements; and

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

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

SECTION 1. The Common Council now allocates two hundred eighty thousand dollars (\$280,000) set aside for the Jack Hopkins Social Services Funding program in 2016 to the following agencies for the following amounts and in accordance with the funding agreements approved in Section 2:

Agency	Grant	Purpose
All-Options Pregnancy Resource Center	\$8,400.00	To purchase disposal diapers and wipes for the <i>All-Options Diaper Bank</i>
Amethyst House	\$13,500.00	To pay for tree removal at both the Men's 3/4 Way House located at 416 W. 4th and at the Women's House at 322 W. 2nd and to pay for the replacement of the retaining wall at the Women's House at 322 W. 2nd.
Area 10 Agency on Aging	\$1,400.00	To purchase gardening beds, fencing, soil, garden mix, plants, and seeds for the Area 10 Vegetable Garden, providing produce to Mobile Food Pantry clients.
Boys & Girls Club of Bloomington	\$19,000.00	To cover renovation costs of a two-story section of a Boys and Girls Club building located at 803 North Morton Street
CASA – Monroe County	\$6,878.00	To purchase and install a Toshiba C1X40 Digital Hybrid telephone system
Community Kitchen	\$19,824.00	To purchase a tilt skillet and to pay for parking lot repair.
El Centro	\$1,000.00	To pay for trained interpreters for medical and community appointments in cases where funding is not available.
First Christian Church	\$1,100.00	To purchase tables for the <i>Gathering Place</i> .
First Presbyterian Church	\$5,500.00	To pay for the purchase of a dishwasher for the <i>Saturday Morning Breakfast Program</i> .
Girls Inc.	\$4,496.00	To pay for gutter and downspout replacement, said replacement having occurred in January-February 2016.
Habitat for Humanity	\$14,500.00	To pay for tools, construction volunteer expenses, materials for classes and education outreach supplies.
Hoosier Hills Food Bank	\$12,000.00	To purchase and install a lift gate for the Food Bank's primary food collection and delivery truck.
Indiana Recovery Alliance	\$17,600.00	To pay for the purchase of an unmarked vehicle used in the provision of Indiana Recovery Alliance services.
LIFEDesigns	\$14,000.00	To pay for the purchase of a wheelchair-accessible vehicle.
Middle Way House	\$11,800.00	To purchase beds, mattresses, vinyl sofas, rocking chairs and related furnishings for 338 S. Washington Street.
Monroe County United Ministries	\$20,000.00	To pay for construction costs associated with MCUM's <i>Food Pantry Expansion Project</i> located at 827 W. 14th Ct.
Mother Hubbard's Cupboard	\$15,000.00	To pay for staff salaries to expand Mother Hubbard's Cupboard's Education and Tool share programs.
My Sister's Closet	\$10,000.00	To pay for the salary of the Success Institute

		Coordinator.
New Hope Family Shelter	\$13,382.00	To purchase and install a corded telephone system linking New Hope offices; to purchase and install desktop and laptop computers; to purchase and install a security system monitor; to purchase and install a wireless network; to pay for hardwiring and set up of aforementioned technology; to purchase cribs, tables, child-sized chairs, tip-resistant shelving, a coat locker, outdoor sheds, and related equipment for New Hope's <i>Early Childhood Program</i> .
Planned Parenthood	\$3,000.00	To pay for subsidized removal/insertion of long-acting removal contraceptives (LARCs) and to pay for subsidized STD testing through the Women's Health Fund at the Bloomington Health Clinic, located at 421 S. College Avenue.
Shalom Center	\$25,000.00	To pay for two months of operational funding for emergency, overnight sheltering at <i>A Friend's Place</i> , located at 917/919 S. Rogers Street, Bloomington, Indiana
Stepping Stones	\$10,120.00	To pay for staff salaries for Stepping Stones' <i>Street and Community Outreach Pilot Program</i>
Susie's Place	\$11,000.00	To pay for the following components of the <i>Pediatric Sexual Assault Medical Exam Program</i> : cabinet, counter and sink construction and installation; MedGyn-AL 106 Digital Video Colposcope with Swing Arm, and foot pedal.
Volunteers in Medicine	\$21,500.00	To pay for salaries of dentists, dental assistants, and dental hygienists in interest of the expansion of Volunteers in Medicine's dental services.

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

SECTION 3. The Council authorizes the Chair of the Jack Hopkins Social Services Funding Committee to resolve any questions regarding the implementation of the 2016 funding agreements.

SECTION 4. Henceforth, the Council authorizes the Chair of the Committee to appoint two City residents with experience in social services.

SECTION 5. The Council also approves the *Report* of this Standing Committee of the Common Council, which is comprised of the relevant portions of the packet memo and the related packet-materials.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

ANDY RUFF President
Bloomington Common Council

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

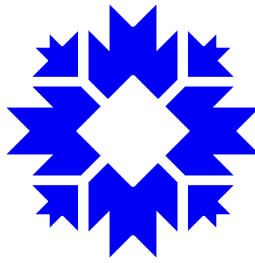
JOHN HAMILTON, Mayor
City of Bloomington

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

SYNOPSIS

This resolution brings forward the recommendations of the 2016 Jack Hopkins Social Services Funding Program Committee. The principal task of the Committee is to recommend funding for local social services agency proposals that best meet Program criteria and best meet the needs of the community. This resolution allocates a total of \$280,000 to 24 different agency programs. The resolution also: approves the funding agreements with these agencies; accepts the report of the Committee; authorizes the Chair of the Committee to resolve any questions regarding the interpretation of the agreements; and, authorizes the Chair of each year's Committee to appoint two City residents with experience in social services to join the Committee.



City of Bloomington Common Council Jack Hopkins Social Services Funding Committee

01 March 2016

Dear Social Services Agency:

The City of Bloomington Common Council's Jack Hopkins Social Services Funding Committee invites social services agencies serving the needs of City of Bloomington residents to apply for 2016 grant funding. This year, the Committee has \$280,000 to distribute. Each year, the Mayor and City Council have increased funding for the Jack Hopkins initiative. Indeed, since 1993, the Jack Hopkins Committee has granted approximately \$3.41 million to social service agencies who serve our community's most vulnerable residents.

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

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

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

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

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



NEW! Please note that the Committee recognizes the growing need for operational funds that do not fit one of the aforementioned exceptions. For that reason, this year -- in addition to accepting applications for operational funds for pilot, bridge, or collaborative programs -- the Committee is accepting applications for operational funds that *do not* meet one of the exceptions to the one-time funding rule. However, know that preference will still be given to initiatives that are one-time investments. Know further that this new allowance is specific to the 2016 funding cycle; the Committee may not offer this allowance in 2017. Applicants should be advised that, as always, **funding of any project or initiative this year does not guarantee funding in future years.**

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

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

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

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

As articulated by Jack Hopkins, the co-founder of this program: “[P]riority should be given to projects or programs where investments now will have a positive, long-term spillover effect (such as reduced susceptibility to...diseases, decreased absences from school, reducing lost time from work, [alleviating the effects of poverty]...etc.)” Historically, this criterion has excluded funding events or celebrations.¹

COLLABORATION

The Committee continues to accept applications for collaborative projects that address community-wide social problems and more efficiently meet the needs of social service agencies and agency clients.

OTHER REQUIREMENTS

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

- Hopkins funds are intended to be put to work in the community as soon as possible. For that reason, the Committee requests that funded agencies submit their last claim for reimbursement no later than December 2, 2016.

¹ Learn more about the Committee’s funding criteria by reviewing the “Elaboration of Criteria” posted on the Committee’s webpage: <http://bloomington.in.gov/jack-hopkins>

- The program for which funding is sought must primarily benefit City residents.
- The application must request a minimum of \$1,000.
- The applicant must be a 501(c)(3) (or be sponsored by one). In the event the applicant is not a 501(c)(3) but is sponsored by one, the sponsoring agency must provide a letter acknowledging its fiscal relationship to the applicant.
- For agencies submitting an application on behalf of their own organization or acting as a fiscal sponsor, the agency is limited to one application per agency. Agencies who are participating in a collaborative initiative may submit two applications: one for the collaborative initiative and one for an individual, agency-specific funding proposal.
- Please note that, historically, the Committee has not granted funds for capital projects outside of the City's corporate boundaries.

HOW TO APPLY

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

- ✓ COMPLETED APPLICATION FORM
- ✓ A TWO-PAGE PROJECT NARRATIVE (1" margins, 12pt. font)
- ✓ PROJECT BUDGET DETAILING THE USE OF HOPKINS FUNDS
- ✓ A YEAR-END FINANCIAL STATEMENT including fund balances, total revenue and expenditures
- ✓ SIGNED, WRITTEN ESTIMATES for any agencies seeking funding for capital improvements
- ✓ A MEMORANDUM OF UNDERSTANDING signed by all agencies participating in an application for a Collaborative Project

APPLICATION FORM

- Please note that we encourage applicants to submit their applications in electronic form. Electronic forms are available at: <http://bloomington.in.gov/jack-hopkins>. Agencies may still submit applications in hard copy form.

NARRATIVE

The narrative is your opportunity to communicate in detail the nature of your project and your agency's services. While responses to mission and criteria are required in the application form, feel free to integrate and expound on these in your narrative. The narrative should be clear and concise and should address any questions you anticipate will arise from your proposal. Your narrative should include, but is not limited to, the following:

- The amount requested
- The details of your project
- Your capacity to complete the project by the end of 2016 (final claim submission date: December 2, 2016).
- Any quantitative and qualitative information to support your proposal
- Evidence or research, if any, of the prospects for long-term success of your project
- If you are submitting a request for a collaborative project, you should describe: how your missions, operations and services do or will complement each other;

the existing relationship between your agencies and how the level of communication and coordination will change as a result of the project; any challenges of the collaboration you foresee and the steps you plan to take to address those challenges.

APPLICATION DEADLINE

MONDAY, 28 MARCH 2016, 4:00 PM

Submit a complete application via

E-mail council@bloomington.in.gov

OR

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

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

No late applications accepted.

LIVING WAGE REQUIREMENTS:

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

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

An agency who meets all three criteria is not obligated to pay the full amount of the living wage in the first two years they received assistance from the City. During this two-year period, the agency must take steps to reduce the gap between its wages and the living wage by 15 percent in the first year, and by 35 percent in the second year. For 2016, the Living Wage is \$12.32 per hour. Please visit [Living Wage FAQs for Non-Profits](#).

HELPFUL HINTS

- Consider attending the voluntary Technical Assistance Meeting on Tuesday, 15 March 2016, 4:00 pm in the McCloskey Room (#135).
- Take note of deadlines, as listed below.
- Plan to spend any grant money in 2016.

2016 JACK HOPKINS SOCIAL SERVICES FUNDING SCHEDULE

Technical Assistance Meeting (optional)	Tuesday, 15 March 2016, 4:00 pm McCloskey Room (#135)
APPLICATION DEADLINE	MONDAY, 28 MARCH 2016, 4:00 PM
Invited Agencies Present Applications	Thursday, 05 May 2016, 4:00 pm Council Chambers (#115)
Committee Recommends Allocation of Funds (optional)	Thursday, 19 May 2016, 4:00 pm Council Chambers (#115)
Agencies to Sign Funding Agreements	early June 2016
Common Council Acts on Committee Recommendations (optional)	Wednesday, 15 June 2016
HAND Technical Assistance Meeting Regarding Claims & Reimbursements	Tuesday, 21 June 2016, 8:30 am Hooker Room (#245)

ABOUT THE JACK HOPKINS COMMITTEE

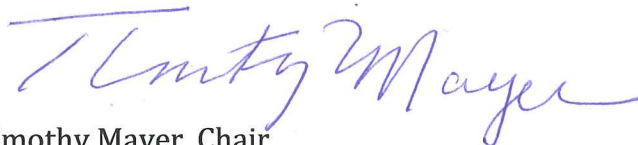
The Committee is composed of five members of the Bloomington Common Council and two members representing other City entities. Councilmembers serving are: Tim Mayer (Chair), Allison Chopra, Dorothy Granger, Isabel Piedmont-Smith, Susan Sandberg. Sue Sgambelluri and John West also serve on this year's Committee.

HELP WITH APPLICATIONS

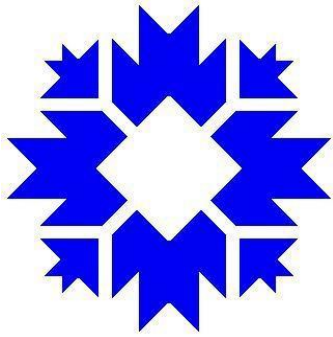
The application process is designed to be simple. However, if you have any questions, please don't hesitate to give us a call. You can contact Dan Sherman or Stacy Jane Rhoads in the Council Office at 349-3409. Dan Niederman in the Housing and Neighborhood Development Department is also happy to help;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

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

Sincerely,



Timothy Mayer, Chair
2016 Jack Hopkins Social Services Funding Committee
City of Bloomington Common Council



CITY OF BLOOMINGTON, COMMON COUNCIL
JACK HOPKINS SOCIAL SERVICES FUNDING COMMITTEE
2016 GRANT APPLICATION

AGENCY INFORMATION

Lead Agency Name:

Is Lead Agency a 501(c)(3)? Yes No

Number of Employees:

Full-Time	Part-Time	Volunteers

Address:

Zip Code:

Phone:

Agency E-Mail:

Website:

President of Board of Directors:

Executive Director:

Title:

Phone:

E-Mail:

Name of Person to Present Proposal to the Committee:
(if not the Executive Director)

Title:

Phone:

E-Mail:

Name of Grant Writer:

Phone:

E-Mail:

Agency Mission Statement *(150 words or less)*

--

PROJECT INFORMATION

Project Name:

Is this a collaborative project? Yes No

If a collaborative project, list name(s) of non-lead agency partner(s):

Address where project will be housed:

Total Cost of Project:

Requested JHSSF Funding:

Other Funds Expected for this Project (*Source, Amount, and Confirmed or Pending*)

Total Number of Clients Served by this project in 2016:

Total Number of City Residents Served by this project in 2016:

Is this request for operational funds? Yes No

If "yes," indicate the nature of the operational request:

Pilot Bridge Collaborative None of the Preceding – General request for operational funds pursuant to 2016 funding guidelines.

Please indicate the period in which you intend to draw down funds, if granted:

July-September 2016 October-December 2016 Other: _____

Please describe when you plan to submit your claims for reimbursement and what steps precede a complete draw down of funds:

If completion of your project depends on other anticipated funding, please describe when those funds are expected to be received:

Do you own or have site control of the property on which the project is to take place?

Yes No N/A

Is the property zoned for your intended use?

Yes No N/A

If “no,” please explain:

If permits, variances, or other forms of approval are required for your project, please indicate whether the approval has been received. If it has not been received, please indicate the entity from which the permitting or approval is sought and the length of time it takes to secure the permit or approval.

Note: *Funds will not be disbursed until all requisite variances or approvals are obtained.*

Due to limited funds, the Committee may recommend partial funding for a program. In the event the Committee is unable to meet your full request, will you be able to proceed with partial funding?

Yes No

If “yes,” please provide an itemized list of program elements, ranked by priority and cost:

Priority #1
(Item & Cost)

--

Priority #2
(Item & Cost)

--

Priority #3
(Item & Cost)

--

Priority #4
(Item & Cost)

--

Priority #5
(Item & Cost)

--

Priority #6
(Item & Cost)

--

Project Synopsis *(250 words or less)*

Please provide a brief overview of your project. Assume that this synopsis will be used in a summary of your proposal. Please begin your synopsis with the amount you are requesting and a concrete description of your proposed project. E.g., "We are requesting \$7,000 for an energy-efficient freezer to expand our emergency food service program."

CRITERIA

In the spaces below, please explain how your project meets the Jack Hopkins Funding criteria. Assume that your responses will be used in a summary of your proposal.

NEED *(200 words or less)*

Explain how your project addresses a previously-identified priority for social services funding as documented in the [Service Community Assessment of Needs](#), the City of Bloomington, Housing and Neighborhood Development Department's [2015-2019 Consolidated Plan](#), or any other community-wide survey of social services needs.

ONE-TIME INVESTMENT *(100 words or less)*

Jack Hopkins Funds are intended to be a one-time investment. Please explain how your project fits this criterion. If you are requesting operational funds (e.g., salaries, rent, vouchers, etc), please explain how your project satisfies an exception to the one-time funding rule (pilot, bridge, or collaborative). If you are requesting operational funds that do not satisfy one of the aforementioned exceptions, but your request is being made pursuant to the 2016 allowance for operational funds, please make that clear. If you are requesting operational funding, you must detail your plan for future funding.

FISCAL LEVERAGING *(100 words or less)*

Describe how your project will leverage other resources, such as other funds, in-kind contributions, volunteers, etc.

LONG-TERM BENEFITS *(200 words or less)*

Explain how your program will have broad and long-lasting benefits for our community.

OUTCOME INDICATORS (100 words or less)

Please either list or describe the outcome indicators you intend to use to measure the success of your project.

The ultimate outcome of a project (e.g., reduced hunger, homelessness or addiction rates) are often not readily observable within the Jack Hopkins funding period. For that reason, we are asking agencies to provide us with *outcome indicators*. In contrast to program activities (what you bought or did with grant funds) and the long-term impacts of a program (the lasting social change effected by your initiative), the data we seek are the short-term indicators used to measure the change your program has created during the period of your funding agreement. Where possible, this information should be expressed in quantitative terms.

Examples: an agency providing a service might cite to the number of persons with new or improved access to a service. If funds were used to meet a quality standard, the agency might report the number of people who no longer have access to a substandard service. An agency seeking to purchase equipment or to make a physical improvement might cite to the number of residents with new or improved access to a service or facility. If funds were used to meet a quality standard or to improve quality of a service or facility, an agency might report the number of people who have access to the improved service or facility



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

Jack Hopkins Social Services Funding Program

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

(updated: February 2014)

Elaboration of Three Funding Criteria

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

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

“priority for social services funds”

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

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

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

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

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

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

Ongoing or Operational Costs

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

Exceptions

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

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

Elaboration

Renovation versus Maintenance

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

Conferences and Travel

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

Computer Equipment

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

Scholarships and Vouchers

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

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

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

Applications from City Agencies and Other Property Tax Based Entities

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

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

“broad and long-lasting benefits to the community”

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

Funding of Events and Celebrations Discouraged

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

Collaborative Projects

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

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

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

Other Policies and the Reasons for Them

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

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

One application per agency – Exception for Collaborative Projects

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

\$1,000 Minimum Dollar Amount for Request

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

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

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

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

**2016 JACK HOPKINS SOCIAL SERVICES FUNDING COMMITTEE
RECOMMENDED ALLOCATIONS
(Approved in Two Parts)**

Part I

AGENCY	RECOMMENDED ALLOCATION
Boys & Girls Club of Bloomington -- <i>Crestmont Club Renovation</i>	\$19,000.00

Part II

AGENCY	RECOMMENDED ALLOCATION
All Options Pregnancy Resource Center -- <i>Hoosier Diaper Bank</i>	\$8,400.00
Amethyst House -- <i>Tree Removals and Replacement of a Stone Wall</i>	\$13,500.00
Area 10 Agency on Aging -- <i>Area 10 Vegetable Garden</i>	\$1,400.00
CASA – Monroe County -- <i>Technology Upgrade</i>	\$6,878.00
Community Kitchen – <i>To purchase a tilt skillet and pay for parking lot repair</i>	\$19,824.00
El Centro -- <i>The Interpreter Network</i>	\$1,000.00
First Christian Church -- <i>Table Upgrade for The Gathering Place</i>	\$1,100.00
First Presbyterian Church – <i>Toward purchase of a dishwasher for the Saturday Morning Breakfast Program.</i>	\$5,500.00
Girls Inc. -- <i>Gutter Replacement</i>	\$4,496.00
Habitat for Humanity -- <i>Tools to Build Capacity (tools, construction volunteer expenses, materials for classes and education outreach supplies)</i>	\$14,500.00
Hoosier Hills Food Bank -- <i>Vehicle Lift – Gate Replacement</i>	\$12,000.00
Indiana Recovery Alliance – <i>Toward vehicle purchase</i>	\$17,600.00
LIFEDesigns -- <i>Wheelchair Accessible Vehicle</i>	\$14,000.00
Middle Way House – <i>Purchase of beds, mattresses, vinyl sofas, and related furnishings</i>	\$11,800.00
Monroe County United Ministries -- <i>MCUM Food Pantry Conversion</i>	\$20,000.00
Mother Hubbard’s Cupboard – <i>Increasing Patron Self Sufficiency -- Staff support for increased programming</i>	\$15,000.00
My Sister’s Closet -- <i>Success Institute Coordinator</i>	\$10,000.00
New Hope Family Shelter -- <i>IT Upgrades; Materials for Children’s Program</i>	\$13,382.00
Planned Parenthood -- <i>Bloomington LARCs Initiative + STD Testing</i>	\$3,000.00
Shalom Center -- <i>Operational funding for “Friend’s Place”</i>	\$25,000.00
Stepping Stones -- <i>Street and Community Outreach Pilot – staff salaries</i>	\$10,120.00
Susie’s Place -- <i>Pediatric Sexual Assault Medical Exam Program</i>	\$11,000.00
Volunteers in Medicine -- <i>Salaries for the expansion of the V.I.M. dental service</i>	\$21,500.00

GRAND TOTAL	\$280,000.00
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FUNDING AGREEMENT
CITY OF BLOOMINGTON - JACK HOPKINS
SOCIAL SERVICES PROGRAM

«Organization»

This Agreement entered into in June 2016 by and between the City of Bloomington, Indiana hereinafter referred to as the "City," and «Organization», hereinafter referred to as the "Agency," provides for the following:

- Whereas, the Jack Hopkins Social Services Program Funding Committee (Committee) reviewed Agency applications, heard their presentations, and made funding recommendations to the Common Council;
- Whereas, the Common Council adopted Resolution 16-06 which provided funding to this Agency in the amount and for the purposes set forth in Sections I and III of this Agreement;
- Whereas, the resolution also delegated the duty of interpreting the Funding Agreement for the City to the Chair of the Committee; and
- Whereas, in interpreting the Agreement, the Chair may consider the purposes of the program, the application and comments by Agency representatives, and statements made by decision-makers during deliberations.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

I. USE OF FUNDS

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

«Project_Description»

II. TIME OF PERFORMANCE

The last claim for expenses under this Agreement must be filed no later than December 2, 2016. Requests for extensions must be submitted to the City's Housing and Neighborhood Development Director no later than November 18, 2016. Such request must be submitted in writing. The Director may extend the deadline no later than March 31, 2017.

III. PAYMENT PROCEDURES

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

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

IV. ADMINISTRATIVE REQUIREMENTS

A. Accounting Procedures

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

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

B. Access to Records

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

C. Retention of Records

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

D. Reporting Requirement

The Agency agrees to provide a report describing the Agency's use of Jack Hopkins Social Services funds. The report shall include, but not be limited to: 1) the amount the agency was awarded; 2) a general description of the project; 3) results of the project as measured by the project's outcome indicators; 4) population served by the program; 5) community benefits of the project; 6) a digital photograph depicting the Hopkins-funded project and 7) copies of any written material for the project giving the Jack Hopkins Social Services Funding Committee credit as required by V(G) below. Please report the results of your project clearly, concisely and honestly. Please report both successes and challenges. The report shall not exceed 500 words and shall be submitted in Word format. The report shall be sent to the Housing and Neighborhood Development department no later than the date of Agency's last claim submission. Unless otherwise provided pursuant to Section II, no report shall be submitted any later than December 2, 2016.

V. GENERAL CONDITIONS

A. General Compliance

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

B. Independent Contractor

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

C. Hold Harmless

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

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

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

E. Living Wage Requirements

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

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

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

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

G. Jack Hopkins Social Services Funding Committee Recognition

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

VI. NOTICES

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

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

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

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

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

VIII. TERM OF AGREEMENT

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

CITY OF BLOOMINGTON, INDIANA

«Organization»

By: _____
Andy Ruff
President, Common Council

By: _____
«Pres_BoD»
President, Board of Directors

Date

Date

By: _____
Doris Sims
Housing and Neighborhood
Development Director

By: _____
«Director_of_Agency_»
Executive Director

Date

Date

By: _____
John Hamilton, Mayor

Date

ORDINANCE 16-12

**TO VACATE PUBLIC PARCELS -
Re: Two 12-Foot Wide Alley Segments and Two Fifty-Foot Wide
Street Segments Located at the Northwest Corner of West 11th
Street and North Rogers Street (Duke Energy, Petitioner)**

WHEREAS, I.C. §36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner, Duke Energy, has filed a petition to vacate four parcels of City property more particularly described below; and

WHEREAS, pursuant to I.C. §36-7-3-16, the City received written communications from utility services regarding their interests in the right-of-way and those communications are on file and available for inspection at the City Planning and Transportation Department and the Clerk and Council Office at 401 North Morton Street, Bloomington, Indiana 47402; and

WHEREAS, pursuant to I.C. §36-7-3-12(c), the City Clerk has provided notice to owners of abutting property and published notice of the public hearing on this matter, which will be held during the Common Council Regular Session on Wednesday, June 29, 2016 at 7:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street; and

WHEREAS, pursuant to I.C. §36-7-3-12, upon vacation the City Clerk shall furnish a copy of this ordinance to the County Recorder for recording and to the County Auditor;

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

SECTION 1. Through the authority of I.C. §36-7-3-12, four portions of City owned property shall be vacated.

SECTION 2. The first property is a north/south alley segment running between Lots 59 and 60, north from West 11th Street, more particularly described as follows:

Beginning at the Southeast corner of Lot 60 in said Maple Heights and on the north right-of-way line of West 11th Street; Thence on the east line of Lot 60 North 00 degrees 33 minutes 13 seconds East 132.24 feet to the south line of an east west alley; Thence leaving said east lines and on said south line North 89 degrees 35 minutes 29 seconds East 12.00 feet to the west line of Lot 59; Thence leaving said south line and on the west line of Lot 59 South 00 degrees 33 minutes 13 seconds West 132.25 feet to the north line of said West 11th Street; Thence leaving said west lines and on said north line South 89 degrees 37 minutes 37 seconds West 12.00 feet to the Point of Beginning containing within said bounds 0.04 ACRES (1,586.7 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SECTION 3. The second property is an east/west alley segment running between Lots 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66 west from North Rogers Street, more particularly described as follows:

Beginning at the Southwest corner of Lot 62 in said Maple Heights; Thence on the south line of Lots 62, 63, 64, 65 and 66 North 89 degrees 35 minutes 29 seconds East 285.10 feet to the west right-of-way of Rogers Street; Thence leaving said south lines and on said right-of-way South 00 degrees 31 minutes 31 seconds West 12.00 feet to the north line of Lots 57, 58, 59, 60 and 61; Thence on said north line South 89 degrees 35 minutes 29 seconds West 285.11 feet to the Northwest corner of Lot 61; Thence leaving said north lines North 00 degrees 34 minutes 25 seconds East 12.00 feet to the

Point of Beginning containing within said bounds 0.08 ACRES (2,421.2 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SECTION 4. The third property is a street segment of North Jackson Street bordered by a previously vacated segment of North Jackson Street, West 11th Street and Lots 2 and 61, more particularly described as follows:

Beginning at the Southwest corner of Lot 61 in said Maple Heights and on the north right-of-way line of West 11th Street; Thence on said north line South 89 degrees 37 minutes 37 seconds West 50.01 feet to the Southeast corner of Lot 2 of said Maple Heights; Thence leaving said north line and on the east line of said Lot 2 and Lot 1 North 00 degrees 34 minutes 25 seconds East 144.13 feet to the north line of an east west alley; Thence leaving said east line and on said north line North 89 degrees 35 minutes 29 seconds East 50.01 feet; Thence leaving said north line and on said west line of Lot 61 South 00 degrees 34 minutes 25 seconds West 144.17 feet to the Point of Beginning containing within said bounds 0.17 ACRES (7,207.5 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SECTION 5. The fourth property is a street segment of West 12th Street bordered by a previously vacated segment of West 12th Street, North Rogers Street, and Lots 66 and 73 in the Maple Heights Second Addition, more particularly described as follows:

Beginning at the Southeast corner of Lot 73 in said Maple Heights and on the west right-of-way line of North Rogers Street; Thence on said west line South 00 degrees 31 minutes 31 seconds West 50.01 feet to the northeast corner of Lot 66; Thence leaving said west line and on the north line of Lot 66 South 89 degrees 33 minutes 20 seconds West 43.99 feet to the northwest corner of said Lot 66; Thence leaving said north line North 00 degrees 31 minutes 20 seconds East 50.01 feet to the southwest corner of said Lot 73; Thence on the south line of said Lot North 89 degrees 33 minutes 20 seconds East 43.99 feet to the Point of Beginning containing within said bounds 0.05 ACRES (2,199.59 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SECTION 6. 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 7. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

ANDY RUFF, President
City of Bloomington

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 _____, 2016.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

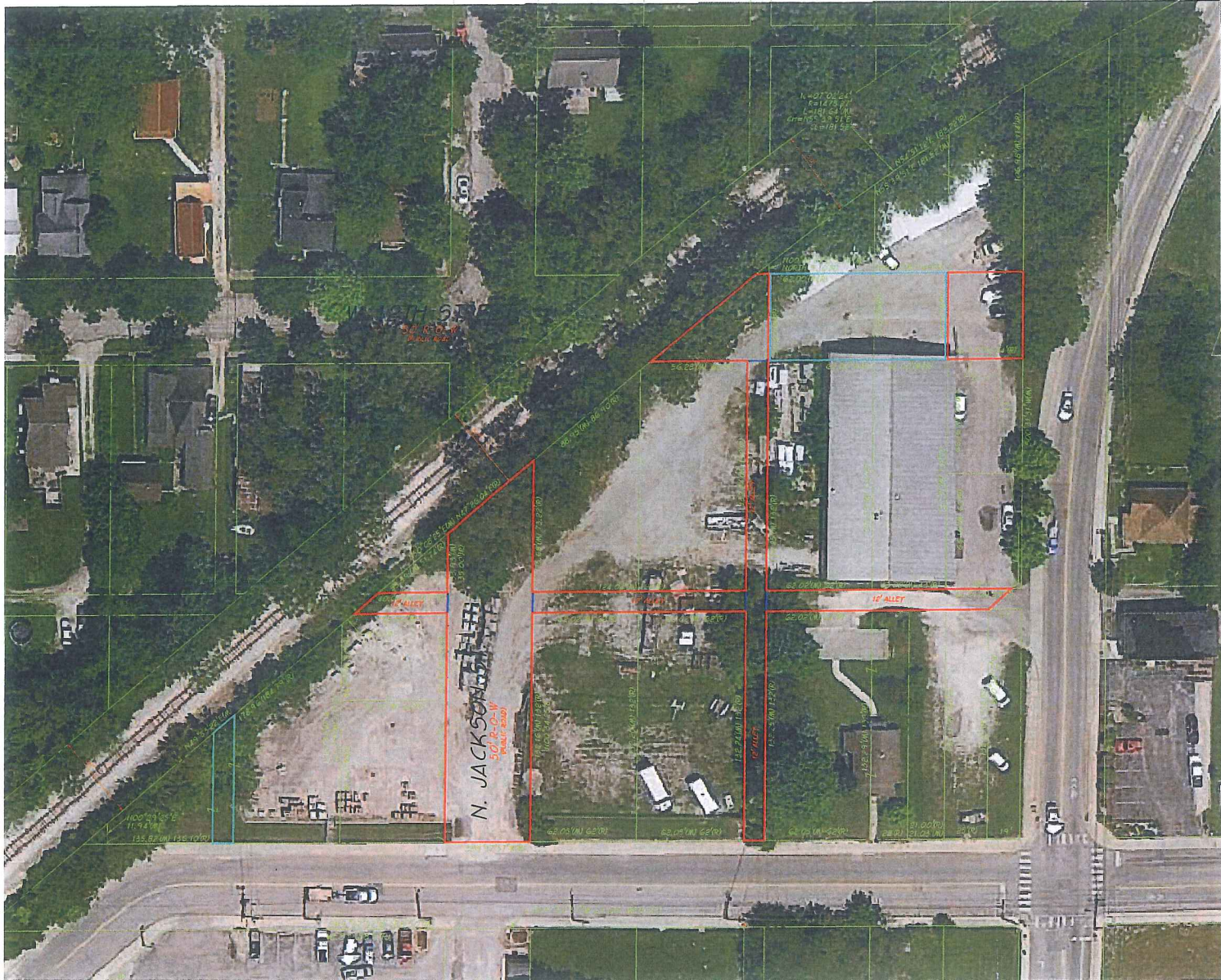
The petitioner, Duke Energy, requests vacation of two segments of alley right-of-way and two segments of street right-of-way at the northwest corner of West 11th Street and North Rogers Street in order to facilitate construction of a utility substation.



NORTH



Scale 1" = 30 Ft



The following is a description of the land shown on the attached plat:
 The land shown on the attached plat is a portion of the land described in
 the plat of the BENDER LUMBER LAND N. OF 11TH PART OF SEC. 32,
 & MAPLE HEIGHTS ADD., BLOOMINGTON, IN, 47404, and is more
 particularly described as follows:
 Beginning at the intersection of the center line of the
 16' alley and the center line of the 30' alley; thence
 S89°45'12\"/>

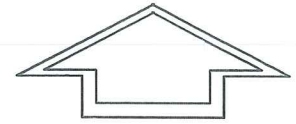
16' ALLEY
 16' ALLEY

NUMBER	DIRECTION	DISTANCE
L1	N82°40'12\"/>	
L2	N82°40'12\"/>	
L3	N82°40'12\"/>	
L4	N82°40'12\"/>	

**BENDER LUMBER
 LAND N. OF 11TH
 PART OF SEC. 32,
 & MAPLE HEIGHTS ADD.**

PLAT NO. 511401B
 SHEET 5 OF 5

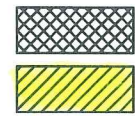
EXHIBIT
3
 Babbles



NORTH



Scale 1" = 80 ft



STREETS & ALLEYS VACATED PER 1907 ORDINANCE M.B 5, P 572-576
PROPOSED STREET & ALLEY VACATION

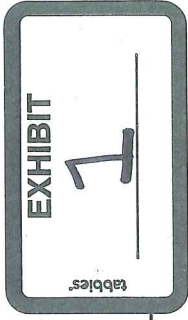


EXHIBIT
PART OF
MAPLE HEIGHTS 2ND
ADD. AMENDED
5116003 SHEET 1 OF 1





**CITY OF BLOOMINGTON
PLANNING & TRANSPORTATION
DEPARTMENT MEMORANDUM**

DATE: June 3, 2016
TO: City of Bloomington Common Council Members
FROM: J. Lynne Darland, AICP, Senior Zoning Compliance Planner
SUBJECT: Request for vacation of two alley segments and two street segments on the northwest corner of W. 11th Street and N. Rogers Street
PETITIONER: Duke Energy

LOCATION: The subject area of this right-of-way vacation petition is located in a 2.7 acre triangular shaped group of parcels bordered by West 11th Street to the south, North Rogers Street to the east, and the Indiana Railroad to the west. Within this area there are two alley segments and two street segments proposed for vacation. One alley segment runs north/south between lots 59 & 60 for 132.25 feet. The other alley segment runs east/west between lots 57, 58, 59, 60, 61, 62, 63, 64, 65 & 66 in Maple Heights Second Addition for 285.10 feet. Both alley segments are 12 feet wide. The street segment rights-of-way proposed for vacation include a portion of West 12th Street and a portion of North Jackson Street. The West 12th Street right-of-way segment is bordered by a previously vacated section of West 12th Street, S. Rogers Street, Lots 66 & 73 in Maple Heights Second Addition. This segment of right-of-way measures 50.01 feet by 43.99 feet. The North Jackson Street right-of-way segment is bordered by a previously vacated section of North Jackson Street, West 11th Street, and Lots 2 & 61 in Maple Heights Second Addition. This segment of right-of-way measures 50.01 by 144.17 feet. Together, these segments total 0.34 acres of public right-of-way.

BACKGROUND: Duke Energy has approached the City of Bloomington with a request to vacate four segments of right-of-way in order to amass enough land to construct an electric substation. This substation is required to provide electricity to the growing downtown area. Duke Energy selected this particular site because location is paramount to the proper workings of the substation. Previously, in 1907, the remaining rights-of-way within this triangle shape area were vacated so that the railroad could be built to serve the downtown area.

There are many right-of-ways in the downtown area which are not obvious right-of-ways or alleys as they do not contain a street or alley. These particular alley and street rights-of-way are used as if they were privately owned and have been developed with a gravel storage yard and a driveway.

Zoning for this parcel is Downtown Commercial. The use (substation) is a permitted use.

UTILITY INTRESTS: The following utility and city service organizations have responded to this request with no objections for the vacation of the existing right-of-way:

- The City of Bloomington Public Works Department
- The City of Bloomington Utilities Department (CBU)
- The City of Bloomington Information & Technology Services Department (ITS)
- AT&T
- Duke Energy
- Comcast Communications
- City of Bloomington Police Department
- City of Bloomington Fire Department
- Vectren

The request for vacation was heard by the Board of Public Works (BPW) on May 31, 2016. The BPW voted to recommend vacation of the rights-of-way. City Fire, Police, ITS, ATT Midwest, Comcast, and Vectren have no objections to the proposed vacation. AT&T has facilities in the area and requests an easement of equal dimensions as the proposed vacated right-of-way and that they be reimbursed for any rerouting expenses they incur.

CRITERIA: The criteria utilized to review a public ROW or easement vacation request are as follows:

1. Current Status - Access to Property.

Access to the property will be from North Rogers Street as shown on the proposed site plan. As previously stated, both the Fire and Police Departments concluded that they can adequately serve the future development without use of these right-of-way segments.

2. Necessity for Growth of the City:

Future Status: The right-of-ways in question are not currently improved with alleys or streets. There is no guidance from City transportation plans or the CTP Master Plan to improve the right-of-ways for future land development needs or adjacent property connectivity.

Proposed Private Ownership Utilization: Duke Energy has purchase agreements in place with the current owners of the parcels within the triangle shaped piece of land. The two alley and the two street rights-of-way segments in question will become property of Duke Energy.

Compliance with Regulations: The vacation of these two alley segments and two street segments will not create any issues regarding compliance with local regulations. The proposed substation is a permitted use and will meet all regulations. Duke Energy has submitted a plan to landscape the proposed substation. Driveway access will be from North Rogers Street.

Relation to Plans: This proposal is consistent with City Plans. Encouraging infill and redevelopment projects into the City’s downtown is a goal of the Unified Development Ordinance, the Growth Policies Plan, the Downtown Vision & Infill Strategy Plan, and the Certified Technology Park Master Plan. Appropriate, adequate, and dependable electrical sources are needed to ensure future needs for the City’s downtown.

RECOMMENDATION: City staff and the Board of Public Works are in favor of the proposed vacation request.

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON
COMMON COUNCIL

FILE # _____
1ST READING _____
COMMITTEE _____
FINAL HEARING _____

Office of the Common Council
P.O. Box 100, Showers City Hall
Bloomington, IN 47402
(812) 349-3409

Address of Property: N.W. Corner 11th Street and Rogers Street

Applicant's Name: Duke Energy Indiana, LLC

Address: c/o 226 S. College Avenue, Bloomington, IN 47404 Phone: 812-332-9295

Counsel or Consultant: Bunger & Robertson, William J. Beggs

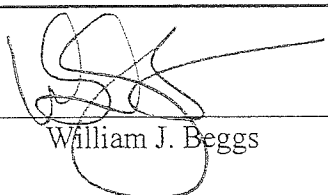
Address: 226 S. College Avenue, Bloomington, IN 47404 Phone: 812-332-9295

_____ This application must be accompanied by all required submittals as stated in the information packet for Vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

_____ I (we) agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way, which is the subject of this application.

Signature:  _____
William J. Beggs



BUNGER &
ROBERTSON
ATTORNEYS AT LAW

William J. Beggs
Partner
Direct: 812-245-6015
wjbeggs@lawbr.com

April 13, 2016

City of Bloomington
Planning and Transportation Department
Attn: Lynne Darland, AICP
401 N. Morton Street, Suite 160
Bloomington, IN 47404

Re: *Petition for Vacation of Public Rights-of-Way*
Petitioner: Bender Enterprises, LLC and Ronald K. Druding and Jennifer Druding, Husband and Wife, (Contract Sellers) By Duke Energy Indiana, LLC (Contract Purchaser) (all, DEI)
Location: NW Corner 11th Street & Rogers Street, and SE of The Indiana Rail Road Company Railroad Corridor ("Subject Location")

Dear Ms. Darland:

This shall serve as DEI's written request and submittal of materials in support of its Petition for Vacation of Public Rights-of-Way pursuant to the provisions of I.C. 36-7-3-12. Information requested by your office is as follows:

- A. **Subject Location:** The public rights-of-way to be vacated are: (1) the non-vacated portion of 12th Street (west of Rogers Street), (2) the non-vacated portion of Jackson Street (north of 11th Street), (3) non-vacated portion of the east-west alley between Rogers Street and the west edge of Jackson Street, and (4) the non-vacated portion of the north-south alley between 11th Street and an east-west alley identified in (3) above. The term "non-vacated" is used because each of the locations (1) through (4) are remnants following an ordinance vacating rights-of-way passed by the Common Council on April 2, 1907. DEI's petition seeks to complete the process of vacating the public rights-of-way on the subject site.

A site map showing those public rights-of-way left to be vacated is attached to this letter as **Exhibit 1**. The Subject Location consists of 2.7 acres as depicted on the attached **Exhibit 2** and has been carefully selected by DEI to meet the present and anticipated future needs for electric service in Bloomington, including Indiana University, and thereby help fulfill its statutory duty under I.C. 8-1-2-4 to furnish reasonably adequate service and facilities to its customers. In this regard, DEI has determined a present public need and necessity for a substation at the Subject Location. An overhead photo overlay is attached as **Exhibit 3** to give you a different view of the site and proposed vacations.

BLOOMINGTON, IN | lawbr.com

- B. **Explanation of Request:** The purpose of this Petition is to meet the present and future electric service needs of Bloomington's residents and businesses including Indiana University. The current Rogers Street and Dunn Street Substations will not be able to meet this demand for electricity without the addition of the Bloomington 11th Street Substation. The last electric system capacity upgrade for downtown Bloomington was completed by Duke Energy in 2005 at the Dunn Street Substation. In 2016, the Rogers Street and Dunn Street Substations are near their capacities and a new substation interconnected with those two existing substations are necessary in order to meet the needs presented by electricity load growth within the City of Bloomington and the Indiana University campus. These needs are both current and anticipated for Bloomington and IU.

Over the past two years, Bloomington has accounted for the largest increase of Duke Energy customers in the State of Indiana. Bloomington's growth has included the addition of over 432 residential apartment units with more being contemplated, increased commercial business space, new hotels including meeting spaces, and plans for the Certified Tech Park in the immediate vicinity of the Subject Location.

Indiana University's growth has also contributed to the current need. IU has new or renovated buildings at Franklin Hall, Assembly Hall, Kelly School of Business Hodge Hall, School of Informatics & Computing, School of Global & International Studies, and Rose Hall residence hall.

IU Health Bloomington Hospital has announced plans to construct a new hospital campus along the SR 45/46 bypass, which also adds to the necessity for this "Bloomington 11th Street Substation" project.

There will be significant and lasting public benefits with the addition of the Bloomington 11th Street Substation that justify vacation of the public rights-of-way per this Petition. Reliability of electric service to Bloomington and Indiana University will be enhanced. Capacity will be increased so as to adequately serve the needs of Bloomington and Indiana University. This project will allow reassignment of power from the Dunn Street and Rogers Street Substations which will improve their reliability for Bloomington's residents and visitors. The presence of the Bloomington 11th Street Substation will allow flexibility in re-routing power in the event of system outages which, in turn, will reduce the time necessary to restore electric service. Finally, the presence of the Bloomington 11th Street Substation will help to prevent power outages during performance of necessary system maintenance.

C. **Right-of-Way Vacation Criteria:**

1. **Current Status-Access To Property.** The public rights-of-way that would be vacated if this Petition is granted have not served a public need for many years. In 1907 the Common Council vacated most of the public rights-of-way on this site. Consistent with these vacations, and presumably because of adjoining railroad corridor, Jackson Street (to the north of 11th Street) and 12th Street (to the west of



Rogers Street) have not been used for public purposes for many years and/or have already been partially vacated. The two partial alleys at issue, one running east-west and the other running north-south, have similarly not been used for any public purpose for many years. Accordingly, granting this Petition will not cause a loss of use by the public of rights-of-way that provide vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purposes. In fact, the opposite is true in that granting this Petition will have the effect of causing the subject land to be used for a purpose that benefits the public.

2. Necessity For Growth of the City

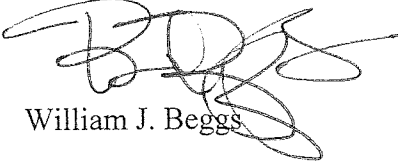
- a. **Future Status.** Because of the peculiar shape of this 2.7 acre site, and the presence of the railroad corridor adjoining the northwest boundary of the site, the future potential for public utilization or need is very unlikely. Each right-of-way being requested for vacation is a remnant of a street or alley that has been vacated for 109 years. They lead nowhere. The remaining portions of 12th Street and Jackson Street at issue here are not large enough to be used in any viable future development or public facility.
 - b. **Proposed Private Ownership Utilization:** The proposed utilization of the Subject Location will be for the substation described above. Placement of a substation at this location will create benefits for Bloomington and Indiana University that outweigh the need to retain the small pieces of land for the public use.
 - c. **Compliance with Regulations:** Vacation of these rights-of-way, paving the way for placement of the 11th Street Substation on the 2.7 acre site, will not create a non-compliance with any existing regulation.
 - d. **Relation to Plans:** Vacation of these rights-of-way does not pose an inconsistency with the Growth Policies Plan, Master Thoroughfare Plan, Unified Development Ordinance, or any neighborhood plan nearby. It is significant that the site is zoned CD and a utility substation is a permitted use within the CD zone.
- D. **Accurate Legal Description of the Proposed Vacation:** Legal descriptions and survey drawings for the rights-of-way to be vacated as part of this Petition are being revised and will be supplied immediately upon receipt. **Exhibit 1** accurately depicts the remnants of public rights-of-way that are the subject of this petition.
- E. **Site Plan or Sketch Map:** See **Exhibit 1** for a Site Plan or Sketch Map showing the portions of right-of-way for which vacation is being requested. Also, please see **Exhibit 3** overhead photo overlay that shows the rights-of-way being requested for vacation.

Lynne Darland
April 13, 2016
Page 4

F. Names and addresses of Adjoining Owners: Names and addresses of adjoining property owners are being submitted separately along with this letter.

Please let us know if you have any questions or concerns about the contents of this letter.

Sincerely yours,



William J. Beggs

WJB:khj
Enclosures



William J. Beggs
Partner
Direct: 812-245-6015
wjbeggs@lawbr.com

April 14, 2016

City of Bloomington
Planning and Transportation Department
Attn: Lynne Darland, AICP
401 N. Morton Street, Suite 160
Bloomington, IN 47404

Re: *Petition for Vacation of Public Rights-of-Way*
Petitioner: Bender Enterprises, LLC and Ronald K. Druding and Jennifer Druding, Husband and Wife, (Contract Sellers) By Duke Energy Indiana, LLC (Contract Purchaser) (all, DEI)
Location: NW Corner 11th Street & Rogers Street, and SE of The Indiana Rail Road Company Railroad Corridor ("Subject Location")

Dear Ms. Darland:

Enclosed are Exhibits 4A through 7B, showing the legal descriptions and surveys, as supplement to our Petition filed on April 13, 2016. Also enclosed are photos listed as Exhibits 8 through 14, showing the existing and proposed conditions of the property from several viewpoints.

Please let us know if you have any questions or concerns.

Sincerely yours,

A handwritten signature in blue ink, appearing to be 'W. Beggs', written over the typed name 'William J. Beggs'.

William J. Beggs

WJB:khj
Enclosures

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PARCEL NO. North - South Alley
PROJECT NO. 5015098
ROAD NO. W. 11th St.
COUNTY: Monroe
SECTION: 32
TOWNSHIP: T9N
RANGE: 1W

OWNER: City of Bloomington
DEED RECORD

 PERMANENT
VACATION



SCALE: 1" = 40'

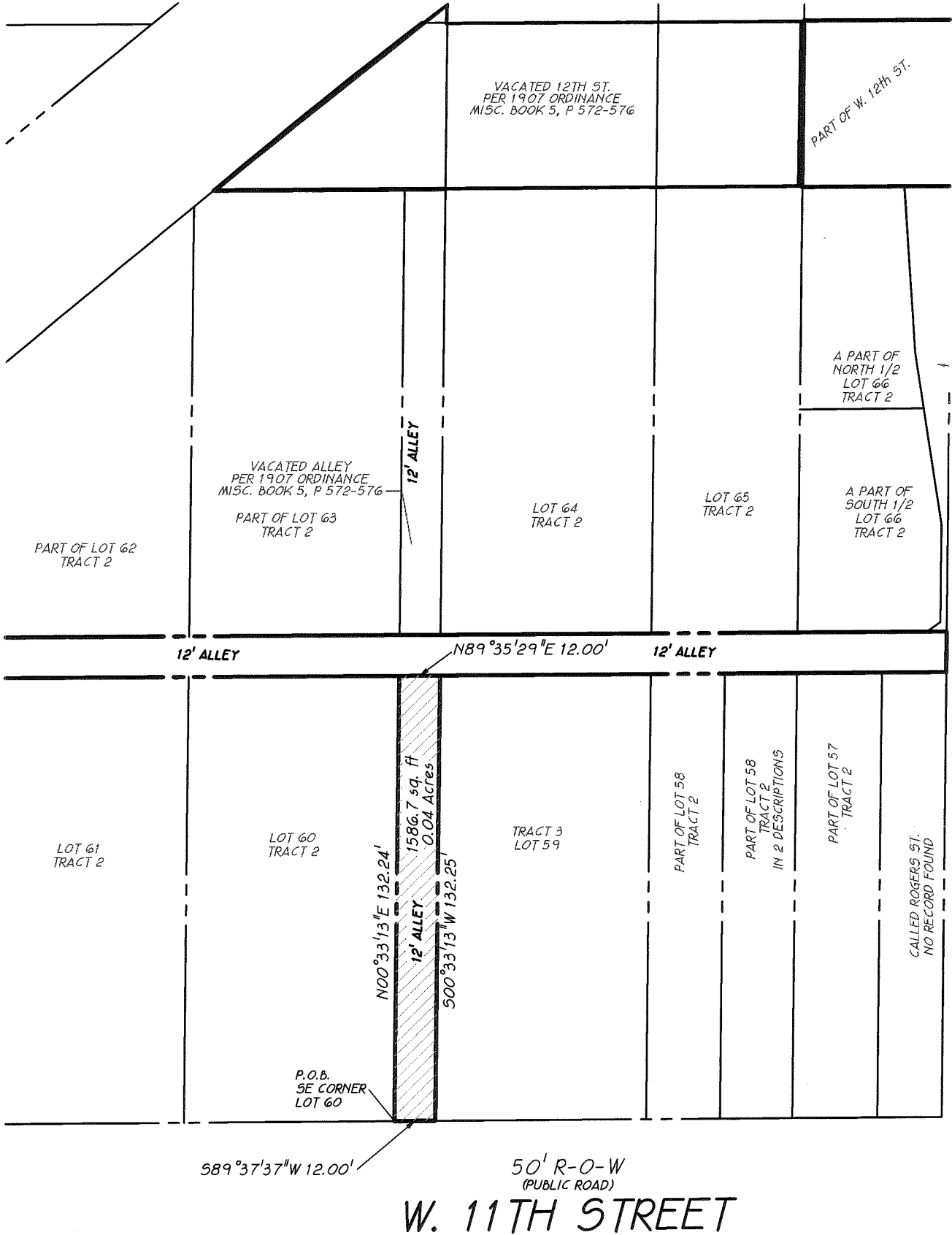


EXHIBIT
4A

PUBLIC RIGHT-OF-WAY VACATION

A portion of a North/South Alley

Job No. 5015098


0.04 ACRES

An alley that runs north and south between Lots 59 and 60 as shown by the plat of Maple Heights Addition, an addition to the City of Bloomington, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot 60 in said Maple Heights and on the north right-of-way line of West 11th Street; Thence on the east line of Lot 60 North 00 degrees 33 minutes 13 seconds East 132.24 feet to the south line of an east west alley; Thence leaving said east lines and on said south line North 89 degrees 35 minutes 29 seconds East 12.00 feet to the west line of Lot 59; Thence leaving said south line and on the west line of Lot 59 South 00 degrees 33 minutes 13 seconds West 132.25 feet to the north line of said West 11th Street; Thence leaving said west lines and on said north line South 89 degrees 37 minutes 37 seconds West 12.00 feet to the Point of Beginning containing within said bounds 0.04 ACRES (1,586.7 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SUBJECT TO all rights-of-way and easements.

Certified this 13th day of April, 2016



Douglas R. Curry
Indiana L.S. 890006
Bynum Fanyo & Associates, Inc.
528 N. Walnut St.
Bloomington, IN 47404
812-332-8030



PARCEL NO. East - West Alley
 PROJECT NO. 5015098
 ROAD NO. W. 11th St.
 COUNTY: MONROE
 SECTION: 32
 TOWNSHIP: T9N
 RANGE: R1W

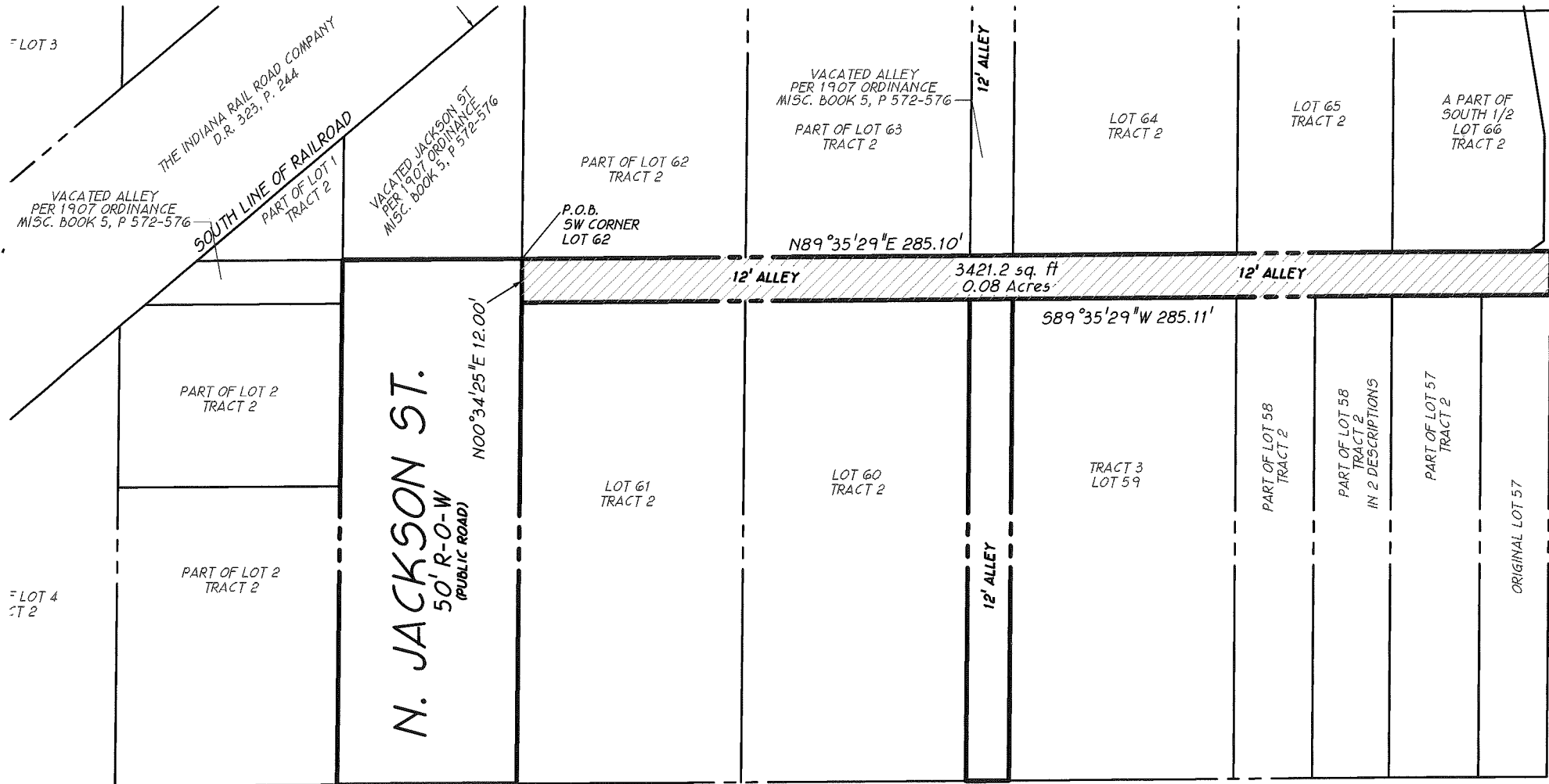
OWNER: City of Bloomington
 DEED RECORD

DRAWN BY:
 DATED

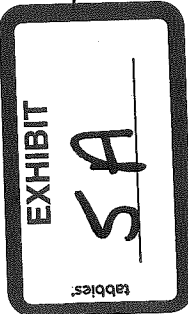
 PERMANENT VACATION



SCALE: 1" = 40'



50' R-O-W (PUBLIC ROAD)
 W. 11TH STREET



PUBLIC RIGHT-OF-WAY VACATION

A portion of an East/West Alley

Job No. 5015098


0.08 ACRES

An alley that runs east and west between Lots 60, 61, 62, 63, 64, 65, 66, 59, 58 and 57 as shown by the plat of Maple Heights Addition, an addition to the City of Bloomington, Indiana, more particularly described as follows:

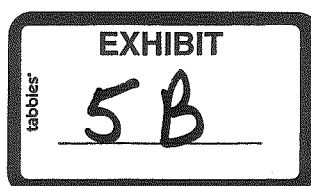
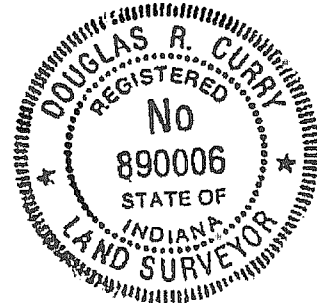
Beginning at the Southwest corner of Lot 62 in said Maple Heights; Thence on the south line of Lots 62, 63, 64, 65 and 66 North 89 degrees 35 minutes 29 seconds East 285.10 feet to the west right-of-way of Rogers Street; Thence leaving said south lines and on said right-of-way South 00 degrees 31 minutes 31 seconds West 12.00 feet to the north line of Lots 57, 58, 59, 60 and 61; Thence on said north line South 89 degrees 35 minutes 29 seconds West 285.11 feet to the Northwest corner of Lot 61; Thence leaving said north lines North 00 degrees 34 minutes 25 seconds East 12.00 feet to the Point of Beginning containing within said bounds 0.08 ACRES (2,421.2 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SUBJECT TO all rights-of-way and easements.

Certified this 13th day of April, 2016



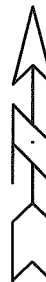
Douglas R. Curry
Indiana L.S. 890006
Bynum Fanyo & Associates, Inc.
528 N. Walnut St.
Bloomington, IN 47404
812-332-8030



PARCEL NO. N. Jackson Street
PROJECT NO. 5015098
ROAD NO. W. 11th St.
COUNTY: Monroe
SECTION: 32
TOWNSHIP: T9N
RANGE: 1W

OWNER: City of Bloomington
DEED RECORD

 PERMANENT
VACATION



SCALE: 1" = 40'

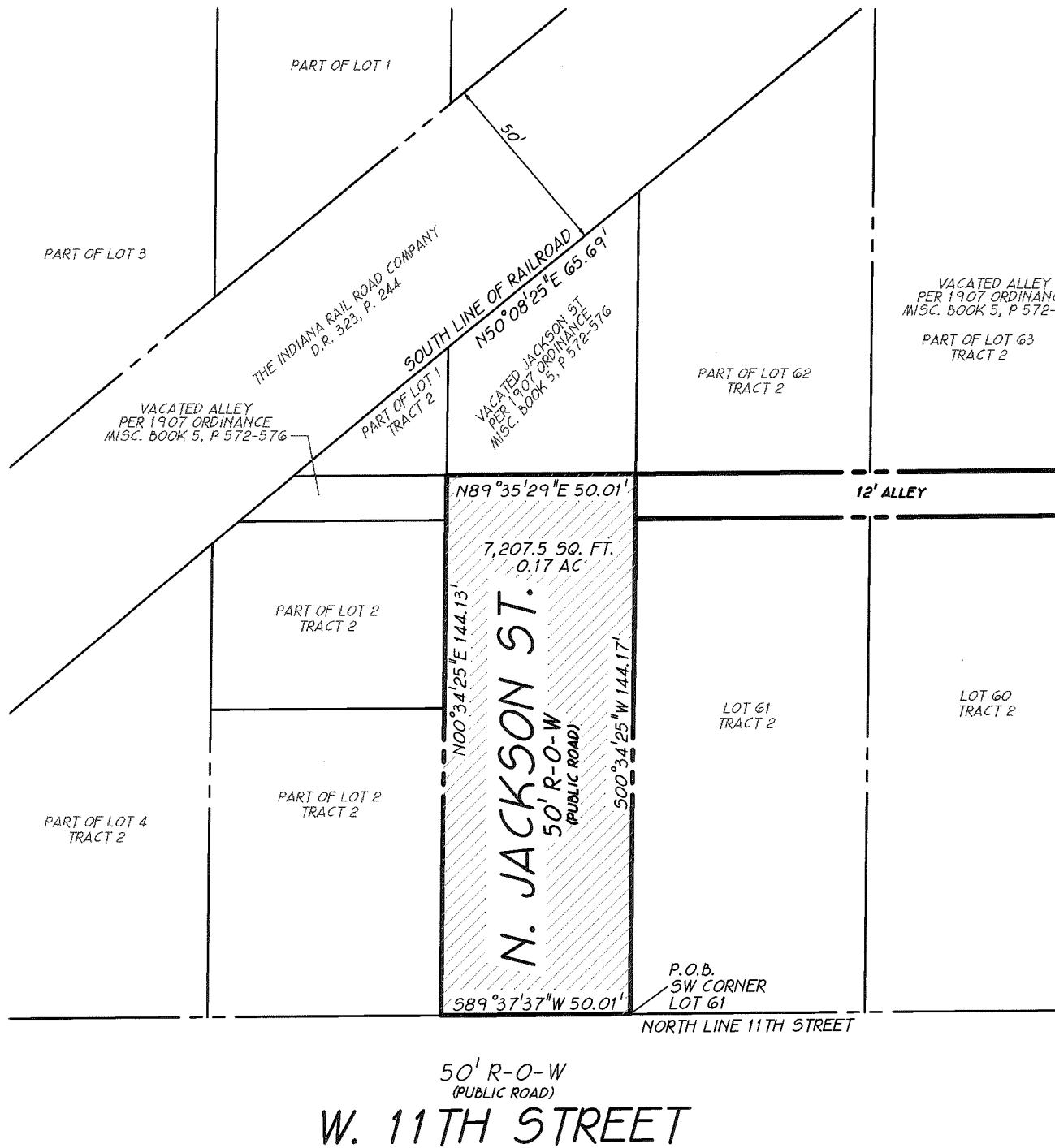


EXHIBIT
6A

PUBLIC RIGHT-OF-WAY VACATION

A portion of North Jackson Street

Job No. 5015098

0.17 ACRES

A portion of North Jackson Street as shown by the plat of Maple Heights Addition, an addition to the City of Bloomington, Indiana, more particularly described as follows:

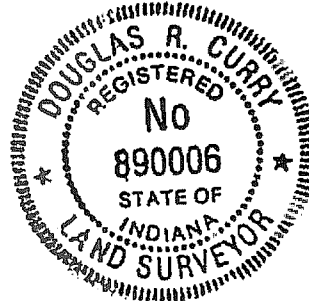
Beginning at the Southwest corner of Lot 61 in said Maple Heights and on the north right-of-way line of West 11th Street; Thence on said north line South 89 degrees 37 minutes 37 seconds West 50.01 feet to the Southeast corner of Lot 2 of said Maple Heights; Thence leaving said north line and on the east line of said Lot 2 and Lot 1 North 00 degrees 34 minutes 25 seconds East 144.13 feet to the north line of an east west alley; Thence leaving said east line and on said north line North 89 degrees 35 minutes 29 seconds East 50.01 feet; Thence leaving said north line and on said west line of Lot 61 South 00 degrees 34 minutes 25 seconds West 144.17 feet to the Point of Beginning containing within said bounds 0.17 ACRES (7,207.5 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SUBJECT TO all rights-of-way and easements.

Certified this 13th day of April, 2016



Douglas R. Curry
Indiana L.S. 890006
Bynum Fanyo & Associates, Inc.
528 N. Walnut St.
Bloomington, IN 47404
812-332-8030



PARCEL NO. W. 12th Street
PROJECT NO. 5015098
ROAD NO. W. 11th St.
COUNTY: Monroe
SECTION: 32
TOWNSHIP: T9N
RANGE: 1W

OWNER: City of Bloomington
DEED RECORD

 PERMANENT
VACATION



SCALE: 1" = 40'



EXHIBIT
7A

tabbles

PUBLIC RIGHT-OF-WAY VACATION

A portion of West 12th Street

Job No. 5015098

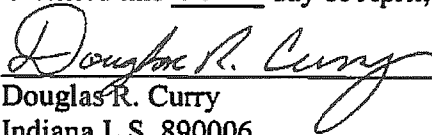
0.05 ACRES

A portion of West 12th Street as shown by the plat of Maple Heights Addition, an addition to the City of Bloomington, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot 73 in said Maple Heights and on the west right-of-way line of North Rogers Street; Thence on said west line South 00 degrees 31 minutes 31 seconds West 50.01 feet to the northeast corner of Lot 66; Thence leaving said west line and on the north line of Lot 66 South 89 degrees 33 minutes 20 seconds West 43.99 feet to the northwest corner of said Lot 66; Thence leaving said north line North 00 degrees 31 minutes 20 seconds East 50.01 feet to the southwest corner of said Lot 73; Thence on the south line of said Lot North 89 degrees 33 minutes 20 seconds East 43.99 feet to the Point of Beginning containing within said bounds 0.05 ACRES (2,199.59 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SUBJECT TO all rights-of-way and easements.

Certified this 13th day of April, 2016


Douglas R. Curry
Indiana L.S. 890006
Bynum Fanyo & Associates, Inc.
528 N. Walnut St.
Bloomington, IN 47404
812-332-8030

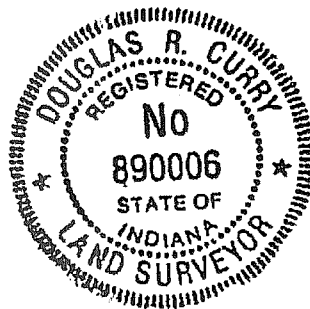


PHOTO SIMULATION VIEWPOINT 1

DATE: 3/8/2016

TIME: 8:48 AM

LOOKING: Southwest



Photo simulations are for discussion purposes only. Final design may change pending public and regulatory review.



LEGEND :

-  Proposed Substation
-  Photo Location

BLOOMINGTON SUBSTATION PROJECT





EXISTING CONDITIONS



PROPOSED CONDITIONS

Photo simulations are for discussion purposes only. Final design may change pending public and regulatory review.

PHOTO SIMULATION VIEWPOINT 2

DATE: 3/8/2016

TIME: 9:05 AM

LOOKING: West



- LEGEND :
- Proposed Substation
 - 📷 Photo Location

BLOOMINGTON SUBSTATION PROJECT



tabbles®

EXHIBIT

10



EXISTING CONDITIONS

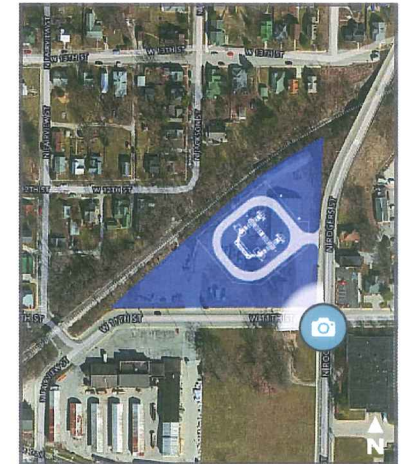


PROPOSED CONDITIONS

Photo simulations are for discussion purposes only. Final design may change pending public and regulatory review.

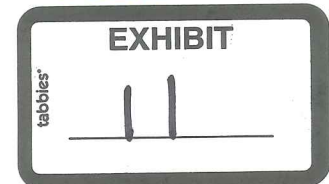
PHOTO SIMULATION VIEWPOINT 3

DATE: 3/8/2016
 TIME: 9:12 AM
 LOOKING: Northwest



LEGEND :
 ■ Proposed Substation
 📷 Photo Location

BLOOMINGTON SUBSTATION PROJECT





EXISTING CONDITIONS



PROPOSED CONDITIONS

Photo simulations are for discussion purposes only. Final design may change pending public and regulatory review.

PHOTO SIMULATION VIEWPOINT 4

DATE: 3/8/2016
 TIME: 1:05 PM
 LOOKING: North



LEGEND:
 Proposed Substation
 Photo Location

BLOOMINGTON SUBSTATION PROJECT



tabbles®

EXHIBIT

12



Photo simulations are for discussion purposes only. Final design may change pending public and regulatory review.

PHOTO SIMULATION VIEWPOINT 6

DATE: 3/8/2016

TIME: 10:07 AM

LOOKING: Southeast

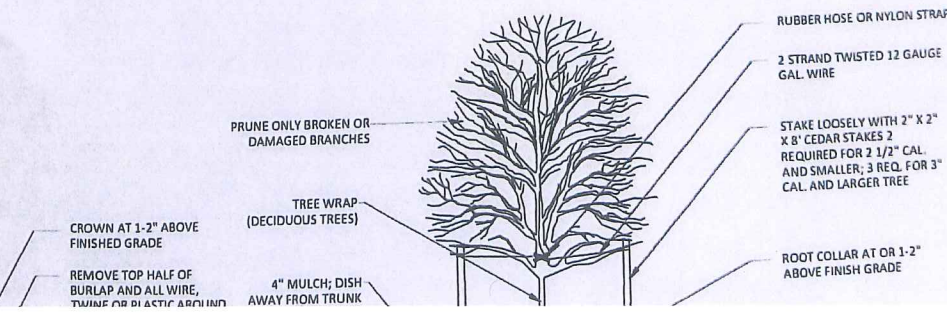


LEGEND :

- Proposed Substation
- Photo Location

BLOOMINGTON SUBSTATION PROJECT





PLANTING SCHEDULE

KEY	QUANTITY	SCIENTIFIC NAME
MEDIUM AND LARGE TREES		
9	9	<i>Nyssa sylvatica</i> 'Haymarr
6	6	<i>Ostrya virginiana</i>
25	25	<i>Pinus strobus</i>
SMALL TREES		
12	12	<i>Aesculus pavia</i> 'Splendor

15'



Lee Huss <hussl@bloomington.in.gov>

FW: Plant list to pull from - flexible

1 message

Ordway, Thomas K <Thomas.Ordway@duke-energy.com>
 To: Lee Huss <hussl@bloomington.in.gov>

Thu, Mar 17, 2016 at 3:04 PM

[Landscape drawing to follow this.](#)

From: Hauser, Glenn E
Sent: Thursday, March 17, 2016 8:51 AM
To: Ordway, Thomas K
Subject: Plant list to pull from - flexible

PLANTING SCHEDULE

KEY	QUA	SCIENTIFIC NAME	COMMON NAME	SIZE	CONDITION
MEDIUM AND LARGE TREES					
	9	<i>Nyssa sylvatica</i> 'Haymanred'	Red Rage Black Gum	2" Caliper Minimum	B & B
	6	<i>Ostrya virginiana</i>	Eastern Hop Hornbeam	2" Caliper Minimum	B & B
	25	<i>Pinus strobus</i>	Eastern White Pine	8' Height Minimum	B & B
SMALL TREES					
	12	<i>Aesculus pavia</i> 'Splendens'	Red Buckeye	2" Caliper Minimum	B & B
	4	<i>Amelanchier canadensis</i> 'Spring Glory'	Spring Glory Serviceberry	2" Caliper Minimum	B & B
	10	<i>Cornus kousa</i> 'Trinity Star'	Trinity Star Kousa Dogwood	2" Caliper Minimum	B & B
SHRUBS					
	46	<i>Ilex verticillata</i> 'Spriber'	Berry Nice winterberry	3 Gallon and 18" Height Minimum	Container
	11	<i>Ilex verticillata</i> 'Jim Dandy'	Jim Dandy winterberry	3 Gallon and 18" Height Minimum	Container
	44	<i>Juniperus virginiana</i> 'Manhattan Blue'	Manhattan Blue Juniper	3 Gallon and 18" Height Minimum	Container
	27	<i>Juniperus chinensis</i> 'Pfitzeriana Glauca'	Blue Pfitzer Juniper	3 Gallon and 18" Height Minimum	Container
	24	<i>Symphoricarpos orbiculatus</i>	Coralberry	3 Gallon and 18" Height Minimum	Container
	13	<i>Viburnum trilobum</i> 'Wentworth'	Wentworth European Cranberry	3 Gallon and 18" Height Minimum	Container



Board of Public Works Staff Report

Project/Event: Right-of-Way vacation of two alley segments and two street segments located on the northwest corner of 11th Street and Rogers Street.

Staff Representative: J. Lynne Darland

Petitioner/Representative: Bill Beggs, attorney representing Duke Energy

Date: May 31, 2016

Report: The subject area of this right-of-way vacation petition is located in a triangle shaped group of parcels bordered by West 11th Street to the south, North Rogers Street to the east, and the Indiana Railroad to the west. Within this triangle shaped group of parcels there are two alley segments and two street segments proposed for vacation. One alley segment runs north/south between lots 59 & 60 for 132.25 feet. The other alley segment runs east/west between lots 57, 58, 59, 60, 61, 62, 63, 64, 65 & 66 in Maple Heights Second Addition for 285.10 feet. Both alley segments are 12 feet wide. The street segment rights-of-way proposed for vacation include a portion of West 12th Street and a portion of North Jackson Street. The West 12th Street right-of-way segment is bordered by a previously vacated section of West 12th Street, S. Rogers Street, Lots 66 & 73 in Maple Heights Second Addition. This segment of right-of-way measures 50.01 feet by 43.99 feet. The North Jackson Street right-of-way segment is bordered by a previously vacated section of North Jackson Street, West 11th Street, and Lots 2 & 61 in Maple Heights Second Addition. This segment of right-of-way measures 50.01 by 144.17 feet. The previously vacated parcels were vacated in 1907 for the construction of the railroad.

There are many right-of-ways in the downtown area which are not obvious rights-of-way or alleys as they do not contain a street or alley. These alley and street rights-of-way are used as if they were privately owned and have been developed with a gravel storage yard. The purpose of vacating these two alley and two street segments is to develop an energy transmission substation to serve the growing needs of the downtown area.

The Growth Policies Plan, Certified Technology Park Master Plan, and the Downtown Vision & Infill Strategy Plan support the redevelopment of the downtown area in general. The substation is needed to provide power to the area.

Recommendation and Supporting Justification: Staff sent notices to area utilities and other City entities and found no conflicts with vacating these two alley and two street segments. AT&T is requesting easements of equal dimensions as the proposed vacated

right-of-way and that they be reimbursed for any rerouting expenses they incur. No other utilities or service providers had any objections. Staff recommends approval of the right-of-way vacation request.

Recommend Approval Denial by _____

Quality of life issue

Substation make a hole in the neighborhood

Wrong location

The earth buffer at the intersection will cause the noise to go back onto the neighborhood like an amphitheater

There will be a decrease in property values

The process has had a lack of transparency

Houses are too close to the proposed substation

The railroad buffer does not count because the RR can cut down all of the trees without any permission and actually do so about 15 years ago.

55 decibels is too much noise

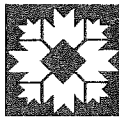
The buffer is not a 'forest' and will not make a good buffer

This is a suburban solution to an urban problem

The substation should be placed nearer to the new hospital location

Core neighborhoods should be protected. The area is always having to defend against petitions like JB Salvage and the Diamond Hill proposal

The distance between the other substations is not the same so why must this substation go here and not where else?



**City of Bloomington
Planning and Transportation Department**

DEVELOPMENT REVIEW TRANSMITTAL

Date: April 13, 2016

Type of Request: Right-of-way vacation of two alley segments and two street segments

Project Name: Duke Energy Substation

Petitioner: Duke Energy

Owners: Bender Enterprises, LLC, and Jennifer & Ronald Druding (504 W. 11th Street)

Location: The subject area of this right-of-way vacation petition is located in a triangle shaped group of parcels bordered by West 11th Street to the south, North Rogers Street to the east, and the Indiana Railroad to the west.

Proposed Use: The proposed use of this property is to develop an energy transmission substation to serve the needs of the downtown area.

Required Approval: Common Council approval

TENTATIVE SCHEDULE

We need your comments by: April 27, 2016

First Common Council hearing: as scheduled

Second Common Council hearing: as scheduled

Final Common Council hearing: as scheduled

SIGNIFICANT ISSUES AND QUESTIONS

The petitioner is seeking right-of-way vacation of two 12 ft. wide strips of alley right-of-way; one running east/west and the other running north/south. They are also asking for vacation of two street segments; N. Jackson Street and W. 12th Street. Previously, in 1907, the remaining segments of alley and street right-of-way within this area were vacated for the railroad. This triangle shaped grouping of parcels along with the rights-of-way within the grouping of parcels is required to amass enough ground to construct the proposed Duke substation. This is currently the site of two warehouse type structures and a house used for commercial purposes.

Refer to the enclosed site plans.

Please respond in writing concerning the effect this vacation would have upon your provision of service to this area.

Please reply to: Lynne Darland, AICP
darlandl@bloomington.in.gov
Planning & Transportation Department
City of Bloomington
P.O. Box 100
Bloomington, IN 47402

Ord 16-12 To Vacate Public Parcels
- Re: Two 12-Foot Wide Alley Segments and Two Fifty-Foot Wide Street Segments Located at the Northwest Corner of West 11th Street and North Rogers Street
(Duke Energy, Petitioner)

Responses from Utilities and Safety Services
(Available in the Council Office)

I.C. 36-7-3-16 (b) provides that utilities that are occupying and using all or part of the right-of-way for the location and operation of their facilities at the time the vacation proceedings are instituted may continue to do so after the vacation of right-of-way, unless they waive their rights by filing written consent in those proceedings.

Safety Services Interest in the Alley Ways

Police Department *This department “does not oppose the right-of-way vacation ... in the area of 11th and Rogers.”*
Fire Department *The vacation “will not effect the (department).”*

Utility Interests in the Alley Ways

Vectren *This utility “no facility within the alley right-of-way”.*

Duke *This utility “does not object to the alley vacation for this project.”*
Comcast *This utility “has no problem with the request to vacate the alley way.”*

City of
Bloomington
Utilities Dept
AT&T *This utility has existing utilities in the vacated parcels but “has no objections to the request as long as the petitioning party provides AT&T with a utility easement of the same dimensions as the proposed vacated right-of-way or agrees in writing to reimburse AT&T for expenses incurred in rerouting or rearranging existing AT&T facilities.”*

Bloomington
Digital
Underground *This utility “has no reservations with this request.”*

MEMO:

To: City of Bloomington Common Council

From: Patty Mulvihill, City Attorney

Date: June 3, 2016

Re: Proposed Duke Transfer Station – Exempt from Local Zoning Regulations

At least two members of the Common Council have approached City staff personnel over the last few weeks in regards to what zoning authority, if any, the City has over Duke's proposed location of a new transfer station in the downtown area. Assuming this question may be posed by other members of the Common Council the Legal Department is providing you with this Memo.

Public utilities that are regulated by the Indiana Utility Regulatory Commission (IURC) are not subject to the zoning authority of local units of government with respect to the location of any of their facilities. As Duke is a public utility regulated by the IURC the City does not have the authority to regulate or prohibit the location of any of Duke's facilities.

In Graham Farms, Inc. v. Indianapolis Power and Light Co., 233 N.E.2d 656 (Ind. 1968), the Indiana Supreme Court held that local zoning authorities are without jurisdiction over the location of facilities to be constructed and operated by public utilities, reasoning that because public utilities in Indiana are regulated by the IURC, overlapping and potentially conflicting jurisdiction of local zoning authorities over the location of their facilities could not have been intended by the Legislature. The court observed,

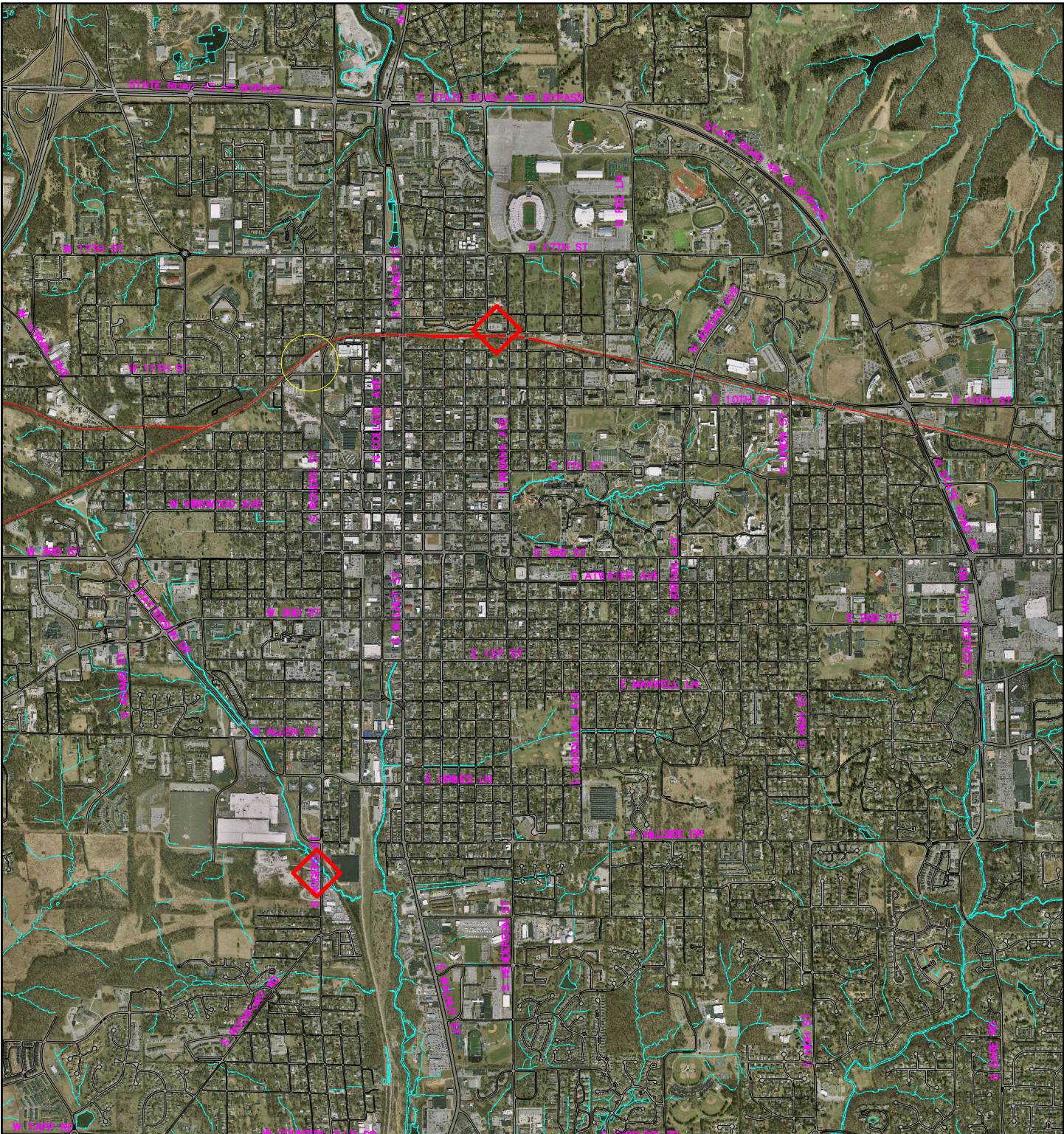
[I]t cannot be assumed that the legislature would authorize . . . a municipality or a county to regulate a public utility when the utility is serving the larger interest of the general public. The utility is regulated by the Public Service Commission [now the IURC], and local regulation is inimical to that larger interest.

233 N.E.2d at 666.

This 1968 decision by the Indiana Supreme Court has been upheld by two subsequent courts, one in 1978 when the Indiana Court of Appeals issued its ruling in the case of Darlage v. Eastern Bartholomew Water Corp., 379 N.E.2d 1018 (Ind. App. 1978)¹, and then again in 1997 when the Indiana Court of Appeals issued its ruling in the case of Howell v. Indiana-American Water Co., 668 N.E.2d 1272 (Ind. App. 1996), trans. denied, 683 N.E.2d 582 (Ind. 1997)².

¹ A public utility could not be denied permission to build a well site treatment plant, office building and storage tank in Bartholomew County because as an IURC regulated utility it was not subject to local zoning and building authorities with respect to the location and use of its utility facilities.

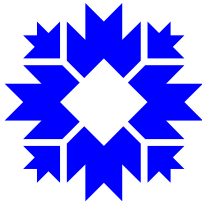
² The Court of Appeals held that Warrick County zoning authorities were without jurisdiction to deny Indiana-American Water Company zoning for the construction of a water storage tank as it was an IURC regulated utility.



Ord 16-12 – Vacation of Right-of-Ways at NW Corner of W 11th & N Rogers (Duke Energy) of Bloomington
Clerk & Council

Site indicated with Yellow Circle
Existing Substations indicated with Red Diamonds

By: shermand
10 Jun 16 2500 0 2500 5000 7500



Scale: 1" = 2500'

For reference only; map information NOT warranted.

Google Maps S Rogers St



Image capture: Sep 2014 © 2016 Google

Bloomington, Indiana

Street View - Sep 2014

Google Maps E 13th St



Image capture: Sep 2014 © 2016 Google

Bloomington, Indiana

Street View - Sep 2014

ORDINANCE 16-13

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED
“HISTORIC PRESERVATION AND PROTECTION”
TO AMEND A HISTORIC DISTRICT TO REFLECT RE-ADDRESSING OF A
DESIGNATED PROPERTY –
Re: 305 East Vermilya Avenue**

- WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission (“Commission”) and established procedures for designating historic districts in the City of Bloomington; and
- WHEREAS, on February 25, 2016, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of 305 East Vermilya Avenue; and
- WHEREAS, at the same hearing, the Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and
- WHEREAS, at the same hearing, the Commission approved a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and
- WHEREAS, at the same hearing, the Commission voted to submit the map and report which recommend local historic designation of said properties to the common council; and
- WHEREAS, on March 29, 2016, the common council adopted Ordinance 16-02, an ordinance which established 305 East Vermilya Avenue as a historic district; and
- WHEREAS, on April 4, 2016, Ordinance 16-02 was signed by Mayor John Hamilton; and
- WHEREAS, Section 3 of Ordinance 16-02 specifically amended Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic and Conservation Districts,” to insert “305 East Vermilya Avenue” into the list; and
- WHEREAS, the property located at 305 East Vermilya Avenue contains two individual units, one unit is to be utilized as a leasing office and the second unit is to be utilized as a residential unit; and
- WHEREAS, as two units exist on the property at 305 East Vermilya Avenue both the property owner and the City agree that new addresses need to be provided to the property in order to properly differentiate between the two units; and
- WHEREAS, the City has determined that the structure located at 305 East Vermilya Avenue shall be readdressed to 304 East Melrose Avenue for the leasing office and 306 East Melrose Avenue for the residential rental unit;

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

SECTION 1. Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic and Conservation Districts,” is hereby amended to delete “305 East Vermilya Avenue” and replace it with a new entry that shall read as follows:

304 East Melrose Avenue

306 East Melrose Avenue.

SECTION 2. 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 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2016.

ANDY RUFF, President
City of Bloomington

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 _____, 2016.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to readdress the property currently known as 305 East Vermilya Avenue. The structure at 305 East Vermilya Avenue contains two separate units. The property owners wish to utilize one of these units as a leasing office and the other unit as a residential rental unit. Because two separate and distinct uses are going to coexist in one building the property owner and the City agree that the property requires a new address. The City has determined that the new addresses shall be as follows: 304 East Melrose Avenue for the leasing office; and 306 East Melrose Avenue for the residential rental unit.

MEMO:

To: City of Bloomington Common Council

From: Patty Mulvihill, City Attorney

Bethany Emenhiser, Program Manager

Date: June 2, 2016

Re: Ordinance 16-13, Changing Property Address of Locally Designated Property

On April 4, 2016, the Common Council enacted Ordinance 16-02 which locally designated the structure at 305 East Vermilya Avenue as a historic district. When Ordinance 16-02 was enacted it specifically added the property address of 305 East Vermilya Avenue to the list of locally designated historic structures in Chapter 8.20 of the Bloomington Municipal Code.

The structure at 305 East Vermilya Avenue contains two separate units. The property owners wish to utilize one of these units as a leasing office and the other unit as a residential rental unit. Because two separate and distinct uses are going to coexist in one building the property owner and the City agree that the property requires a new address. The City has determined that the new addresses shall be as follows: 304 East Melrose Avenue for the leasing office; and 306 East Melrose Avenue for the residential rental unit.

Because Chapter 8.20 of the Bloomington Municipal Code lists the designated property at 305 East Vermilya Avenue and said address no longer exists, the Chapter needs to be amended to reflect the two new addresses that will actually exist.

In the Council Chambers of the Showers City Hall on Wednesday, June 1, 2016 at 7:33 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
June 1, 2016

Roll Call: Granger, Mayer, Sandberg, Ruff, Volan, Piedmont-Smith, Rollo, Sturbaum, Chopra
Absent: none

ROLL CALL
[7:34pm]

Council President Ruff gave the Agenda Summation.

AGENDA SUMMATION
[7:34pm]

It was moved and seconded to approve the minutes for the Regular Session of May 4, 2016.

APPROVAL OF MINUTES
May 4, 2016 (Regular Session)
[7:37pm]

Isabel Piedmont-Smith said that she had corrections for the May 4, 2016 minutes. There was discussion to clarify points made concerning demolition delay. Piedmont-Smith suggested that a statement made by Andy Ruff required clarification. Ruff agreed with her suggestion. Piedmont-Smith also suggested a change to a statement made by Chris Sturbaum said that the sentence in question was correct. Deputy Clerk Hilderbrand assured her that the clarifying statements had been noted and the correction would be made.

The minutes of May 4, 2016 as corrected were approved by voice vote.

It was moved and seconded to approve the minutes for the Regular Session of May 18, 2016.

May 18, 2016 (Regular Session)
[7:38pm]

Piedmont-Smith noted a small correction for the May 18, 2016 minutes.

The minutes of May 18, 2016 as corrected were approved by voice vote.

Dave Rollo announced a joint constituent meeting with Councilmember Volan.

REPORTS

- COUNCIL MEMBERS
[7:39pm]

Alison Chopra wished Councilmember Volan a happy birthday and announced her constituent meeting. She added that her family recently went on a bike ride on the Karst Greenway Trail and said that she appreciated it.

Piedmont-Smith noted the passing of Byron Smith.

Steve Volan thanked everyone for the birthday wishes.

Dorothy Granger reminded everyone that the Monroe County's Energy challenge for the month of June was to wash laundry in cold water and line dry.

Sturbaum thanked the Boy Scouts and the American Legion for putting flags on veteran graves for Memorial Day.

Tim Mayer also remembered Byron Smith and noted how much he had done for accessibility in the city. He also mentioned it was his 54th wedding anniversary.

Susan Sandberg reminded the public that June 2nd was National Gun Violence Awareness Day. She encouraged everyone to wear orange to promote awareness and to attend a rally on the courthouse square that would be held on that day. She spoke on the need for policy changes to end gun violence.

Ruff remembered Sam Smith, a member of the Controller's office who worked on budgets and grants. Ruff said how sad he was hearing of his sudden passing.

Jason Moore, Fire Chief, introduced himself to the council. He said how happy he and his family were to be living in Bloomington, and gave his background

- The MAYOR AND CITY OFFICES [7:45pm]

Ruff welcomed Moore and said the council looked forward to working with him.

Vic Kelson, new Utilities Director, introduced himself to the council.

Ruff said that they were looking forward to working with him.

There were no council committee reports.

- COUNCIL COMMITTEES

President Ruff called for public comment.

- PUBLIC [7:51pm]

Gabe Rivera spoke about the war on drugs in Monroe County and the rest of the country.

Jim Lory spoke about reducing boating prices for seniors at Lake Griffy.

There were no appointments to boards and commissions.

APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved and seconded that Resolution 16-05 be introduced and read by title and synopsis. The motion was approved by a voice vote.

LEGISLATION FOR SECOND READING AND RESOLUTIONS

Deputy Clerk Hilderbrand read the legislation by title and synopsis, giving the committee recommendation of do pass 5-0-3.

Resolution 16-05: To Vote in Favor of a Monroe County Income Tax Council Ordinance Imposing an Additional County Option Income Tax Rate to Fund Public Safety Costs and Casting The City Of Bloomington's 59 Votes in Favor of the Ordinance

[7:57pm]

Philippa Guthrie, Corporation Council, said that questions had been raised on the process for applications from entities that could apply for COIT funding such as emergency medical and fire departments that were not otherwise eligible for funding. The preliminary discussion had been about the concern that it wasn't feasible to have the whole County Income Tax Board process applications. She said that a subcommittee was suggested, but that it was not appropriate for the city to act before the county and city councils had voted.

Jeff Underwood, Controller, said that they had a list of requested capital improvements and under state statute the funds must be designated for public safety. Specifically, the funds would be used for police and fire department needs.

Council Questions:

Piedmont-Smith asked Underwood about priorities and asked why parking enforcement was being included in the proposal.

Underwood replied that Parking Enforcement was under the Police department.

Piedmont-Smith asked about who would make budget decisions for the dispatch center and if there were any council or mayoral appointments on those boards. Resolution 16-05 (cont'd)

Police Chief Diekhoff said that the dispatch board made those decisions and there were not any council appointments on that board.

Rollo asked about the tax being used for capital improvements and how it related to public safety.

Granger said that she agreed capital improvements were important, but she would like to see an increase in police staffing and asked if the police force was understaffed.

Diekhoff said that there was a formula to assess police need based on population. He noted the city currently had 100 police officers.

Granger asked if that was enough and Diekhoff said he thought it would be arbitrary to throw out a number.

Granger commented that as our population increased we needed to be focused on increasing our police force.

Volan asked Diekhoff if Bloomington had an unusual population due to our student population and if it required special policing.

Diekhoff replied that with more students living off campus there was an increased need to police parties and bars, but it wasn't unusual for a town our size, or for other college towns in Indiana.

Sandberg asked Guthrie to explain the history of this resolution.

Guthrie explained that it was a new provision, Ellettsville was the first to act on it, and the city council needed to respond. She said that funds were needed because there was great need in the county.

Sandberg pointed out that distribution and allocation would be decided later. She said that there was no lack of debate about it and there was no debate about need.

Rollo asked Diekhoff about priorities.

Diekhoff said that the main priority was the dispatch center, but there were also capital and personnel needs.

Piedmont-Smith asked if ambulance services were eligible for funds.

Guthrie said that state statute stated that funds were for public services, ambulances fell under not for profit.

Cheryl Munson, Monroe County Council President, spoke about ambulances.

Iris Kiesling, Monroe County Commissioner, said that ambulances were primarily funded by Medicare/Medicaid

Piedmont-Smith asked if there was still a county ambulance fund

Kiesling said that the county no longer had that fund due to budget cuts.

Piedmont-Smith asked what the budget for the dispatch center was.

Jeff Shimmer, Communications Manager for Monroe County, said that the Central Dispatch budget was \$2 million.

Granger asked if dispatched was fully staffed.

Shimmer said the national average for turnover was 17%. Currently there were three positions available, but fewer people were applying given the high stress nature of the job.

Granger asked if that was adequate. Shimmer responded that the dispatch center was trying to determine that.

Chopra asked what the city's current public safety budget was.

Resolution 16-05 (cont'd)

Underwood said \$38.4 million is the total budget and out of that \$22.6 million is the safety budget

Kiesling said the tax was imperative to public safety. She said that central dispatch needed the money and this was a vehicle for funding the need.

PUBLIC COMMENT
[8:35pm]

Mark Kellams, Monroe County Circuit Judge, spoke about the court's role and said that the Board of Judges was in support of the tax. He explained that because the state revised the criminal code, there were more people being released from jail and require work programs.

Cheryl Munson said that even if the idea of a tax was not always favored there was a great need and there had been a positive response from the public. She went on to say that 47 other counties across the state had enacted a similar tax at the maximum rate to fund public safety.

Dustin Dillard, fire chief of the Perry township fire district, said that all the fire chiefs supported the tax. He said that our fire departments were in great need and required personnel and equipment.

George Keller expressed concern with the tax being at the maximum rate.

Mike McKlane asked if the \$6.9 million generated from the tax would be in addition to the existing \$22.6 million already allocated for public safety or if it would be deducted.

Lee Jones, Monroe County Council At-Large, said that the procedure started with the resolution that was adopted by Ellettsville and we were now on a time line. She said the need was great and that the county had many departments and they were under-budget. She continued and said that the jails were at their capped limit and if the county continued to go over the capped amount of prisoners the federal government could come in and mandate the county build another jail at the county's expense.

Kiesling said that the county commissioners supported the tax and reminded the council that the services this tax would support would be used by all in the county, including the City of Bloomington.

Chopra asked Underwood how much the city was paying for dispatch.

COUNCIL QUESTIONS
[9:05pm]

Underwood said \$1 million. The county and the city pay 50/50 and Bloomington has 59% of the vote on the tax council.

Piedmont-Smith asked Underwood to respond to Mike McKlane's question

Underwood said it could be either way.

Chopra asked if the COIT could be put in a separate account.

Underwood said that the council would see it as a separate revenue stream.

Volan asked about building a detox center.

Linda Brady said that a detox center would be considered a medical facility and would need to be sponsored by a medical

organization.

Resolution 16-05 (cont'd)

Rollo asked about the percentage of level 6 felons.

Judge Kellams said there was a significant number than but not as large as it could be. He commented that if we dealt with offenders the right way we won't need a bigger jail.

Granger asked Underwood asked what had been put back in reversions for capital replacement.

Underwood said that the appropriation was approximately \$2 million.

Chopra asked about putting the vote off to allow for more discussion.

COUNCIL COMMENT
[9:35PM]

Sturbaum said that the concern for how the money was going to be spent was not step one. He supported the resolution and said that he trusted the county council.

Granger said that she fully supported the resolution, but wanted to make sure that it goes to public safety and not just capital replacement. She said that she supported it.

Sandberg said that she supported it, the need was there, and the opportunity should be taken.

Rollo said that he supported the idea of taking more time, but the need was there and the community would be served by the investment. He said that he supported the resolution and thanked County Council President Munson for the documents.

Mayer thanked everyone and said he enjoyed seeing other elected officials from other bodies and working together to solve problems.

Volan said that he supported that the tax would relieve the city of the burden of the dispatch center.

Ruff said that he supported the resolution.

Piedmont-Smith asked about the timeline on making the decision.

Stacy Jane Rhodes said that the state statute was 30 days after the resolution was made, bringing the deadline to act to June 24, 2016.

Piedmont-Smith went on to say that there was still time and the decision did not need to be made that night. She said that she found the information overwhelming, but that she saw that there was a need.

Volan said there was an option to move to postpone the vote until the next regular session, but that Piedmont-Smith's concerns had more to do with for after the tax was approved. He said that the council could only approve or reject the resolution; there was no provision to amend.

The motion to adopt Resolution 16-05 received a roll call vote of Ayes: 9, Nays: 0

Vote for Resolution 16-05
[10:00PM]

It was moved and seconded that Ordinance 16-07 be introduced and read by title and synopsis. The motion was approved by a voice vote.

Deputy Clerk Hilderbrand read the legislation by title and synopsis, giving the committee recommendation do pass 5-0-3.

Doris Sims, HAND Director, who stood in for Bethany Emenhiser, gave a presentation describing the history of "Kirkwood Manor," 322 Kirkwood Avenue, why it met the three criteria to be considered historically designated, and why it should be given the rating of "Notable".

Piedmont-Smith sponsored an amendment changing a Whereas clause in the Ordinance.

It was moved and seconded to adopt Amendment 1. The motion passed with a roll call vote of Ayes: 9, Nays: 0

Ordinance 16-07-To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: Kirkwood Manor Historic District Located at 322 East Kirkwood Avenue (The Ellis Company, LP, Petitioner)
[10:01pm]

Amendment 1- Ord 16-07 shall be amended by deleting the second-to-last Whereas clause and replacing it with the following:

WHEREAS, at the same hearing, the Commission voted to submit the map and report to the Common Council which may recommend local historic designation of said properties; and

[10:06pm]

Chopra sponsored an amendment stating that designation of Kirkwood Manor be based on its unique location and physical characteristics. The change came at the request of the petitioner.

Richard Ellis thanked Chopra and said how that he was supportive of the amendment.

Volan asked the petitioner why they didn't want to be a part of Restaurant Row.

Ellis said that they considered Kirkwood Manor to be more a part of the Kirkwood culture than the Restaurant Row culture.

Piedmont-Smith asked the petitioner why they did not want all three of the criteria.

Ellis said that the fraternity that lived in the building in the 1920s changed the building so much it should no longer be considered a Nichols and he said that he was afraid that if they wanted to make repairs they would be forced to restore the building to its original state with the porches.

Piedmont-Smith reiterated that Ms. Emenhiser said that they would not be required to restore the building.

Mayer said that the amendment would strip the building's association with the architect and he would not support it.

Amendment 2- Ord 16-07 shall be amended by deleting Section 1 and replacing it with the following:

SECTION 1. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map is attached to this ordinance and is incorporated herein by reference and two copies of are on file in the Office of the Clerk for public inspection. The Common Council finds that this designation shall be based on the architectural significance of the property, because the property "[o]wing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city" pursuant to Bloomington Municipal Code §

Granger asked if Nichols had built other buildings.

Sturbaum said that there were over 120 Nichols Buildings that still existed in Bloomington. He asked if the petitioner thought Nichols had designed the addition. He reiterated that there would not be a requirement to restore the building to its original state and the connection to the architect was a matter of public record and fact. He said that he didn't understand removing the criteria.

Chopra said that the design guidelines would not change and the public record would remain intact.

Patty Mulvihill said that being a Nichols building should have it require all three criteria and that full restoration would not be required, but instead appropriate repairs would be all that were needed.

Campbell said that all three criteria were true and in order to properly commemorate an historical structure we had to follow the criteria and use as many as apply, not pick and choose the ones that you want. He went on to discuss the importance of J.L. Nichols and his enormous contributions to American architecture.

Volan said he found Campbell's argument compelling, and the significance of Nichols was compelling, and he would not support the amendment.

Granger said that she was comfortable with the way the ordinance was written and would not support the amendment. She said that in designating a property historic it was appropriate to use as many criteria as possible.

Mayer said he would not support the amendment, but he thought it was good that the owners voluntarily designated the building.

Sturbaum said that the petitioners were stewards of this building, wouldn't be the last owners of it, and it was good that they were designating the property.

Ruff said that the council's job was to maximize public good and that public good could be made while honoring the owner's wishes. He thanked Chopra and said that he would support the amendment.

Chopra thanked everyone. She said she appreciated the designation.

It was moved and seconded to adopt Amendment 2. The motion failed with a roll call vote of Ayes: 3, Nays: 6

Vote for Amendment 2
[10:50pm]

It was moved and seconded to adopt Resolution 16-05 as amended. The motion to adopt Resolution 16-05 as amended passed with a roll call vote of Ayes: 9, Nays: 0

Vote for Ordinance 16-05
[10:52pm]

It was moved and seconded that Ordinance 16-08 be introduced and read by title and synopsis. The motion was approved by a voice vote.

LEGISLATION FOR FIRST READING
[10:52pm]
Ordinance 16-08-Ord 16-08 To Amend Title 9 of the Bloomington Municipal Code Entitled "Water" (Rate Adjustment)

8.08.010(e)(2)(F). The report submitted by the Commission is attached to this ordinance and is incorporated herein by reference; however, the following two bases for architectural significance outlined in the report shall not be incorporated: 1) "[i]s the work of a designer whose individual work has significantly influenced the development of the community;" and 2) "[i]s the work of a designer of such prominence that such work gains its value from the designee's reputation." Two copies of the report are on file in the Office of the Clerk for public inspection.

The legal description of this property is further described as:

Parcel Number: 53-05-33-310-128.000-005: 013-13450-00 ORIG PLAT 113 in the City of Bloomington, Monroe County, Indiana.

[10:08pm]

It was moved and seconded that Ordinance 16-09 be introduced and read by title and synopsis. The motion was approved by a voice vote.

Ordinance 16-09-9 An Ordinance of the Common Council of the City of Bloomington, Indiana, Authorizing the Acquisition, Construction, Installation and Equipping by the City of Bloomington, Indiana, of Certain Improvements and Extensions to the City's Waterworks, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Waterworks and Other Related Matters

It was moved and seconded that Ordinance 16-10 be introduced and read by title and synopsis. The motion was approved by a voice vote.

Ordinance 16-10-To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment)

It was moved and seconded that Ordinance 16-11 be introduced and read by title and synopsis. The motion was approved by a voice vote.

Ordinance 16-11-An Ordinance of the Common Council of the City of Bloomington, Indiana, Authorizing the Acquisition, Construction, Installation and Equipping by the City of Bloomington, Indiana, of Certain Improvements and Extensions to the City's Sewage Works, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters

There were no comments in this segment of the meeting.

ADDITIONAL PUBLIC COMMENT

It was moved and seconded to cancel the Internal Work Session on Friday, June 3, 2016. The motion was approved by voice vote.

COUNCIL SCHEDULE [10:55pm]

The meeting was adjourned at 10:56pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, December 16, 2015 at 7:37 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 16, 2015

Roll Call: Rollo, Ruff, Mayer, Granger, Spechler, Sandberg, Sturbaum
Absent: Volan, Neher

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

The minutes for Regular Sessions of February 29, 2012; April 4, 2012; October 31, 2012; November 14, 2012; December 5, 2012; December 19, 2012; March 20, 2013; May 1, 2013; May 15, 2013; September 18, 2013; December 18, 2013; April 9, 2014; December 2, 2015 and Special Sessions of November 26, 2012; May 22, 2013; September 11, 2013; December 9, 2015

APPROVAL OF MINUTES

Marty Spechler said that the unusually warm weather was a sign of global warming. He said that the recent energy summit in Paris could open the door to deal with the causes of global warming. He said he hoped more people would be convinced by the scientific evidence.

REPORTS

- COUNCIL MEMBERS

Chris Sturbaum honored Spechler for his wit, wisdom, and sincerity in his service on the council.

Susan Sandberg also thanked Spechler for his service, and she said she knew he would continue to be an active citizen.

Tim Mayer thanked Spechler and Neher for their four years of service to the community. He added thanks to council and clerk staff for their help in 2015 with special attention to Clerk Regina Moore and Mark Kruzan for their remarkable years of work to keep Bloomington moving forward.

Andy Ruff echoed Mayer's thanks and added thanks to department heads. He said Spechler made the council a broader and more diverse body, he said that healthy disagreement made the council better. He shared a personal story about when he and Spechler golfed together.

Dave Rollo said that Spechler was dedicated to his constituents as demonstrated through his work on the sidewalk committee. Rollo said that Mayor Kruzan's sustainability initiatives, economic planning, and sound city budgets had allowed the city to make progress.

Mick Renneisen, Director of Parks and Recreation, presented the Bloomington Parks and Recreation Department Master Plan. He detailed the responses to a constituent survey that indicated support primarily for maintaining existing parks, maintaining existing facilities, and construction of new trails. He said the department would set priorities to maintain existing facilities, expand the trail system, and contribute to community health, and he detailed areas where expanded parks services could benefit the city.

- The MAYOR AND CITY OFFICES

Spechler asked about the Switchyard Park. Renneisen said that the design needed another month before it would be ready for further examination.

Rollo asked if Griffy Park was a large part of the city's park acreage. Renneisen said it was.

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

President Rollo called for public comment, but there was none.

- PUBLIC

There were no appointments to Boards or Commissions at this meeting.

APPOINTMENTS TO BOARDS AND COMMISSIONS

LEGISLATION FOR SECOND READING AND RESOLUTIONS

It was moved and seconded that Ordinance 15-26 be introduced and read by title and synopsis. Deputy Clerk Larabee read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0. It was moved and seconded that Ordinance 15-26 be adopted.

Ordinance 15-26 To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Amending 20.05.020 (“CF-01 [Communication Facility-General]”) and 20.09.320 (“Surety standards – Performance surety”) to Reflect Changes in State Law; Revising the Definition of “Fraternity/Sorority House,” and Correcting Minor Errors

Patty Mulvihill, City Attorney, explained that this ordinance was a cleanup ordinance that was meant to bring the city code into compliance with the state and close some loopholes. She said the ordinance amended Title 20 of the Bloomington Municipal Code (the Unified Development Ordinance) in four key ways.

There were no council questions or public comment on this ordinance.

Council Comments:

Mayer thanked Mulvihill and staff for their work.

The motion to adopt Ordinance 15-26 received a roll call vote of Ayes: 7, Nays: 0

It was moved and seconded that Ordinance 15-27 be introduced and read by title and synopsis. Deputy Clerk Larabee read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0. It was moved and seconded Ordinance 15-27 be adopted.

Ordinance 15-27 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Stop, Multi-Stop, Yield, and Signalized Intersections; Turning Right on Red; School Speed Zones; Angled Parking, No Parking, Limited Parking, Loading, and Bus Zones; and, Accessible Parking for Persons with Disabilities

It was moved and seconded to adopt Amendment #1 to Ordinance 15-27.

Amendment #1

This amendment is sponsored by Councilmember Mayer with the support of Councilmember Neher. It would remove the restricted turn on red light proposed for westbound traffic at the intersection of East 3rd Street and Indiana Avenue. This amendment is coming forward, in part, out of concern about the effect of this change on traffic to the east. It also is coming forward out of a desire for a more comprehensive look at the East 3rd Street design and traffic from Jordan to Dunn, including a review of recommendations made in Brock Ridgeway’s 2006 3rd/Atwater Corridor Improvement Study, before changes in signalization are made at this intersection.

Mayer explained that this amendment would alleviate concern regarding the No Turn on Red at the 3rd and Jordan intersection. It would eliminate that new law in order to maintain traffic patterns for cars and pedestrians.

Andrew Cibor, Transportation and Traffic Engineer, explained that the turn restriction would only apply when the traffic light was red. He said that the Traffic Commission and Indiana University had expressed concern about the intersection without a turn restriction.

Council Questions:

Sturbaum asked staff what their opinion on the amendment was. Cibor said that either option would be acceptable, but the Traffic Commission recommended adding the turn restriction. Tom Micuda, Planning and Transportation Director, said that the department would do an analysis of the intersection if the amendment passed and likely recommend a similar change to the intersection.

Sturbaum asked if the council should consider the amendment a delay. Micuda said that staff would do an analysis and come up with a solution.

Granger clarified that staff would perform this analysis. Micuda said they would.

Ordinance 15-27 (cont'd)
Amendment #1 (cont'd)

Spechler asked if the amendment would eliminate turning on red. Micuda said that was incorrect, but staff would analyze the intersection and possibly recommend adding the turn restriction.

Ruff asked Spechler if he meant that he did not want drivers to be able to turn right on red. Spechler said that was what he meant.

Ruff asked staff how long an analysis would take. Cibor said it would take a few months at least.

Ruff asked Mayer if the amendment was intended to analysis of the corridor. Mayer said that the city had already looked at the corridor and made major improvements. He said that a broader study needed to be done in the broader corridor.

Ruff asked what the downside of adding the turn restriction was. Cibor said that staff had the full intent of looking at the corridor for potential enhancements.

Sandberg asked about a right turn on red restriction on 10th Street and Fee Lane in comparison to the Indiana and 3rd intersection. Micuda said that 10th/Fee had slightly higher foot traffic, but 3rd/Indiana had more regular traffic. He said that vehicle traffic was less on 10th Street than 3rd Street.

Mayer asked staff if the corridor would still be analyzed if the amendment failed. Cibor said that he would update the Traffic Commission on the corridor and encourage them to follow up on evaluation. Micuda added that he would not expect staff to do a formal study, but they would review the functionality of the corridor.

Sandberg asked if evening traffic would be slowed by turn restrictions. Cibor said that he would expect some traffic slow during special events.

Rollo asked who proposed the turn restriction. Cibor said that a citizen or university employee brought it to the traffic commission.

Rollo asked if a bike lane could alleviate traffic. Cibor said that he had not heard that suggestion.

There was no public comment on the amendment.

Council Comment:

Mayer thanked his colleagues for the discussion.

Ruff said that staff would still move forward with evaluating the corridor and that the change was easy to revert as necessary. He said that his daughter had been hit by a driver turning right on red near the hospital, and he supported the turn limitation for safety reasons.

Spechler said that he would oppose the amendment because of his concerns about pedestrian safety.

Sandberg said that she was concerned for pedestrian safety. She said that slower automobile traffic was fair if it provided safer travel.

Rollo said he would support the amendment. He said the westbound corridor was vital.

Amendment #1 to Ordinance 15-27 received a roll call vote of Ayes: 2 (Mayer, Rollo), Nays: 5 (Granger, Ruff, Sandberg, Sturbaum, Spechler) and thus FAILED.

There were no council questions or public comments on the ordinance as a whole.

Ordinance 15-27 (cont'd)

Council Comments:

Mayer thanked staff for their work.

Spechler said that the changes were sensible.

Ruff said that the discussion of the amendment indicated a need to evaluate the corridor.

Ordinance 15-27 received a roll call vote of Ayes: 7, Nays: 0.

This was the last meeting of the year and therefore there was no legislation for first reading.

LEGISLATION - FIRST READING

Rollo said that because of a misunderstanding of procedure, the next speaker would be allotted ten minutes of presentation.

PUBLIC COMMENT

Bruce Anderson spoke about the impact of dental mercury amalgam fillings on health and showed a video titled "Private SNAFU – Booby Traps."

It was moved and seconded that the Internal Work Session scheduled for Friday, December 18th, 2015 be cancelled.

COUNCIL SCHEDULE

Dan Sherman, Council Attorney/Administrator, reminded that council that they would begin their recess until the beginning of the next term.

The meeting was adjourned at 9:12 pm.

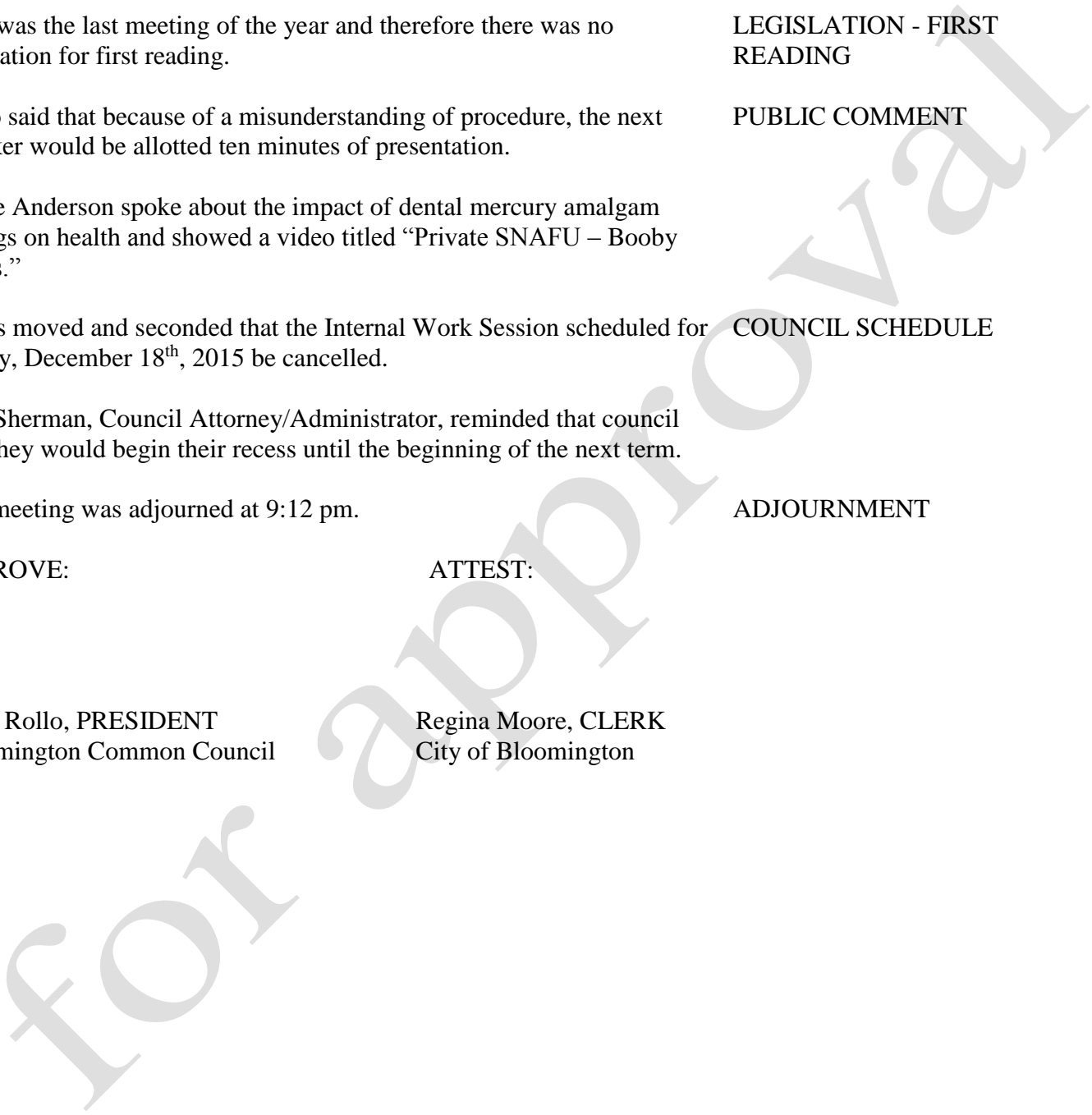
ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington



In the Council Chambers of the Showers City Hall on Wednesday, December 2, 2009, at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 2, 2009

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler
Absent: none

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

The minutes of Regular Sessions of January 21, 2009, March 25, 2009, and September 16, 2009, were approved by a voice vote.

APPROVAL OF MINUTES

Brad Wisler noted that work had begun on a sidewalk project near Kinser Pike and the Bypass. He said it was funded by the Council Sidewalk Committee and would provide pedestrians access to amenities north of the Bypass, such as the skateboarding park and golf course. He said it would be a great improvement and asked folks to bear with the temporary traffic disruption. Wisler thanked the Public Works Department for their efforts on the project.

REPORTS:
COUNCILMEMBERS

Tim Mayer thanked all community members who volunteered and donated food over the Thanksgiving holiday. He noted that local business Smokin' Jack's Rib Shack cooked all the turkeys for the Community Kitchen. He also recognized Mother Bear's Pizza for providing free meals to anyone who came through their doors on Thanksgiving, which totaled about 400 people. Mayer urged folks to remember the many worthy causes in the community that would still need support during the ongoing holiday season.

Steve Volan congratulated former Councilmember Jason Banach and wife Karen on the birth of their daughter, Anastasia, born the previous day.

Vickie Provine, Program Manager of the Housing and Neighborhood Development Department (HAND), announced the launch of the 2010 Neighborhood Leadership Series. Provine said the newly created program would address misconceptions and misunderstandings between neighborhoods and the City.

MAYOR and CITY OFFICES

Provine noted that the 2010 series would focus on Land Use, and would take an in-depth look at different City departments each year. Classes such as "Leadership: Understanding Yourself and Others," would feature speakers from within different City departments. They would talk with neighborhood groups about aspects of their job and be available to answer questions.

Provine said that the hope was that neighborhood leaders from around the city would meet to discuss what they learned and, for example, land use methods that worked in their respective neighborhoods. She noted that part of the series would educate folks on how they were able to work with the City Council on issues affecting their neighborhoods. Provine added that classes would be conducted in the Council Chambers and were free to the public, but that folks would need to register for them. She encouraged people to register through the HAND Department's website, or by calling her directly.

Council Attorney/Administrator Dan Sherman was asked to present the 2010 Council Calendar for approval.

COUNCIL COMMITTEES
• Council Calendar

It was moved and seconded that the proposed calendar be approved. The motion received a roll call vote of Ayes: 8, Nays: 1 (Volan).

Andy Ruff said efforts to gain a mutual understanding between the Indiana Department of Transportation (INDOT) and the local Metropolitan Planning Organization (MPO) on the Bypass project were taking longer than expected. He added that efforts were ongoing to remedy problems that might exist.

- Andy Ruff update on MPO and INDOT collaboration

Randy Paul addressed labor problems with the Area 10 Agency on Aging. He said that Bloomington Transit had recently signed a contract with the agency to transport people in the community with disabilities. Paul said that not only did Bloomington Transit keep the agency's drivers, but a recent pay raise was their first in more than five years. He added that Bloomington Transit had purchased several of the Area 10 Agency vans, allowing a smooth transition for those using the service. He credited council members for assisting in the resolution of problems over the past months, particularly Councilmembers Ruff and Piedmont-Smith. He said the Common Council had proved helpful to him in past situations as well.

PUBLIC INPUT

Buff Brown displayed slides representing different areas of Bloomington and their discussed their parking situations. He quoted Michael Eisner, former Disney Corporation CEO, as saying "form follows parking." He said he agreed that parking set the form of a city. He added that mode followed parking as well, and showed pictures that demonstrated poor or no sidewalk creation on the city's westside. He offered resources for further information on parking that supported smart growth. He said Portland, Oregon, was the poster child for good parking policy and showed pictures from that city.

Rhonda Baird, Director of the Indiana Forest Alliance, said they had recently been working with legislators to protect backcountry area in the state. She said a legislative bill regarding that area had been considered, but not passed. Baird said she spoke to State Representative Matt Pierce, who indicated he would resubmit the House Bill 1550, and that State Senator Richard Young planned to sponsor a similar resolution. She added that the Indiana Forest Alliance was pursuing a study group to look at ways to promote inclusion of forestry on farms and the sale of locally harvested and sustainable forest products.

Councilmember Rollo added that for more information on forestry issues, the public could visit that organization's website, www.indianaforestalliance.org.

Gabe Rivera spoke on the drug war, and said that fascism had been ongoing for 3500 years. He said that two million dollars was spent annually in Bloomington on drug prohibition, and spoke about drug war conspiracies.

It was moved and seconded that Danielle Sorden be appointed to the Community and Family Resources Commission. The motion was approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Appropriation Ordinance 09-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do Pass recommendation of 8-0-1. It was moved and seconded that Appropriation Ordinance 09-11 be adopted.

Appropriation Ordinance 09-11 To Specially Appropriate from the General Fund, Parks General Fund, Risk Management Fund, Fire Pension Fund, and Sanitation Fund Expenditures Not Otherwise Appropriated (Appropriating Various Transfers of Funds within the General

City Controller Michael Trexler said this ordinance would appropriate \$748,000 in funds from within the City.

He said that Common Council approval was needed to transfer funds from one area to another within a City department.

He noted that transferring funds within the Police Department would allow for the purchase of a few new patrol cars. He said the City Clerk requested to move funds for payroll needs, and Public Works requested to move funds to replace stolen traffic counters. He added that Animal Care and Control asked that funds be transferred in order to purchase more medicine. Trexler said calculation errors were made for the Fire Pension Fund, but that the state reimbursed the fund and it would have no real financial consequences on the City.

Trexler explained that every eleven years, the City experienced a 27th pay period within its calendar year. He said this occurred because the system paid employees every other Friday. He noted that the 27th pay period caused additional payroll expenses of more than one million dollars. However, he said reversions were almost guaranteed because his office budgeted for all positions to be filled at all times, which often was not actually the case. He said that after reversions from 2008 and 2009, \$229,000 was still needed and could be appropriated from the City's Rainy Day Fund.

Councilmember Rollo asked if there was a way to better prepare for this 27th pay in the future so money wouldn't need to come out of the Rainy Day Fund. Trexler said there were a number of strategies to consider and that his office had been looking into them.

Rollo said he wondered about who had made the monetary calculation errors affecting the Fire Pension Fund. Trexler said it was a paperwork error that would also affect the 2010 budget. He said he had initiated extra checks and balances within his office to ensure such an error wouldn't occur again the future.

Councilmember Wisler said he understood the 27th pay was a unique circumstance and that the City expected to have a reversion with its payroll each year, but hoped that in the future the 27th pay would be included in the annual budget presented to the council. He said he thought it was the wrong approach to approve a budget that didn't include all anticipated expenditures. He noted that he would support the ordinance, as employees deserved to be paid.

Councilmember Sturbaum said he thought the appropriation was a good use of Rainy Day funds, and commended Trexler for his management of the money.

Councilmember Volan said he appreciated the forward thinking efforts of the Controller's office and the City administration in their management of funds. He said that other communities around the state had been harder hit by the recession, and was grateful that Bloomington hadn't needed to cut community services. He attributed that to the City's money having been managed well.

Appropriation Ordinance 09-11 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 09-18 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-2. It was moved and seconded that Resolution 09-18 be adopted.

Fund and Motor Vehicle & Highway Fund for Police, City Clerk, Public Works, Animal Care & Control, Engineering, Street, and Traffic; Appropriating Funds from the General Fund, Parks General Fund, Wireless Fund, Sanitation Fund, Fire Pension Fund, and Rainy Day Fund for Payroll Needs in All City Departments)

Resolution 09-18 Approving the Report of the Bloomington Peak Oil Task Force as an Advisory Document

Councilmember Rollo said that after two years of work and hundreds of hours of meetings and research, the Bloomington Peak Oil Task Force's Report was ready to be approved as an advisory document. He said he wanted to present a few notable points from the 250-page report.

Rollo said an important finding was that the world was currently at or near its peak liquid fuel production capabilities. He said demand for oil had fallen, which accounted for lower gas prices, but that it was a temporary situation. He noted that it took time to plan for a change in fuel sources, and therefore planning should commence right away. He said the report covered topics related to oil dependency and provided recommendations for mitigation and adaptation.

Areas explored in the report included economic context, municipal services, transportation, land use, housing and sustenance. Rollo said that the Economic Context section, authored by Gary Charbonneau, noted the economy had an underlying assumption and reliance on growth. He said that in the previous two decades, globalization had occurred which increased demand of long distance transport. He asserted that 95 percent of transportation had been oil dependent, and an important adaptation would be a re-localization of needs. He said the task force was interested in the energy input for food production.

Rollo acknowledged Peter Bane's work in the Sustenance portion of the report. Bane examined the region and found that much could be done to foster regional self-reliance in food production. Rollo noted that he and Council Assistant Administrator / Researcher Stacy Jane Rhoads found several significant vulnerabilities in municipal services. He said that ideally, the City could implement complete reliance on alternative energy. He credited the administration with having taken efficiency and conservation measures, but noted that more needed to be done.

Rollo said there was concern for low income residents who took public transportation. He said they might begin to pay a significant portion of their wages in order to afford this transportation in the future if it continued to rely on gasoline for fuel. He offered that the implementation and use of rail was encouraged.

Rollo said the topic of Housing was explored by Stephanie Kimball and Clay Fuqua in the report. He summarized that the area's housing stock had vulnerabilities which were typical of the nation – low efficiency, with a predominance of large units created in the age of cheap energy. He said retrofitting for efficiency could feasibly reduce energy use by 5% per year and shield residents from future energy price shocks.

He noted also that Land Use of the previous 60 years had been characterized by the creation of an energy-intensive built environment and would have to be modified to bring residents closer to where they worked and shopped. He said this could be done by modifying present zoning restrictions, and through good public and alternative transportation.

Rollo said there were many recommendations within the report, and although time constraints of the evening didn't allow him to go into great detail, he wanted to be sure the following information was noted for the record.

Rollo said Bloomington was a community embedded within a society that was extremely dependent on imported energy– some two thirds of oil was imported.

Resolution 09-18 (cont'd)

He said it was recognized that shortages and rationing could ensue as depletion proceeded. In preparation, he said, the community should begin a considered and calculated powering down of liquid fossil fuel reliance.

He said it was the hope of the task force that communities across the country began their own energy descent planning, in lieu of inaction at the federal and state levels. He noted that inactivity might change on those levels, but it wouldn't be prudent to wait and see if they would. He said it was sensible to plan less usage of liquid fuels, effective immediately.

He noted the task force recommended a five percent yearly reduction of oil consumption in order to anticipate the natural, geologically imposed rate of decline. He said there were other aspects associated with decline that could make things better or worse. Rollo said that some exporting countries recognized oil left in the ground might be more valuable than the current commodity price. He said they may cut back on exports, or consume more themselves, since the balance of trade would be in their favor and thus their economies would fair better.

Rollo asserted that many factors could alter the rate of decline in availability of petroleum. These included strength and confidence in the dollar, the role of technology (good and bad), the role of so-called unconventional oil, possible discoveries of new, large fields, and the need for new investment in exploration and recovery.

He declared that these were very serious matters, but the Peak Oil Task Force Committee was hopeful, and in fact, envisioned a community that remained prosperous and resilient. Rollo noted, as stated in the report's *Introduction*, the group's recommendations were guided by the following principles:

- Sustainability: Recommendations should foster environmental integrity, equity and economic health. They should also be more than short-term fixes.
- Actionability: Recommendations must be specific and be "implementable." Toward this end, the Task Force organized its work into goals and strategies which are best implemented in short, medium or long-term.
- Conservation-Focused: While places in the report focus on new energy sources and greater efficiencies, the report's overwhelming call is for conservation. We can work on demand side measures to energy scarcity, and in many ways, we will find that we are better off for doing so, and we will save our government and community money in the process.

Rollo concluded by saying the committee hoped that this report would prove useful in the years ahead. He added that this was certainly not the final word on peak oil, but it was hoped that the report would begin community dialog on setting this process into motion.

It was moved and seconded that the Peak Oil Task Force Report Executive Summary be incorporated into the minutes of this meeting.

INCLUSION OF EXECUTIVE SUMMARY INTO MINUTES

The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Satterfield).

(Note: Executive Summary is included in full at the end of the minutes)

Rhonda Baird, permaculture teacher and designer, said she wanted to define 'permaculture' for the council. She noted it was an ethical system of design for integrating humans with their environment. She said this system of design was applicable for homes and also regions. Baird said the practices and skills available through permaculture were relevant to all aspects of the Peak Oil Task Force report. She said she supported the report and encouraged council members to do the same.

Mike Tosick, member of the Environmental Commission, said that Councilmember Rollo had attended some of their meetings to explain the contents of the Peak Oil Task Force report. Tosick commended the task force on a thorough and well-written document which included action items.

Buff Brown said that he had read some of the report and was very impressed with it. He thanked those who volunteered their efforts to compile the report.

Councilmember Volan said he was also impressed with the thoroughness of the document. He thanked Councilmember Rollo for his efforts in helping to produce the report. He said he would support the resolution.

Councilmember Satterfield said he was confused and had not meant to vote "pass" on the motion that the Peak Oil Task Force Executive Summary be incorporated into the minutes of this meeting. He said that he found certain aspects of the report to be valuable. Satterfield said that he thought conversion in any direction over a short period of time was expensive. He said he believed the citizen action portion of the report was a big part of the education process.

Satterfield noted he had trouble deciding whether he thought the task force had taken on too much or not enough. He said there were some significant areas that he felt had not received enough attention. Satterfield questioned Indiana University's role in a post-peak Bloomington. He said the report suggested enrollment could increase, but he thought that it would in fact have a negative effect. He noted that he also thought population change needed more attention in the report.

Satterfield said he recognized the expectations and efforts of the volunteers involved with the report. He thanked all for their efforts. He said he thought some of the ideas were great and that others he did not feel comfortable endorsing. He said he could not support the resolution in its entirety but thanked Councilmember Rollo for his efforts, and encouraged him to continue pursuing his work in this area. Satterfield said he did not oppose the non-binding resolution, but could not endorse it for reasons previously stated.

Councilmember Piedmont-Smith thanked volunteers for making the report possible. She said she was impressed with the document, and was pleased that some ideas noted in the Executive Summary were already in progress. She noted the Economic section advocated promoting economic re-localization. She said an initiative was recently underway to highlight and support locally owned businesses.

Piedmont-Smith said that in 2010 there would be a request from the Utilities department to expand the water treatment plant. She said serious consideration should be given in linking that to a renewable energy back-up plan involving hydro-electric and solar energy. She said there was much experience and resources in Bloomington to spread the use of urban gardens. She said that land use and housing were areas that needed to be reexamined and better planned for in the future.

Piedmont-Smith said the report gave a lot to digest and to move forward with in the years to come. She said she was pleased to support the report.

Resolution 09-18 (cont'd)

Councilmember Wisler stated that he did not agree with all the recommendations of the report. He said he was sure there would be spirited debate on the policy side of the issues. He said he felt the report was a worthwhile effort, and a number of the concepts in the report were important to look at as a council. He added that he felt some opportunities were missed in terms of economic recommendations. He said he found certain aspects of the report to be very realistic, including the mention of local currency. Wisler said he thought that overall the document was well put together and he would support the resolution.

Councilmember Mayer thanked the task force for their work, and appreciated that it had taken a great deal of time. He said the emphasis on conservation was the most important part of the document for him, as he believed in and practiced conservation. He said that there had been discussion on rail, and that he supported a rail system because it allowed for much more to be transported than with motor vehicles. He said that growing up on Long Island he witnessed how the railway had promoted economic growth. Mayer speculated about how a rail system in Indiana would affect the state.

Councilmember Sandberg said she had seen some negative response to the report and resolution in the newspaper. She said that adopting the resolution was good policy because ideas that would be implemented would help citizens save money and create jobs. She said it was not in fact 'doom and gloom' but that the report and resolution were uplifting in preparing for societal changes in the future. She thanked the task force for their work.

Councilmember Rollo said he looked forward to continuing this work with his colleagues. He thanked the council and Mayor for their efforts and support of the task force. He said that in the two years that the task force had been working to put together the report, they had become like family. Rollo added that he felt the report would rank high on the list of documents that guide the city. He extended a special thanks to Council Assistant Administrator / Researcher Stacy Jane Rhoads for her large and significant contribution to the report, as well as to Council Administrator/Attorney Dan Sherman for his continued presence and advice. He also thanked Transition Bloomington and the Environmental Commission for their support.

Councilmember Volan said he wanted to address a fear that Councilmember Satterfield had in regards to the report. Volan said that he believed Indiana University would indeed continue to be prosperous because, historically when the economy was bad, people went back to school. He said that in Indiana University's nearly 200 year history, there had never been a decrease in the enrollment of students. He said he believed many students were coming from areas less dense than Bloomington and would learn and benefit from policies put in place by the City.

Councilmember Ruff said it had recently come to his attention that many people moved to Bloomington from places such as California because they assessed the city as a smart place to live for geographical and societal reasons. He explained that people wanted to be a part of the community because of the way in which its people worked together efficiently and progressively. Ruff asserted that the task force had come together in this very spirit, for purely civic purposes.

Ruff said he thought the task force produced a world class product at a local level. He added that he saw the report as supporting a healthier, more sustainable and humane future. He noted that it was possible to redefine prosperity in a way that would enhance the quality of the living experience globally. Ruff joined the other council members in thanking the task force and staff for their efforts on the report.

Resolution 09-18 (cont'd)

Councilmember Rollo added that he wanted to thank Merridee LaMantia for her design work on the cover of the report, which he noted had undergone several changes as the result of incorporating many different ideas.

Resolution 09-18 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Satterfield).

It was moved and seconded that Resolution 09-21 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no committee recommendation on this item.

Resolution 09-21 Recognizing the Twenty-Fifth Anniversary of the Bhopal Disaster and Calling for a Report on Extremely Hazardous Substances Previously Released into the Local Environment

It was moved and seconded that Resolution 09-21 be adopted.

Councilmember Volan asserted that water flowing through a pipe at a factory 25 years previously in Bhopal, India, triggered the greatest industrial disaster in human history. He said the pipe was supposed to be empty but instead held about 125 gallons of water. Volan called upon Saurabh Ajmera, president of the local chapter of the Association for India's Development, to explain the events associated with the Bhopal disaster of December 1984.

Saurabh Ajmera said that Bhopal, located in the province of Madhya Pradesh, India, was a 1000 year old city. He explained that it was home to about 1 million people and was full of beautiful Hindu and Muslim architecture. He presented some images of Bhopal, but said it was hard to find photos of Bhopal that were not related to the disaster that happened there. The Union Carbide Factory in Bhopal produced a pesticide that included the toxic chemical methyl isocyanate (MIC). He said that on December 2, 1984, a large amount of water accidentally flowed into a tank that contained 42 tons of MIC.

Ajmera said that MIC was highly reactive when mixed with water, and the result was a toxic gas, heavier than air, which formed a poisonous cloud. The toxic cloud was so dense that it nearly blinded people as they suffocated from its fumes. Ajmera said survivors recounted running away from the cloud, unaware of what was happening, with others falling all around them.

In the first 24 hours, Ajmera said 2000 people died. He said the consensus of the number of casualties one week after the disaster was 20,000. Ajmera stated that the Students for Bhopal organization claimed even 25 years after the disaster, one person died every day as a result of injuries sustained from the events of December 2, 1984.

Ajmera noted that the American company Union Carbide, India Limited owned the factory with 51 percent of its shares, and had begun using the chemical MIC in 1979. He said the company chose that chemical over a cheaper and less hazardous chemical. He said they stored it in large tanks to save money, when it would have been safer to store the chemical in smaller amounts.

Resolution 09-21 (cont'd)

Ajmera stated that Union Carbide was negligent in their handling of the situation before, during, and after the disaster. He asserted that in 2001, Dow Chemical bought Union Carbide's assets and Dow-Carbide had abandoned the site and consistently denied responsibility for its cleanup. Ajmera said the disaster was made worse by a lack of emergency procedures, and that the Indian government was partially to blame.

Ajmera noted that 40 inches of rain fell per year in Bhopal, and the ground water mixed with toxins in the soil, thereby polluting its wells and lakes. A Green Peace study conducted in 2002 cited chloroform, lead and mercury as being present in the milk of Bhopal's nursing mothers, Ajmera said. He added that tens of thousands of people continued to be affected by the disaster, including children born after the fact, and gave examples of some of these children. Ajmera asserted that there were two disasters affecting the people of Bhopal. The first happened on December 2, 1984, and the second was the toxic soil that continued to pollute the ground water, injuring and causing birth defects for thousands of others.

Ajmera said the International Campaign for Justice in Bhopal (ICJB) was created to help those affected by the disaster. He outlined the goals of the ICJB, including that DOW officials would face trial for their negligence, provide long-term health care for the people of Bhopal, clean up the poison, and provide economic and social support.

Ajmera noted that he had never been to Bhopal, but that he was concerned for its people and ashamed of the government's handling of the situation. He said Bloomington wasn't unlike Bhopal in that the city had also dealt with corporate irresponsibility and toxic waste. He said Bloomington passed an ordinance three years previous, in which the council had decided to take on sustainability issues such as this. Ajmera noted that the people of Bhopal, India, did not have the advantage of a similar ordinance. He said the message of ICJB was "no more Bhopals." He explained that he was inspired by people from Bhopal whom he had met, who began advocating for change there at a young age. Ajmera noted that with this resolution, the council had the opportunity to make their voices heard on the important matter.

Councilmember Volan noted that he had been attending university at the time of the Bhopal disaster. He said his campus held an academic seminar on the tragedy, and he never had forgotten the lessons he learned from it. Volan said that at the nearing of the 25th anniversary of the disaster, he began wondering what would happen if toxic substances were released in a place like Bloomington as a result of a natural disaster. It was in researching this that he learned Congress had passed the Emergency Planning and Community Right to Know Act (EPCRA) in 1986 in response to the tragedy in Bhopal.

Volan said that the Bloomington Township Fire Chief was in charge of dealing with extremely hazardous substances (EHS) on a local level.

Faron Livingston, Bloomington Township Fire Chief, introduced himself and said that he had been a firefighter for 35 years. He said he was in charge of the Hazardous Materials Response Team (HMRT), which included the Indiana counties of Monroe, Brown, Bartholomew, Lawrence, Orange, Washington and Jackson. He said the HMRT was organized by the federal government after the Bhopal disaster. Livingston said that he and others had heard about what happened in Bhopal and intently watched documentaries to help determine what steps could be taken should they be confronted with a similar situation.

He said that EPCRA was very important, and commended the federal and state governments for creating a comprehensive plan involving several agencies in the event of a hazardous substance emergency.

Resolution 09-21 (cont'd)

Councilmember Volan asked Livingston how people would know if corporations were housing toxic materials locally, and what they were. Livingston said that due to the Tier II section of the EPCRA, corporations were required to release this information to him on an annual basis. Volan asked Livingston to explain what Material Safety Data Sheets (MSDS) were. Livingston responded that they were required for all chemicals. Each sheet listed the molecular structure of the given chemical, correct first aid procedures if exposed to the chemical, contact information of the chemical's manufacturer, and the phone number to call for more details.

Volan wondered what the trend was for the number of HMRT runs annually. Livingston said that his team had seen an increase in 2001, but that the number of runs had been decreasing since then. He added that he believed this was due to stronger enforcement by government offices such as the Environmental Protection Agency. Volan questioned Livingston as to how HMRT would handle various disaster scenarios. Livingston said that if there was a major disaster, plans were in place that would progressively involve agencies from the local to federal levels.

Councilmember Volan said that the legacy of Polychlorinated biphenyls (PCBs) had loomed large over Bloomington for decades. He noted that he hadn't been sure of what all the problems were in relation to PCBs. He said that the main action of Resolution 09-21 called for the development of a report which summarized the state of all toxins released into the Bloomington environment, where they might be found, the degree of danger they posed, remedies for the toxins, and how much remediation had been done to date. He said it was important to collate information that was already known, but was spread out through many offices and people.

Volan asserted that the City's Environmental Commission was the logical body to take on this report, as they had experience compiling similar reports. He said the formatting of the report would be left to their discretion, but it was to be completed by the 26th anniversary of the Bhopal disaster.

Volan continued by saying that, although India was far away, Indiana had received its name from the mistaken notion that it was India. He said Bloomington also had a history with toxins, and so for these reasons it was appropriate to mourn the victims of Bhopal. He said Councilmember Rollo's sustainability ordinance had led the way for this resolution, and he was proud that Rollo was co-sponsoring Resolution 09-21.

Volan noted that the legislation addressed past wrongs and the legacy of human activity which inspired the pursuit of sustainability. He stated that those responsible for polluting the environment should be made to clean it up, in order for sustainability to occur. Volan thanked Phaedra Pezzullo, the Environmental Commission, Council Attorney/Administrator Dan Sherman, Fire Chief Faron Livingston, and for their involvement with the resolution.

Mike Tosick, of the Environmental Commission, said that they had agreed to take on the responsibilities outlined in the resolution. He said the commission anticipated forming a committee on the issue of toxins in Bloomington in order to produce the report.

He said the volunteer group would initially focus on toxins in the city, followed by the county if they were able.

Resolution 09-21 (cont'd)

Tosick said the commission and Mayor's office were concerned that a report might affect private property values and liability for Bloomington residents, which they did not want to see happen. He noted that it was an issue which would be navigated through ongoing talks with the Mayor's office. Tosick added that the commission looked forward to their involvement as stated in the resolution, and that he was personally touched by the presentation on the Bhopal disaster.

Councilmember Piedmont-Smith asked what would be the temporal scope of Environmental Commission's report. Councilmember Volan responded that they weren't concerned with toxins that had long been removed, only with ones that were still present in the environment.

Councilmember Satterfield inquired about how disputes over claims of toxins present would be handled. Volan responded that the report was not envisioned in order to conduct new research, but rather to compile information that already existed from several bureaus into a cohesive report.

Satterfield wondered who was the intended audience of the report, and if it was intended for public safety agencies. Volan said the report was to notify the community as to the toxins present, in order from most hazardous to least.

Rollo said he wanted to clarify comments made by Chief Livingston. He asked if the list of toxins that companies were required to release as a result of EPCRA, was monitored by any outside entity. Livingston said it was balanced by emergency management agencies and the state, which sent inspectors to companies for verification.

Suresh Marru, Senior Research Scientist at Indiana University and Faculty Advisor of the Association for India's Development, said he wanted to thank Councilmember Volan and his colleagues for considering the resolution. He noted that Bloomington had the opportunity, as other American cities had done, to put pressure on Dow Chemical to take responsibility for Bhopal. He said the resolution would have a broader scope because it would be a progression towards other corporations being held accountable for their toxic footprints globally.

Community member Christine Glaser said she supported the resolution's efforts to reveal toxins within the community. She said she believed the City had shied away from revealing toxins in the past because of concerns over affecting property values. Glaser said she wanted to tie this resolution with the Peak Oil Task Force's recommendation to increase urban agriculture. She noted that citizens should be made aware of the presence or lack of toxins in a particular area where they wished to plant a garden.

Glaser added that, even with safety plans, she felt there were dangers in hazardous chemicals being present in the environment. She asserted that whether or not they exploded, they were released into the environment through the products for which they were made. Glaser advocated for sustainable alternatives to toxic chemicals.

Councilmember Piedmont-Smith thanked Councilmember Volan for his efforts on the resolution and for bringing the issues to the council's attention.

She noted that she was saddened by what had transpired in Bhopal, and felt the resolution was a step in the right direction in terms of informing Bloomington's citizens about what was present their environment. Piedmont-Smith thanked the Environmental Commission for taking on the task of creating a report, and she said she would support the resolution.

Resolution 09-21 (cont'd)

Councilmember Volan said he had worked on the legislation for months and hadn't set out to condemn anybody, but the story of Bhopal spoke for itself. He noted that only through great attention to the environment could another disaster similar Bhopal's be prevented. He again thanked the Environmental Commission and others, offering his continued assistance to them.

Councilmember Rollo thanked the Students for Bhopal for their advocacy in fighting for solutions to the ongoing problems caused by the disaster. He said the continued injustices in Bhopal were incomprehensible. Rollo noted that he hoped justice came soon for the people affected. He said he appreciated how Councilmember Volan had tied what happened in Bhopal to the legacy of toxins in Bloomington.

Councilmember Ruff thanked those who had come from the community to speak on behalf of the resolution. He said what happened in Bhopal was an unfortunate example of the costs associated with the use of hazardous materials. Ruff thanked Chief Livingston for his reassuring comments on Bloomington's emergency preparedness.

Resolution 09-21 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 09-06 be taken from the table (where it was placed on April 15, 2009). The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 09-06 (Amended by Substitution) To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Containing Most of the Provisions Proposed in Ordinance 09-06 When Tabled on April 15th and Which Affect One-Way Alleys, Various Parking Regulations, Crosswalks, and Penalties)

MOTION: It was moved and seconded that Ordinance 09-06 be amended by adopting Ordinance 09-06 Amendment by Substitution as revised in the memos and materials presented at the meeting.

Council Attorney/Administrator Dan Sherman said Ordinance 09-06 was tabled earlier in the year because there were provisions within it that were not ready for final action. Sherman said those provisions had been removed from the current version of the ordinance. He summarized the changes for the council.

Councilmember Piedmont-Smith said that she and her constituents had been concerned with traffic incidents involving pedestrians on the Indiana University campus. She asked Susie Johnson, Public Works Director, to brief the council on related conversations she'd had with IU officials. Johnson said she was part of a task force that reviewed safety concerns around the campus. She added that they had identified a few trouble areas, and would be making crosswalk improvements. Johnson noted that representatives from IU's student population were involved in the task force, and that their report could be found on the IU Provost's website.

Councilmember Wisler said he believed the changes to Ordinance 09-06 were good, and it would be an easy ordinance to support.

Councilmember Satterfield thanked everyone for their patience, as he was the person who had called to table the ordinance.

Councilmember Sturbaum noted that discussion on Ordinance 09-06 had been brief, and the evening’s schedule could have been better arranged so that Susie Johnson wasn’t obligated to stay for hours to comment on this item. Ordinance 09-06 (cont’d)

Councilmember Volan apologized to Johnson for any inconvenience that staying through the long meeting might have caused her. He said that in the future he would like to see an ordinance such as this be broken down into a few smaller ordinances, so that the issues might be managed in a more timely fashion. Volan added that he would like for Bloomington to implement more crosswalks, and he supported the ordinance.

MOTION: It was moved and seconded that Ordinance 09-06 be amended by adopting Ordinance 09-06 Amendment by Substitution as revised in the memos and materials presented at the meeting.

ACTION: The motion received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Ordinance 09-06 (Amended by Substitution) To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Containing Most of the Provisions Proposed in Ordinance 09-06 When Tabled on April 15th and Which Affect One-Way Alleys, Various Parking Regulations, Crosswalks, and Penalties)

ACTION: Ordinance 09-06 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Ordinance 09-23 To Amend Title 4 of the Bloomington Municipal Code Entitled “Business Licenses and Regulations” (Adopting Chapter 4.26 entitled, “Velocabs”)

Ordinance 09-23

Ordinance 09-24 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Adding BMC 2.23.090 Establishing the Bloomington Commission on Aging

Ordinance 09-24

Ordinance 09-25 To Amend Ordinance 09-13 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2010 - Re: Reflecting Collective Bargaining Agreement Affecting Positions in the Fire Department

Ordinance 09-25

Michelle Cole said that the Broadband Technology Opportunities Program (BTOP) had reviewed the traffic report that Susie Johnson referred to earlier in the meeting. Cole said they were concerned that no effort would be made to educate motorists that it was their responsibility to yield to pedestrians when they stepped into the street. She suggested inserting more signs that indicated that drivers should yield before crosswalks.

PUBLIC INPUT

The meeting was adjourned at 10:38 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall on Wednesday, December 20, 2006 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
December 20, 2006

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Sturbaum gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Timothy Mayer wished everyone Happy Holidays and a Prosperous and Healthy New Year.

REPORTS:
COUNCILMEMBERS

Mayor Mark Kruzan lauded Plan Director Tom Micuda for shepherding the process of developing and adopting the Unified Development Ordinance. He presented Micuda with a shirt embellished with the name Tom Mic-UDO.

MAYOR and CITY OFFICES

Human Rights Commission Chair, Jeff Harlig, presented the 2006 Human Rights Award to Lillian Casillas, Director of the Latino Cultural Center at Indiana University. Harlig outlined Casillas' dedication to the Latino community, her activities in the community as well as the university while working quietly and behind the scenes to insure that all the community's residents are valued.

COUNCIL COMMITTEES

- Human Rights Commission Award

It was moved and seconded to approve this tribute to Gaal. The motion was approved by a voice vote.

- Tribute to Chris Gaal

Dan Sherman was asked to read a tribute to Chris Gaal, who was attending his last council meeting. Gaal had been elected to be the County Prosecutor in the November election.

Chris Sturbaum said Gaal had been quietly effective in communicating to the different members of the council. Sturbaum said Gaal's example of civil communication among council members set that bar very high, and that that he'd make good use of this quality in his next position.

Mayer said he had thoroughly enjoyed working with Gaal in the past seven years, thanked him for his work on the council, and said he would be missed.

Andy Ruff said he didn't know Gaal before the 1999 campaign, but would miss him as they had served together. Ruff noted that there had sometimes been communication problems with the previous administration but that Gaal had worked tirelessly in his two years as president to facilitate discussion and productive engagement during that time. Ruff said it would be difficult without Gaal, but that he would do great things for the community as Prosecutor.

Dave Rollo said that he did know Gaal before he became a council member in 1999. He added that they had worked on several community issues together, but they never had really disagreed until they both sat on the council together. He said that he appreciated Gaal's ability to focus and narrow debate, and that ability would be missed.

Mike Diekhoff noted that he would still be working closely with Gaal in his new position, and thanked him for bringing people together, even in disagreement.

David Sabbagh related a story of Chris working with him on the Patriot Act Resolution and working out wording on the 'whereas' clauses to the benefit of all. He alluded to Gaal's personal life, noted that Gaal had been smiling continually, and wished him luck with his new family and job.

Steve Volan noted that Gaal best represents the character of this community with the way he approaches public policy. He wished Gaal luck in his new endeavor.

Brad Wisler teased that, as having been on the council two months, he had had fewer disagreements with Gaal than the other council members. He thanked him for his help with his own transition to the council and hoped that Gaal's transition to the Prosecutor's office would be smooth as well.

Mayor Kruzan, noting that he had never had a disagreement with Gaal, said that his leaving the council would be a huge loss for city government. He noted Gaal put community interests ahead of personal ones, was the moderating influence within the council and with the administration. He added that Gaal had helped put the good name back into 'liberalism' by showing that government can serve the people and improve the human condition. He noted that Gaal was all 'round good guy.

Kruzan noted that Gaal's work in bicycling and B-Line Trail alternative transportation advocacy was well known. He added that for that fact he was announcing that bike racks on the B-Line Trail would be labeled with a plaque that would read: "These bike racks are dedicated to the spirit and enthusiasm of councilmember Chris Gaal who helped shape the development of the B-Line trail for generations to enjoy."

Gaal said it was an honor to serve with the council members, that he had learned a lot and had been challenged with the number of issues that had come up in the last seven years. He noted that with the B-Line Trail, the UDO, the Growth Policies Plan and the Zoning Ordinance updates he felt that he had now come full circle around the issues he started with. He thanked city staff for their relationships with the council and with him, and said Susan Sandberg would do a great job sitting in his seat. He said he would now continue to work with the city to enhance public safety in the community.

Sturbaum presented Gaal with a framed copy of the tribute.

David Grubb said 'bah humbug.' He added that he would like to see passenger trains go through here from Louisville and Cincinnati.

PUBLIC INPUT

There were no appointments to boards and commissions at this meeting.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Ordinance 06-26 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Ordinance 06-26 be adopted.

LEGISLATION FOR SECOND READING

Ordinance 06-26 To Authorize the Issuance of Bonds by the Monroe County Redevelopment Commission Pursuant to IC 36-7-14-3.5

Clint Merkel, Community Development Director with the Monroe County Commissioners Office, requested approval for issuance of bonds for the construction of the Indiana Life Sciences Education and Training Institute. He explained that the city had annexed a portion of the Westside Tax Increment Financing District and therefore needs to

Ordinance 06-26 (Cont'd)

approve the issuance of bonds with regard to the TIF district. He read a statement from the county's financial advisor nothing that the issuance of the bonds payable from the TIF revenues would not have any impact, positive or negative, on any amount of money to be received by the City of Bloomington. Merkel said that the project would actually have a positive impact on the city's residents as education and training needed to fill several hundred new jobs created by new biotech firms in the area would be provided at this facility.

Iris Kiesling, member of the Board of Commissioners asked for the council support for this ordinance, adding that it would benefit area businesses and citizens who need work.

Jim Tolen, fourteen year member of the Monroe County Redevelopment Commission and current Vice President of the Commission, said that there had been excellent growth opportunities on the west side of town. He said he was enthusiastic about the creation of the life sciences institute which would benefit Westside employers in the industry. He asked for unanimous support for the ordinance.

Barry Lessow, president of the Monroe County Redevelopment Commission thanked the council for their support of this endeavor that would prepare for work in a continually growing sector of the economy. He offered his congratulations to Gaal and Sandberg, and wished all happy holidays.

Sabbagh said this was a wonderful project and was happy that the city would participate. He voiced his support.

Rollo noted that lots of industry has left the county, and that this was a good response to that flight. He said that the institute would benefit many in their effort to qualify for a good paying job while establishing Monroe county as a leader in this field.

Sturbaum said it was a good example of cooperation between the city and county.

Ordinance 06-26 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 06-25 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Ordinance 06-25 be adopted.

Pete Giordano, Director of the Community and Family Resources Department, requested the reauthorization of the Commission and to remove the sunset provision in the Code. He noted that the commission was created in 2001 to analyze and address the conditions and underlying problems faced by black males. He noted the commission was reauthorized in 2003 for a second three year period, and it was now requesting a further and permanent reauthorization as required by the enabling legislation.

Giordano introduced David Hummons, Chair of the Commission on the Status of Black Males, who reviewed some of the commissions work and findings in their work of enhancing the prospect of black males being successful in society. Hummons told of the Commission's He spoke of a town hall meeting entitled "Race, School Discipline and Criminal Justice" which uncovered a disproportion of problems in school discipline. He this activity lead to a partnership with the MCCSC to create a Commission on Human Understanding and Diversity to address this process of suspensions, expulsions, and other

Ordinance 06-25 To Amend Chapter 2.23 of the Bloomington Municipal Code Entitled "Community and Family Resources Department" in Order to Establish the Commission on the Status of the Black Males as a Permanent Commission.

problems of discipline. Hummons announced the “Men of Color” Leadership Conference to be held at IU in February 2-3, 2007, and reported that the Commission was working with the school system to bring 55-85 black male students to the conference for workshops, inspiration and encouragement.

Hummons answered a question from Rollo by noting that their main emphasis was currently on high school students, but that they would work with younger children in the future. In answering a question from Sturbaum, Hummons gave the size and composition of the commission.

Sturbaum noted that then newly elected Governor Daniels had made a mistake early in his tenure by stating that the citizen commissions should be reviewed and disbanded. Sturbaum noted that commissions extended the power and effectiveness of government with their work, and noted that the Commission on the Status of Black Males was a solid commission.

Sabbagh said it was disappointing that the Commission on the Status of Black Males had a sunset provision in its enabling legislation and said it was time that this be removed.

Ordinance 06-25 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 06-27 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Ordinance 06-27 be adopted.

Ordinance 06-27 To Vacate A Public Parcel - Re: Right-of-Way Running North /South Along the East Side of 111 South Grant Street (Trinity Episcopal Church - Rectors and Wardens, Petitioners

Ordinance 06-27 received a roll call vote of Ayes: 9, Nays: 0.

This portion of the agenda was a continuation of the Special Session being held by the Council to consider what is known as the Unified Development Ordinance.

Hearing On Written Objections To The Unified Development Ordinance (UDO) Pursuant To I.C. 36-7-4-606(C)(3)

It was moved and seconded to reconsider Amendment #23.

MOTION TO RECONSIDER AMENDMENT #23 To Ordinance 06-24 (UDO)

The motion to reconsider Amendment #23 received a roll call vote of Ayes: 9, Nays: 0.

To Make Technical Corrections – Plan Staff Submitted By: Tom Micuda, Director of Planning Anticipate Motion to Reconsider in Order to Add Cemeteries to List of Uses to be Separated from Sexually Oriented Businesses

It was moved and seconded to add cemeteries to list of uses to be separated from sexually oriented businesses.

MOTION TO AMEND AMENDMENT #23

The motion to amend Amendment #23 received a roll call vote of Ayes: 9, Nays: 0.

Amendment #23 received a roll call vote of Ayes: 9, Nays: 0.

MOTION TO ACCEPT AMENDMENT #23 AS AMENDED.

It was moved and seconded to adopt Amendment #29.

MOTION TO RECONSIDER AMENDMENT #29 TO Ordinance 06-24 (UDO) To Establish Minimum Required Entrances along the B-Line Trail Sponsor: Sturbaum

The motion to reconsider Amendment #29 received a roll call vote of Ayes: 7, Nays: 2 (Wisler, Sabbagh)

It was moved and seconded to amend the amendment to extend the distance to 100 feet and change the word "property" to "building" frontage.

MOTION TO AMEND AMENDMENT #29

The motion to amend Amendment #29 received a roll call vote of Ayes: 9, Nays: 0.

Amendment #29 received a roll call vote of Ayes: 7, Nays: 2 (Wisler, Sabbagh)

MOTION TO ACCEPT AMENDMENT #29 AS AMENDED

Motion to continue discussion on Amendment #22 postponed from earlier in the consideration of Ordinance 06-24 received a roll call vote of Ayes: 9, Nays: 0.

MOTION TO CONTINUE DISCUSSION ON AMENDMENT #22 TO Ordinance 06-24 (UDO). To Modify the LEED and Affordable Housing Components in Green Development Standards Sponsor: Rollo

Motion to consider an item not on the agenda received a roll call vote of Ayes: 9, Nays: 0.

MOTION TO CONSIDER ITEM NOT ON THE AGENDA.

It was moved and seconded to adopt Amendment #30.

MOTION TO ADOPT AMENDMENT #30 TO Ordinance 06-24 (UDO).

Amendment #30 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 06-24 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis. She noted that this portion of the meeting was actually a continuation of the Special Session called to consider the UDO. It was moved and seconded that Ordinance 06-24 be adopted.

Ordinance 06-24 To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, "Zoning", Including the Incorporated Zoning Maps, and Title 19 of the Bloomington Municipal Code, Entitled "Subdivisions"

Ordinance 06-24 as amended received a roll call vote of Ayes: 7, Nays: 2 (Wisler, Sabbagh).

As this was the last meeting of the year, there was no legislation for introduction.

LEGISLATION FOR FIRST READING

PUBLIC INPUT

The meeting was adjourned at 11:55 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington