City of Bloomington
Common Council

Legislative Packet

Wednesday, 23 March 2016

Regular Session

All material contained herein.

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To: **Council Members**
From: **Council Office**
Re: **Weekly Packet Memo**
Date: **March 18, 2016**

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:
None

Reports – from Committees:

- **Council Sidewalk Report for 2016**
  - Table of Contents; Signature Page; Narrative; Recommendations; Maps of Recommended Projects; Criteria; Evaluation Sheet; History of Funding
  Contact: *Dorothy Granger at 349-3409 or grangerd@bloomington.in.gov*
  Dan Sherman at 349-3562 or shermand@bloomington.in.gov

Legislation for Second Reading:

Two Historic Designations

- **Ord 16-02** To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: 305 East Vermilya Avenue Historic District (Bloomington Historic Preservation Commission, Petitioner)
- **Ord 16-03** To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: Greater Restaurant Row Historic District (Bloomington Historic Preservation Commission, Petitioner)
  - Am 02 – Revised Map of District (to remove Trinity Episcopal Church) *(enclosed)*;

  Contact:
  Bethany Emenhiser at 349-3401or emenhisb@bloomington.in.gov
  Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov

Please see the Weekly Council Legislative Packet issued for the March 2, 2016 Regular Session for the legislation, materials, and summaries.

- **Res 16-03** Opposing Governor's Actions to Withhold Support from Syrian Refugees and Welcoming Syrian Refugees to our State and Community
    - Memo from Councilmember Piedmont-Smith
    - Suggested Reading
    - Bloomington Human Rights Resolution supporting the Council's effort to oppose Governor Pence's actions and supporting Syrian refugees into our State.

    Contact: Isabel Piedmont-Smith at 349.3409 and piedmoni@bloomington.in.gov or Council staff 349.3565

Legislation and Background Material for First Reading:

- **App Ord 14-02** Additional Appropriation for Bloomington Transportation Corporation for 2016 (For New Transit Buses, Software, and a Flat-bed Truck)
    - Certified Copy of Additional Appropriation and Appropriation Breakdown by Fund and Classification for Funds Requiring Department of Local Government Finance (DLGF) Approval
    - Form 2 – Estimate of Miscellaneous Revenue
    - Memo to Council from Lew May, General Manager

    Contact: Lew May at 332-5688 or mayl@bloomingtontransit.com

- **Ord 16-04** To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Amending 20.09.230 ("Demolition and Demolition Delay") and 20.11.020 ("Defined Words") to Expedite the Review of Partial Demolition Requests for "Contributing" Structures in Residential Zoning Districts
    - Certification of Action – submitted February 11th indicating a vote of 7 – 1;
    - Memo to the Council from Patty Mulvihill, City Attorney
    - Strikeout Versions of Section 20.09.230 (Demolition delay) and excerpts of Section 20.11.020 (Definitions)

    Contact: Patty Mulvihill at 8120349-3426 or mulvihip@bloomington.in.gov

Minutes from Regular Session:

- March 2, 2016 *(forthcoming in advance of the Regular Session)*

Memo

One Report, Three Items under Second Readings, and Two Items under First Reading for Regular Session on March 23rd

There are many items of business on the Agenda for the Regular Session on March 23rd. These include:

- Reports:
  - A Council Sidewalk Committee Report (in this packet);
- Second Readings:
  - two ordinances coming forward from the Committee of the Whole proposing historic designations on Vermilya Avenue (Ord 16-02) and for the Greater Restaurant Row Area (Ord 16-03) – *with an amended map (enclosed)*; and
  - a resolution (Res 16-03) opposing Governor Pence's treatment of Syrian Refugees *(enclosed)*;
- First Readings:
  - An appropriation ordinance (App Ord 16-02) for Bloomington Transit *(enclosed)*; and
  - A text amendment to Title 20 (Unified Development Ordinance – UDO) regarding Demolition Delay *(enclosed).*

Council Sidewalk Committee Report - 2016

The Council Sidewalk Committee is submitting its 2016 *Report* for your approval Wednesday night. The *Report* includes a narrative, recommendation sheet, maps for eleven recommended projects (two of which would be funded only in the event reverted funds from 2015 are appropriated for this purpose in 2016), funding criteria, evaluation sheet, and a history of funding.

The Committee consists of four Council members appointed by the President of the Council, and includes Councilmembers Granger (Chair), Mayer, Rollo, and Sturbaum. It is assisted by personnel from the Planning and Transportation, Utilities, HAND, Parks and Recreation, Clerk and Council departments. (Please see the *Report* for the names of these persons – who make the work of this Committee possible.)

The Committee makes recommendations to the entire Council on use of $300,000 of Alternative Transportation Fund monies budgeted for 2016. This was the second year after the consolidation of planning and transportation functions under the new

Planning and Transportation Department. The Committee met four times in February and March 2016. The recommendations allocated the $300,000 and, if made available, some unspent funds in 2015.

Please note that the Council Administrator/Attorney will be filing a Disclosure of a Conflict of Interest because one of the projects on the Evaluation Sheet – but not recommended for funding - would cross his property.

USE OF AVAILABLE ALTERNATIVE TRANSPORTATION FUNDS (ATF):

Traffic-Calming The Committee also allocated $5,000 for, as yet, unidentified traffic-calming projects.

CBU Contribution Toward Storm Water Component of Council Sidewalk Projects Due to budgetary constraints, the CBU has not set aside funds for the storm water component of Council sidewalk projects since 2010. However, as set forth in a detailed project accounting sheet provided this year, CBU contributed $281,527 toward Council Sidewalk Committee projects from 2007 – 2015. No overlapping priorities were identified this year.

CHART OF 2016 COUNCIL SIDEWALK COMMITTEE RECOMMENDATIONS: The Committee recommended funding the following projects and, in some instances, on certain conditions (for a more detailed description of the projects, please see the Report Narrative):

	ATF	**ATF (Additional Amounts – Should They be Appropriated)**	**CBU**	**OTHER FUNDS**
East 7th Street – Construction ($55,000) **Ramp** from SR 45/46 to 7th Street (West Side)	**$20,000**		**$0**	*** $35,000** *(P &T portion of ATF Monies)*
East 10th – Design ($50,000), Right-of- Way ($12,000) & Construction ($189,000) Sidewalk from Smith Road to Tamarron Drive (South Side) with Pedestrian Crossing and Other Safety Improvement	**$50,000**		**$0**	**$0**

Morningside Drive – Design ($15,000), Acquisition of Right-of-Way ($4,000) and Construction ($91,000) Sheffield Drive to Park Ridge Road (North Side)	**$110,000**		**$0**	**$0**
Moores Pike – Design ($24,000) and Construction ($112,000) Sidewalk from College Mall to Woodruff Lane (South Side)	**$24,000**		**$0**	**$0**
Union Street – Design ($32,000), Right-of-Way ($34,000) & Construction ($123,000) Sidewalk from 4th to 7th Street (West Side)	**$32,000**		**$0**	*Possible donations of right-of-way*
South Walnut Street – Design ($12,000), Right-of-way ($1,000) & Construction ($74,000) Sidewalk from Winston Thomas to National Guard (West Side)	**$13,000**		**$0**	
Mitchell Street – Design ($22,000) and Construction ($90,000) Sidewalk from Maxwell Lane to Circle Drive (East Side)	**$22,000**		**$0**	
Rockport Road – Design ($22,000), Right-of-Way ($29,000) & Construction ($86,000) West Pinehurst Drive to South of Graham Drive (West Side)	**$22,000**		**$0**	
Traffic Calming – Set Aside Possible, at this point, unidentified projects.	**$5,000**		**$0**	*****
2016 ALLOCATION	**$298,000**		**$0**	**$0**
In the Event of an Additional Appropriation				
Moores Pike and Clarizz Blvd – Design ($8,000) and Construction (*Unknown*) Pedestrian Crossing	**$2,000**	***$ 6,000***		
North College – Road Repaving and Curb & Sidewalk Project from 10th to 17th		***$12,885***		*From Public Works funds.*
UNSPENT FUNDS REVERTED TO ATF IN 2015		***$18,855***		

TOTAL BUDGETED FUNDS IN 2016	**$300,000**

Note: The Committee recognizes that the allocations for each project are estimates and may change. The allocations are intended to establish priorities and keep expenditures within appropriations. According to prior motions by the Committee, project costs that exceed the estimate by 10% should be approved by the Chair; project costs that exceed the estimate by $20,000 should be approved by the Committee. This year the Committee requested a Progress Report by the July Recess.

Second Reading

Item Two - Ord 16-03 – Designating the Greater Restaurant Row Historic District – Amended Map

As a result of the Council deliberations at the Committee of the Whole, the Historic Preservation Commission convened on March 15th to consider and propose a revised map, which removes the Trinity Episcopal Church because the Commission has not designated churches in the past and the owners have been good stewards of this property.

Item Three – Res 16-03 Opposing Governor's Actions to Withhold Support from Syrian Refugees and Welcoming Syrian Refugees to our State and Community

Res 16-03 is a measure driven by Councilmembers Piedmont-Smith, Granger, and Sandberg and is sponsored by all members of the Council. The resolution opposes Indiana Governor's recent directive withholding support from Syrian refugees and makes it clear that Bloomington is a community that embraces diversity and civil rights. The resolution tracks the constitutional concerns of the Governor's actions, the current discourse by the Governor and others that broadly paint all Muslims as threats, and Bloomington's strong and sustained commitment to civil rights.

Res 16-03 is the direct result of citizen advocacy. Specifically, the advocacy of three Indiana University graduate students Denisa Jashari, Amanda Lanzillo, and Julia Strzeszkowski. Jashari, Lanzillo, and Streszkowski are founding members of *Bloomington Against Islamophobia!*, a group organized to protest the attack on a Muslim woman outside of the Sofra Café on October 17, 2015. These scholars approached the Council in January 2016 about introducing legislation to make it clear that all-too-frequently used narratives construing Muslims as terrorists is both inaccurate and irresponsible.

The Governor's Directive

Public discourse that confuses Muslims with terrorists is not new. However, as the resolution makes clear, the rhetoric amplified markedly after the November 2015 terrorist attacks by radicals in Paris. Shortly after the attacks, governors across the country began to declare that they would not admit Syrian refugees into their states. Indiana Governor Mike Pence was one of them. On November 19, the Governor announced that he was directing all Indiana State agencies to "suspend resettlement of Syrian refugees." The Governor stated that the intent of this directive was to ensure the safety of Indiana residents. In response to the directive, the American Civil Liberties Union of Indiana (ACLU-IN) filed suit for declaratory and injunctive relief on behalf of Exodus Refugee Immigration, Inc.,[1] asserting that the Governor's directives violate the Equal Protection Clause of the 14th Amendment of the U.S. Constitution and Title VI of the Civil Rights Act of 1964,[2] and are preempted pursuant to the Supremacy Clause of the U.S Constitution. As you are aware, the 14th Amendment prohibits regulatory classifications based on protected categories, such as national origin, unless the government can demonstrate that the action taken is narrowly-tailored and serves a compelling governmental interest. Similarly, Title VI prohibits discrimination based on "race, color, or national origin" in any program receiving federal funds. While the Governor's public statement indicated that resettlement of all Syrian refugees would be suspended, the State later clarified that this "suspension" means that the State will cease making payments making payments to resettlement agencies under the Refugee Social Services Program for Syrian refugees. This is a federally-funded grant program that provides job training, ESL, and childcare services. Notably, while the State maintained that it would withhold this particular funding, it is not withholding other sources of relief to Syrian refugees, such as Medicaid, Temporary Assistance to Needy Families (TANF), and Supplemental Nutritional Assistance Program (SNAP). The directive to withhold funding under the Refugee Social Services Program applied only to Syrian refugees; it did not apply to refugees from other countries.

Since advocates began their work with lead Council sponsors, the effect of the directive has changed considerably. Most notably, the U.S. District Court for the Southern District of Indiana granted Exodus's motion for a preliminary injunction, finding that Exodus was likely to succeed based on the merits of its equal protection claim. The court maintained the following:

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[1] Exodus is a non-profit resettlement agency, one of three in Indiana.

[2] This prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Title VI, 42 U.S.C. § 2000d et seq.

> The State's conduct clearly discriminates against Syrian refugees based on their national origin. Although the State says it has a compelling reason for doing so – the safety of Indiana residents—the withholding of federal grant funds from Exodus that it would use to provide social services to Syrian refugees in no way furthers the State's asserted interest in the safety of Indiana residents.[3]

The injunction prohibited the State from taking any action to interfere with, or attempt to deter the resettlement of, Syrian refugees by Exodus, including withholding funds and services due to Exodus and the refugees it serves. The day after the injunction was issued, the Governor indicated that he is directing the State's Attorney General to appeal the decision. As the resolution points out, the Governor said that "during these uncertain times we must always err on the side of caution." The State is asking the Seventh Circuit Court of Appeals to stay the injunction while the appeal is pending.

Rhetoric

The resolution points out that Syrian refugees are the most heavily-vetted of all refugees, subject to added screening and rigor, a process taking between 18 and 24 months. Only the most vulnerable refugees – those fleeing violence and torture, those with severe medical conditions, women and children -- are permitted to begin the screening process. Half the Syrian refugees admitted to the U.S. so far have been children. This context makes all the more questionable the Governor's directive. Indeed, as the resolution points out, the directive is reflective of a dangerous and irresponsible rhetoric equating Syrians, Muslims, and those perceived as such with danger and terrorism. This fosters a climate of fear, xenophobia, violence, and is irresponsible. As the document makes clear, subsequent to the Paris November 2015 attacks, violence against Muslims and Islamic centers has increased three-fold. Indeed, just last month, the Islamic Society of North America in Plainfield was vandalized.

The three graduate students who have helped lead this resolution have provided suggested background material, one of which touches on the current objectification of Muslims.

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[3] *Exodus Refugee Immigration, Inc. v Pence and Wernert*, Case No: 1:15-cv-01858-TWP-DKL, Order Granting Plaintiff's Mot. for Prelim. Injunct., Mar. 29, 2016 at 34-35.

Bloomington's Commitment

Res 16-03 makes it clear that Bloomington is a community that strives to nurture diversity. Diversity strengthens our collective quality of life. Pointing to our human rights ordinance, the legislation asserts that Bloomington is not a place that tolerates hate. Bloomington has a long history of responding to hate incidents with a strong and unwavering commitment to diversity. This resolution provides another opportunity for the community to do so. Council staff worked with staff with the human rights attorney to draft a resolution for the Bloomington Human Rights Commission. The Commission passed a resolution at its February 2016 meeting supportive of the Council's efforts, included herein.

Res 16-03 does the following: 1) opposes the Governor's stated intent to continue his directive (via his appeal); 2) affirms our community's commitment to diversity and welcomes refugees to our community; 3) asserts Bloomington's commitment to the alleviation of human suffering and meaningful dialogue among and between all residents; 4) calls upon the public to express their opposition to Pence's actions, and to work to support the safe resettlement of refugees throughout the State; and, 5) directs the Clerk to send a copy of the resolution to the Governor, leaders in the Indiana House and Senate, Bloomington representatives, the President of IU, and other municipalities.

First Readings:

Item One – App Ord 16-02 (Additional Appropriation for Bloomington Transit Reviewed by Council in Accordance with Recent Statutory Change – $1.5 Million for Transit Facility, New Bus and Professional Services)

As you are aware, a 2012 change in State law requires any additional appropriations from Bloomington Transit to be approved by the Council, as the fiscal body charged with approving Transit's annual budget.[4] App Ord 16-02 proposes an additional appropriation of $1,926,500 to supplement the 2016 approved budget. This additional appropriation is in interest of the purchase of

[4] I.C. §6-1.1-18-5(j) provides that, "[t]his subsection applies to an additional appropriation by a political subdivision that must have the political subdivision's annual appropriations and annual tax levy adopted by a city, town, or county fiscal body under IC 6-1.1-17-20 or IC 36-1-23 or by a legislative or fiscal body under IC 36-3-6-9. The fiscal or legislative body of the city, town, or county that adopted the political subdivision's annual appropriation and annual tax levy must adopt the additional appropriation by ordinance before the department of local government finance may approve the additional appropriation.

four, 40-foot buses, transit-related software/hardware, and a flatbed truck. Fully **80%** of the costs of these appropriations will be provided for by federal funding sources, with 20% coming from the BT reserves.
Note that the request for the buses is the result of a federal grant and the transfer of federal STP funding from the MPO. At the Internal Work Session on 11 March, BT General Manager, Lew May, pointed out that two of the buses up for replacement will be 14 years old by the time the proposed new buses would come in. In contrast, the software/hardware and flat-bed truck purchases come as a request for funds reverted at the end of 2015 to be moved to the 2016 budget. May notes that for each reversion, BT commenced the procurement process in 2015 and anticipates that the procurement process will be completed upon approval of these reversions to the 2016 budget. Each item of this additional appropriation request is detailed in the accompanying memo by May and is summarized in the following table.

Item	Federal Funding (80%)	BT Reserves (20%)	TOTAL
Four, 40' buses			
• § 5339 Grant (2 buses)	$695,000	$173,750	
• STP Funding from MPO (2 buses)	$688,000	$172,000	$1,729,000
Paratransit scheduling software & vehicle tracking hardware/software	$120,000	$30,000	$ 150,000
Flat bed truck	38,000	$ 9,500	$ 47,500
	GRAND TOTAL:		**$1,926,500**

Recall that the Transit budget for 2016 projected revenue of $9.2 million with revenue coming from these five top sources: federal grants (~$3.02 million); State Public Mass Transit Fund (~$2.46 million); Property Tax Levy (~$1.21 million); IU Contract (~$1.09 million); and, Passenger Fares ($0.6 million). The certified copy of the additional appropriation indicates that approximately $5.54 million in surplus funds is in the Special Transportation General Fund before this appropriation.
Lastly, note that as BT General Manager makes clear in his memo, while the Transit Board of Directors has given its preliminary okay to these additional appropriations, the Board will consider final approval at its 22 March 2016 meeting.

Item Two – <u>Ord 16-04</u> (Amending the Unified Development Ordinance (UDO) to Provide for Staff Review of Certain Properties Subject to the Demolition Delay Provisions and Revise or Add Related Definitions

<u>Ord 16-04</u> amends Title 20 (Unified Development Ordinance [UDO]) regarding the demolition delay provisions instituted in 2005. It amends two sections of this title. The first section is 20.09.230 – Demolition and Demolition Delay and the second section is 20.11.020 – Definitions. Please know that the Council must act within 90 days of certification of Plan Commission action (February 11th), or the action of that commission stands.[5]

According to the memo provided by Patty Mulvihill, City Attorney, the first set of amendments are intended "to remedy the problems caused by the addition of 6,000 new properties in the State Historic Architectural and Archeological Research Database ("SHAARD")."

Currently, applications for demolition or partial demolition involving properties that are rated as "outstanding," "notable," "contributing" on the SHAARD are delayed for a period of up to 90 - 120 days. This "delay" or "waiting period," gives the Historic Preservation Commission (HPC) time to determine whether the property should be designated as historic and forward it to the Council or, on occasion, negotiate changes in the application that preserve its historic character in lieu of designation. This "new influx of properties" has resulted in an increased administrative and regulatory burden on matters that, for the most part, "do not warrant the full review of the Commission."

In order to reduce the time and effort required to review of most of those permits, "(t)he proposal allows for the City staff person assigned to the Commission to release a *partial demolition* of a *"contributing"* structure on the SHAARD *if the structure is located in a residential zoning district*." *(Emphasis added)* Otherwise, the HPC staff forwards the application to the HPC for their full review.

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[5] IC 36-7-4-607(f) sets forth the procedure for the Council to approve, deny, and amend ordinances of the Plan Commission to amend the text of the zoning code. In the event the Council amends the ordinance, the Plan Commission has 45 days from the filing of a Council a written statement of reasons for the amendment. If, within that 45 days, the Plan Commission approves it or fails to act, then the amendment goes into effect as of the date of the Council filing. If, on the other hand, the Plan Commission rejects the amendment, then the Council must reaffirm its approval within 45 days of certification of Plan Commission action, for the amendment to stand.

The second set of amendments affect the Definitions by changing the definition of "Partial demolition" and adding a new definition "Substantial removal."

Proposed or Possible Amendments to the Ordinance

Please know that there is one certain and two possible amendments to the ordinance to be proposed during Council deliberations:

- Am 01 (Chopra, Sponsor) – in concept, would release the application within a week of its receipt if HPC staff doesn't forward the application to the HPC;
- Am 02 (Sturbaum, Sponsor) – although not sure he wishes to introduce this amendment, Cm. Sturbaum, wants to add a change in roof materials to the definition of "partial demolition." While reroofing with the same material would not trigger demolition review, changing the material (for example from asphalt to metal) would;
- Am 03 (Sponsor Unknown) - is proposed by attorneys[6] representing Horn Properties and would tie the demolition delay provisions to the Indiana Sites and Structures Survey: 2001 City of Bloomington Interim Report rather than the SHAARD. They have sent documents to Council members which: 1) track State and local surveys over the years; 2) provide two "case studies" (Restaurant Row and South Ballantine Road) showing how the two diverge; and 3) argue that the amendment: returns control over the process to local officials; reduces the administrative and regulatory burden caused by the addition of over 6,000 properties for potential review by the HPC; and, does so in a convenient manner.

A Brief History of the City's Survey of Historic Sites a Structures

Much confusion surrounds the evolution of the City's Survey of Historic Sites and Structures. Particularly, much confusion ensues around the Survey's incorporation of the Indiana State Historic Architectural and Archaeological Research Database (SHAARD). The SHAARD is a database of the Division of Historic Preservation and Archaeology (DHPA) which "allows users to search information on known historic resources throughout Indiana."[7] The SHAARD includes data from the Indiana Historic Sites and Structures Inventory (IHSSI) along with data on cemeteries, historic bridges, historic theaters, properties listed in the National

[6] Hartman Law, PC - Marilyn Hartman and Bryan Chelius

[7] SHAARD database, https://secure.in.gov/apps/dnr/shaard/welcome.html, accessed 28 March 2016.

Register of Historic Places, properties listed in the Indiana Register of Historic Sites and Structures, and historic theaters in Indiana. While the SHAARD and the IHSSI are often used as exchangeable terms, the IHSSI is a subset of the SHAARD.

Much of the confusion regarding the local survey centers around the relationship of the local survey to the State IHSSI. The City has conducted three historic surveys: 1) one in 1977-1978 and done completely through local efforts; 2) one in 1985-86; and, 3) one in 1999-2001. The latter two surveys were done via local effort, but they were incorporated into the IHSSI by cooperative agreement. In other words, the local effort was incorporated into the Indiana State-wide survey. The local survey was incorporated into the State survey because the State had not conducted its own Monroe County survey at those points. As you might imagine, such surveys are labor- and cost-intensive.[8] So, since the advent of our local surveys, our community has been the one to inform the State for the purposes of the IHSSI.

In 2015, things changed. While the State is required by State statute to update the IHSSI every 10 years, for the first time *the State* conducted a local survey. In large part, this was in response to the Environmental Impact Statement requirements of the National Environmental Protection Act (NEPA), triggered by the construction of I-69.

So, what is meant by the "City survey?" To understand the referent of the "City Survey," it is instructive to read Title 8 as a companion to Title 20. Title 20 defines the "City of Bloomington Survey of Historic Sites and Structures" as "a survey adopted by the city of Bloomington's Historic Preservation Commission and updated on a periodic basis which rates sites and structures within the community according to their historic significance." BMC 20.11.020. To understand the "survey" referent, it is instructive to track the legislative history of demolition delay.

The demolition delay provisions were first adopted in 2005 via Ordinances 05-01 and 05-02, with attendant changes to Title 20 (UDO), Title 8 (Historic Preservation) and Title 17 (Construction Regulations). In January 2007, the City adopted Ord 06-24 which repealed and replaced Titles 19 and 20 and replaced them with a Unified Development Ordinance. With this change, the UDO made certain changes to the UDO, such as requiring applicants to be bound by their

[8] Estimated to run approximately $30,000.

submissions, and clarifying the definition of "partial demolition." Shortly after the UDO changes were made, in March 2007, the Council made parallel amendments to Titles 8 and 17 to implement the aforementioned changes in the UDO. One key change made with this ordinance was to explicitly identify and adopt the document upon which demolition delay is based – the *Indiana Historic Sites and Structures Survey: 2001 City of Bloomington Interim Report.* The provision in Title 8 directs that the survey "further serves as a basis for mandatory delay of proposed demolition ***as set forth in Title 20***." (Emphasis added) BMC 8.08.06.[9]

While the 2001 interim report guides demolition delay under Title 20, the document itself, in name and text, makes it clear that the report – while compiled by the City and accepted by the State into the IHSSI – is the State survey. Indeed, the title makes this clear: *Indiana Historic Sites and Structures Survey: 2001 City of Bloomington Interim Report*. As the report and the language of the code makes clear, the interim report was not intended to be a static document. The reference to the interim report in the City Code refers to the "*Indiana Historic Sites and Structures Survey: 2001 City of Bloomington Interim Report*, as the same may be hereafter amended or replaced." BMC 8.08.060.

In conclusion, much of the confusion around the survey is likely due to the fact that historically, the City has conducted the survey and the survey has been accepted by the State for inclusion in the IHSSI. The City's survey has essentially satisfied the State's statutory duty to conduct a decennial survey. Now, in large response to I-69, the State has conducted the long-overdue update of the local survey.

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[9] BMC 8.08.060 Survey adopted. The commission's official survey, entitled Indiana Historic Sites and Structures Survey: 2001 City of Bloomington Interim Report, adopted by the commission on October 17, 2002, as the same may be hereafter amended or replaced, is hereby adopted and made a part of this title. The survey identifies properties that may be proposed for historic designation under this chapter, and further serves as the basis for mandatory delay of proposed demolition as set forth in Title 20 "Unified Development Ordinance" of the Bloomington Municipal Code. Two copies of said survey are available for inspection and copying in the office of the city clerk and in the office of the housing and neighborhood development department, city of Bloomington.

A More Detailed Description of the Affected Provisions and the Proposed Changes

Amendments to Demolition Delay Procedures (20.09.230)

Along with reducing the time and effort needed to review partial demolition permits under the City's demolition delay procedures, Mulvihill's memo indicates the amendments to the demolition delay procedures also:

- Reformat the provision in the outline form seen elsewhere in this title and to provide some clarity to (a very complex) procedure;
- "fix() typos or grammatical errors;
- Simplify() the notification process, especially internal City notifications, of receipt of a relevant application; and
- Specify () what is needed to be considered a complete application for partial or full demolition in these cases."

The next portion of this summary will describe the existing provisions and how they are changed by the ordinance. They are more detailed than some may think are necessary, but are done at this level because the "reformatting" highlights or creates ambiguities in what is a very complex and intricate procedure.

The existing demolition delay provisions, provide a delay in the issuance of Certificate of Zoning Compliance (CZC) for permits involving the demolition of buildings or structures (along with any accessory structures) with ratings of Outstanding, Notable, or Contributing on the City historic survey which were not already part of an existing historic district.

Changes here:

- add "partial demolitions" after "demolitions; and
- remove "buildings" (which is a subset of "structures") from that phrase here as well as wherever it appears in this ordinance.

The purpose was to preserve the fabric of aging neighborhoods so that these areas would maintain their character and not lose an opportunity for historic designation with the passage of time. Demolitions, especially involving more than one property for the construction of a large building, and partial demolitions, for example, to construct large additions can irrevocably change the character of a neighborhood.

The delay period runs for 90 days after notice issued by the Planning and Transportation (P & T) staff that the request for a permit is subject to these provisions. That period of delay shall be extended by the HAND Director or designee for an additional 30 days if certain conditions are met. Those conditions include: workload of HPC staff, complexity of the decision, and the location of the property within a historically significant area.

In the event of any petition covered by the demolition delay provisions, P&T staff shall give notice to the HAND director or designee, and property owner or representative (property owner). Notice to the property owner shall advise him/her that the application for permit must include information required by 20.09.120(d) and Rules and Regulations of the HPC in order to be considered complete (and, therefore, ready for review by relevant staff).[10] No later than 30 days after staff gives that notice, the HAND director must, in turn, give notice to the Chair of the HPC and property owner if the additional 30 days of review is being added to the period of delay.

Changes in these sections:

- Drop the description of adequate notice, notice to HPC, and the requirement that notice be sent within 3 business days starting with a completed application; and
- Drop the requirement for notice to include name, address, and phone number of property owner;

Within 3 business days after the notice to the property owner has been sent, the property owner must place a notice of the proposed demolition or partial demolition in public view on the property of the demolition or partial demolition. The notice must be in a form approved by P&T staff, remain in place until termination of the waiting period, and, if not done in compliance with this provision, will add time to the waiting period commensurate with the period of non-compliance. The property owner need not comply with this requirement in the circumstances described in the next paragraph.

The primary change proposed by this ordinance … allows the property owner to avoid the requirements of these demolition delay provisions if the

[10] 20.09.120(d) (6) (B) Site plan review - Demolition delay. In the case of a site plan involving partial demolition governed by the demolition waiting period provisions of Section 20.09.230, Demolition and demolition delay, the application shall include a photograph or an accurately-scaled drawing of each building elevation, both existing and proposed, that will be physically affected either by the proposed partial demolition or by any proposed construction, reconstruction or alteration associated therewith. Each such depiction shall clearly show or indicate all proposed changes in design or material that will be subject to public view. Each such depiction shall also identify with reasonable specificity the type, design and location relative to the elevation of all proposed building materials.

application is for partial demolition of a "contributing" structure in single family districts and *the HPC staff reviews and releases the application (rather than forwarding it to the HPC)*. Such staff review shall be based upon the same criteria utilized by the HPC when considering historic designation of property.

Corollary change: During the waiting period, the HPC may still recommend to the Council historic designation of a property as a (n):

- Contributing structure located within a multi-family or non-residential district;
- Contributing structure located within a single-family district that has been forwarded to the HPC by staff for review; or
- Notable or Outstanding located anywhere within the City's jurisdiction.

There are five exceptions to the waiting period, some of which have been revised by this ordinance. Those five exceptions include:

- Early termination of the waiting period due to a decision of the HPC[11] or a decision of the Common Council not to designate the property;

  Changes include:
  - giving HPC staff a role in terminating the waiting period; and
  - removal of an opportunity for the HPC to reconsider its decision at the same meeting the decision is made.
- Properties already designated as historic (where changes to the exterior of the property are reviewed by HPC or HPC staff in accordance with Title 8 – Historic Preservation and Protection);
- Emergency waivers made by the HAND department with a written determination that an emergency exists which is dangerous to life, health, or property and warrants the waiver of the waiting period;
- A one-year period after the waiting period of an application for a permit has terminated as long as the work shown on the application/permit is substantially identical to the initial one.[12] This exemption bars the HPC and Council from overriding the issuance of a Certificate of Zoning Compliance;

  One change:
  - removes occasions where: 1) interim protection is imposed by the HPC, and 2) the Council rejects the designation after the waiting

[11] The decision by the HPC may be by a vote to recommend designation that fails or a vote not to recommend designation that passes.
[12] The terms "work" and "substantially identical" are defined in this section.

period expires (which appears to require Council action within the 90 or 120 day waiting period).

- Withdrawal of an application.

The issuance of Certificates of Zoning Compliance (CZC) conforms, in general, with the foregoing dictates. In that regard:

- No CZC may be issued if, within the 90-120 day waiting period, the underlying property has been historically designated or placed under interim protection, unless:
    - The interim protection terminates without a historic designation; or
    - The historic designation is approved and all the steps under Title 8 (Historic Preservation and Protection) and Title 20 (UDO) are taken;
- After the waiting period has expired or terminated and a property owner has submitted the completed application, the CZC shall be issued and
    - Those property owners who committed to a proposal after discussion with the HPC in order to avoid historic designation, must submit applications which depict that proposal and may not deviate from it.
- For a period of one year after termination of the waiting period, no action of the HPC may prevent or revoke a permit issued in reliance of a CZC;
- In the case of early termination of the waiting period, emergency waiver of the waiting period, and the one-year exemption of the waiting period, the P & T staff shall issue a CZC within a reasonable period of time after a completed application has been filed and all other requirements of Title 20 (UDO) have been satisfied. In addition, in the case of the one-year exemption of the waiting period, the HPC may not impose interim protection, and the HPC and Council may not use historic designation to interfere with the issuance of a CZC.

    Changes:

    - Refer to all exemptions to the waiting period and not merely the ones mentioned in the current ordinance; and
    - Drop the prohibition against the HPC or Council interfering with applications sought during the one-year exemption *(which may have been redundant).*

Changes to 20.11.020 (Definitions)

The ordinance also amends the definition for “partial demolition” and adds a definition for “substantial removal.”

After minor revisions, the term "**partial demolition**" now means the complete or substantial removal or destruction of any exterior portion of a structure.

Change:

- the definition for **"substantial removal"** as used in this definition is added to the code and means:
  - "the alteration, pulling down, destruction or removal of a portion of a structure that jeopardizes:
    - a structure's individual eligibility for listing in the National Register of Historic Places, or
    - its status as a contributing structure in a national, state, or local historic places"
      - *(and, in both instances)*…includes removal of a defining architectural feature or element which …contributes to the historic character of the structure."

As amended, "partial demolition" applies to or includes:

- a porch, wing, cupula, addition or similar feature;
- any change to the pitch of a roof [13] or any portion of the roof; and the addition of a gable, dormer, or similar feature to an existing roof;
- any work affecting at least 40% of the exterior of any façade by obscuring, removing, or destroying it.

  Change:

  - The existing text limited this to projects requiring a building permit and applied it entire geographic elevation of the exterior façade.
- construction or attachment of an addition to a structure;
- creation of a new window or door opening or the replacement of any window or door where the opening is enlarged;

  Change: The existing text

  - did not include the creation of a new window or door opening;
  - included windows, but not doors and applied to projects requiring a building permit; and
  - provided examples of what was not considered a partial demolition, which were deleted for lack of value.

[13] Where the change in pitch is accomplished by "covering or otherwise obscuring an existing roof with a new roof."

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, MARCH 23, 2016
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: March 02, 2016 (Regular Session)
(*forthcoming in advance of the meeting*)

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**
   - *Council Sidewalk Committee Report*
4. **Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 16-02 - To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District – Re: 305 East Vermilya Avenue Historic District (Bloomington Historic Preservation Commission, Petitioner)

Committee Recommendation:	As Amended:	Do Pass:	6 - 0 - 2
	Am 01:	Do Pass:	8 - 0

2. Ordinance 16-03 - To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection to Establish a Historic District - Re: Greater Restaurant Row Historic District (Bloomington Historic Preservation Commission, Petitioner)

Committee Recommendation:	As Amended:	Do Pass:	7 - 0
	Am 01:	Do Pass:	1 - 0 - 6

3. Resolution 16-03 – Opposing Governor Pence's Actions to Withhold Support from Syrian Refugees and Welcoming Syrian Refugees to our State and our Community.

Committee Recommendation: None

VII. LEGISLATION FOR FIRST READING

1. Appropriation Ordinance 16-02 – Additional Appropriation for Bloomington Transportation Corporation for 2016 (For New Transit Buses, Hardware/Software, and a Truck)

2. Ordinance 16-04 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Amending 20.09.230 ("Demolition and Demolition Delay") and 20.11.020 ("Defined Words") to Expedite the Review of Partial Demolition Requests for "Contributing" Structures in Residential Zoning Districts

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.

**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.

Posted & Distributed: 18 March 2016

City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 21 – 25 March 2016

Monday, 21 March

12:00 pm BEAD Advisory Committee, McCloskey
5:00 pm Redevelopment Commission, McCloskey
5:00 pm Utilities Service Board, Utilities

Tuesday, 22 March

4:00 pm Board of Park Commissioners, Chambers
4:00 pm Board of Public Safety, McCloskey
5:30 pm Bloomington Public Transportation Corp, Board of Directors, Transit
5:30 pm Animal Control Commission, Kelly

Wednesday, 23 March

10:00 am Metropolitan Planning Organization – Technical Advisory Committee, McCloskey
2:00 pm Hearing Officer, Kelly
5:30 pm Dr. Martin Luther King, Jr. Birthday Commission, McCloskey
6:30 pm Metropolitan Planning Organization – Citizens Advisory Committee, McCloskey
7:30 pm Common Council –Regular Session, Chambers

Thursday, 24 March

12:00 pm Council-Staff Internal Work Session, Council Library
(*Please note that it is anticipated that the Council will re-schedule this Work Session to 01 April 2016, Noon.*)
5:00 pm Bloomington Historic Preservation Commission, McCloskey
5:30 pm Board of Zoning Appeals, Chambers

Friday, 25 March

Holiday Observation – City Offices Closed

Saturday, 26 March

There are no meetings scheduled for today.

Sunday, 27 March

Happy Birthday, Councilmember Chris Sturbaum!

Posted and Distributed: Friday, 18 March 2016

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Council Sidewalk Committee 2016 Report

Table of Contents

- **Signature Sheet**
- **Narrative**
- **Committee Recommendation Sheet**
- **Maps for Recommended Projects**
- **Program Criteria**
- **Evaluation Sheet (with funded projects highlighted)**
- **History of Funding**

Note: Memoranda for meetings will be available online and in the Council Office once approved by the Committee

Signatures for 2016 Sidewalk Report (March 23, 2016)

Note: Your signature below indicates approval of the Report pursuant to BMC 2.04.230 Standing committees-Reports (a), which requires that reports be in writing and be signed by a majority of the membership.

_____
Dorothy Granger, District 2 (Chair)

_____
Tim Mayer, At-Large

_____
Dave Rollo, District 4

_____
Chris Sturbaum, District 1

Report of the Common Council Sidewalk Committee
March 23, 2016

Committee Members and Staff

The members of the 2016 Committee were appointed by the President of the Council and include:

- Tim Mayer, At-Large
- Chris Sturbaum, District 1
- Dorothy Granger, District 2 (Chair)
- Dave Rollo, District 4

The committee members were assisted by the following persons:

Council Office
Dan Sherman, Council Administrator/Attorney
Office of City Clerk
Martha Hilderbrand, Hearing Officer/Deputy Clerk
Planning and Transportation
Andrew Cibor, Engineer, Transportation and Traffic Engineer
Scott Robinson, Long Range / Transportation Manager
Roy Aten, Senior Project Manager
Utilities
Jane Fleig, Assistant Engineer
HAND
Bob Woolford, Housing Coordinator
Parks and Recreation
Steve Cotter, Natural Resources Manager

Overview

The Committee makes recommendations to the entire Council on use of $300,000 of Alternative Transportation Fund (ATF) monies budgeted for 2016. This was the first year of the new term of the Council and the second year after the consolidation of planning and transportation functions under the new Planning and Transportation Department. The Committee met three times in February and once in March 2015 to review the program and make recommendations regarding the allocation of these funds. The recommendations allocated the $300,000 and, if made available, some unspent funds that reverted to the ATF in 2015.

Those allocations would move the following projects forward in the following manner:

- Ramp – Connecting East 7th Street and SR 45/46 - Design
- Sidewalk and Pedestrian Crossing - East 10th Street from Smith Road to Tamarron Drive – Design
- Sidewalk - Morningside Drive from Sheffield Drive to Park Ridge Road - Design, Right-of-Way, and Construction
- Sidewalk - Moores Pike from College Mall to Woodruff Lane – Design
- Sidewalk - Union Street from 4th Street to 7th Street - Design
- Sidewalk - South Walnut Street from Winston Thomas to National Guard Armory – Design and Right-of-Way
- Sidewalk - Mitchell Street from Maxwell Lane to Circle Drive - Design

- Sidewalk - Rockport Road from Graham Drive to south of West Pinehurst Drive – Design
- Traffic Calming Projects (as yet unidentified); and

If ~$18,855 of unspent funds which reverted to the ATF in 2015 are available for 2016 the Committee made these recommended allocations:

- Pedestrian Crossing - Moores Pike and Clarizz Blvd – Design (~$6,000)
- Road Repaving and Curb and Sidewalk Replacement Project - College Avenue from 10th to 17th – Construction (~$12,855)

Schedule

The Committee met in the Council Library on:

- Wednesday, February 3, 2015 (at noon);
- Thursday, February 11, 2015 (at noon);
- Thursday, February 25, 2016 (at noon); and
- Monday, March 7, 2016 (at 2:00 pm).

Deliberation Materials and Minutes Available Online

The following outline provides an overview of what the Committee did at those meetings. *Please note that there are some additional documents which are, or will be, available online and in the Council Office. The first is an informative Council Sidewalk Committee Packet for the Committee's initial meeting in February that is available for inspection in the Council Office. The second are the Memoranda for these meetings which will be available once reviewed by the Committee and approved by the Chair.*

Preliminary Matters

Early on, the Committee:

- Elected a Chairperson (Dorothy Granger); and
- Acknowledged and thanked the Office of City Clerk (through Martha Hilderbrand, Hearings Officer/Deputy Clerk) for serving as Secretary for the proceedings.

Review of Funding and Setting Aside Funds for Traffic Calming

The transportation-related monies are comprised of $300,000 from the ATF, which receives surplus revenues from the Neighborhood Parking Program (BMC 15.37.160). While that amount is the same as in 2014, it reflects previous increases of $25,000 for 2014 and $50,000 for 2013. The budget for the ATF (#6301) is as follows:

Alternative Transportation Fund (ATF) - 2016

Category	Budget	*Notes*
Personal Services	$117,663	
Supplies	$ 11,901	
Services and Charges	$173,884	
Capital Outlay	$500,000	*$300,000 for Council Sidewalks; $200,000 for Greenways Projects*
Total:	$803, 448	

City of Bloomington Utilities (CBU) Collaboration. Because they channel water, sidewalk projects, and more particularly curbs, are part of the City's stormwater infrastructure. The Committee has, over the years, recognized that the stormwater component of a sidewalk project frequently comprises a significant, and often majority, part of the project cost. To address this constraint on the installation of sidewalk projects, in 2007, the City of Bloomington Utilities department set aside $100,000 for the stormwater component of Council sidewalk projects. In 2008, it was increased to $125,000, but, in 2009, due to budgetary constraints, the set aside ceased. Since that time, in lieu of a set aside of funds, CBU has offered to explore providing in-kind contributions for identified projects when consistent with departmental stormwater mission and priorities. According to a detailed accounting (which was broken down into materials, labor & equipment) and provided by Jane Fleig, Utilities Engineer, CBU contributed $281,527 towards Council Sidewalk Projects from 2007 to 2015.

Set Aside for Traffic Calming Projects. The Committee agreed to set aside $5,000 for any traffic-calming projects that might come forward in 2016.

Review of Last Year's Allocations - Completion of Many Projects by 2016 – Some with Help from Other City Funds

As noted in the Status Report on 2015 Council Sidewalk Projects, "The Council Sidewalk Committee accomplished some important milestones in 2015 including:

- Construction of 1,390 feet of new sidewalk; and
- Purchase of needed right-of-way for an additional 1,475 of sidewalk to be constructed in 2016."

Here are the list of projects that were completed in 2015 or will be completed in 2016 (some with the infusion of other City funds):

- Kinser Pike Sidewalk from W 17th to existing sidewalk further north (East Side) – with construction bid in 2015 for completion in 2016;
- West 17th Street Sidewalk from four parcels west of Maple to Madison – after investment in design and right-of-way via Council Sidewalk ATF monies and with contributions from Community Development Block Grant Fund (CDBG) and TIF monies, this expensive, high priority project should be completed this year;
- Sheffield Drive Sidewalk from Morningside Drive to Providence Drive (West Side) – with construction completed in the fall of 2015.

Other recommended 2015 projects that were explored or not pursued (because of the lack of contingent funding) included:

- Traffic calming at Maxwell Lane and Mitchell Street – after traffic counts, staff installed signage which lowered speed limits (from 30 mph to 25 mph), relocated signs, and explored, but did not install a painted crosswalk; and
- A ramp connecting SR 45/46 to East 7th Street – which depended on other funds that did not become available.

At the end of the year, approximately $18,855 of the 2015 allocations reverted to the Alternative Transportation Fund.

(Please note that the Public Works, Parks and Recreation, HAND, and Planning departments all provided documents describing recent sidewalks as well as other bicycle

and pedestrian-related projects which were included in Appendix 6 of the Council Sidewalk Committee packet for its initial meeting in February. As noted above, this packet is available online as well as in the Council Office.)

Program Criteria

The Committee reviewed its criteria for funding projects with the help of Scott Robinson. The Committee uses six criteria, some of which have been filtered through analytics developed by the Planning and Transportation staff. Here are the criteria and corresponding information in an Evaluation Matrix:

<table>
<tr><th>Criteria</th><th></th><th colspan="2">Analytics and Information</th></tr>
<tr><td>1) Safety Considerations</td><td></td><td colspan="2" rowspan="2">Pedestrian Level of Service (PLOS) - gauges the pedestrian experience based upon traffic volume and speed, lane width, presence and width of sidewalk, and presence, type, and width of the buffer.</td></tr>
<tr><td>2) Roadway Classification</td><td></td></tr>
<tr><td>3) Pedestrian Usage</td><td></td><td>Residential Density</td><td rowspan="2">Walkscore – an online score that gauges pedestrian demand based upon proximity to a mix of destinations. Score: 0 (car dependent) – 100 (walker's paradise)</td></tr>
<tr><td>4) Proximity to Destinations</td><td></td><td>Transit routes and stops</td></tr>
<tr><td>5) Linkages</td><td></td><td colspan="2">Proximity to existing sidewalks as shown on Sidewalk Inventory (updated annually).</td></tr>
<tr><td>6) Cost and Feasibility</td><td></td><td colspan="2">Estimates provided by Engineering Dept.</td></tr>
</table>

Robinson reminded the Committee that his department prepares an Evaluation Sheet which scores projects based upon objective measures associated with some, but not all, of the criteria. In that regard:

- The Walkscore (which borrows an online analytic tool to provide an objective measure for Criteria 3 [Pedestrian Usage] and Criteria 4 [Proximity to Destinations]) was updated for all projects and led to some change in rankings;
- The Evaluation Sheet does not incorporate objective measures for the Criteria 5 (Linkages or, in other words, "connectivity") and Criteria 6 (Feasibility), and therefore, the satisfaction and weighing of that criteria was left to the judgment of Committee members.

The Committee did not recommend any changes to the criteria this year.

Setting Priorities after Review of Evaluation Sheet

The Committee reviewed the Evaluation Sheet (attached), which contained 51 proposed projects[1], including three new requests, and asked Roy Aten to prepare estimates for eight projects. At the end of its deliberations, the Committee recommended allocating funds for nine projects and traffic calming and, in the event funds reverted to the ATF in 2015 are re-appropriated this year, allocating funds for one sidewalk project and assist a City road repaving and curb and sidewalk replacement project. The following paragraphs describe the Committee's deliberations in context of these recommended allocations.

[1] The Evaluation Sheet lists a total of 44 rankings, but 7 projects shared the same rankings.

Recommended for Funding in 2016

- **Ramp - E. 7th Street at SR 45/46 Bypass (West Side) (Rank #19)** This project would connect the side path on the west side of the SR 45/46 Bypass to the bicycle/pedestrian tunnel and 7th Street. The Committee thought this connection to Green Acres may encourage more bicycle and pedestrian traffic between the neighborhoods to the east and the campus to the west. The design was done in 2014 at a cost of $10,800. Construction should cost about $55,000. A partial allocation of approximately $6,000 was made last year, but the money reverted to the ATF when other monies were not available at that time. This year the Planning and Transportation Department has offered $35,000 for this purpose and the Committee recommends providing the remaining $20,000 so that the ramp can be constructed this year.

- **Sidewalk and Crossing - East 10th Street from Smith Road to Tamarron Drive (South Side) (Rank #10 & #26)** In 2003 and 2004, the Committee funded a sidewalk east of Grandview to connect with existing sidewalks toward town. Over the years, various requests for pedestrian infrastructure from Grandview Drive to Russell Road have been made. The reasons for funding this project include the need to help children walk safety from neighborhoods south of East 10th to University Elementary School and possibly help MCCSC reduce transportation costs associated with bussing them to and from school. Staff has been in contact with Indiana Department of Transportation (INDOT), which has jurisdiction over this portion of the corridor, about use of the right-of-way and other cooperation with this project. The Committee recommends funding $50,000 for design which would include a sidewalk, a pedestrian crossing and other safety improvements on East 10th. An additional $12,000 would be needed for right-of-way and about $187,000 for construction to complete this project.

- **Sidewalk - Morningside Drive from Sheffield Drive to Park Ridge Road (Rank #34)** This project would extend a Committee sidewalk project on Morningside Drive which ended at Sheffield to sidewalks near the park on Park Ridge Road. The curve in Morningside raised safety issues for pedestrians who now walk in the road and may entail some storm water infrastructure. The Committee recommended funding design ($15,000), right-of-way ($4,000), and construction ($110,000) this year (or bid out this year for construction next year.)

- **Sidewalk - Moores Pike from College Mall to Woodruff Lane (Rank #7)** Moores Pike east of College Mall Road is a busy road with neighborhoods to the south without a sidewalk to the intersection with College Mall Road. In 2009, the Committee funded a sidewalk from Andrews Circle to an existing sidewalk to the east, but was stymied by the estimated cost for widening the roadway for a sidewalk to the intersection with College Mall. This year, the Committee requested new estimates which, with use of the existing roadway, brought down the costs to $135,000 - $24,000 for design and $111,000 for construction. The Committee recommended funding design this year.

- **Sidewalk - Union Street from 4th to 7th Street (East Side) (Rank # 3)** This project was first requested in 2008. Union can be busy street, at times. There is a sidewalk on the west side from 3rd to 10th and on the east side from 3rd to 4th and from about a half block north of 7th to 10th. Over the years, the Committee has heard that pedestrian walk in the street on the east side. Total cost of this project would be $189,000 with $32,000 for design, $34,000 for acquisition of right-of-way (which may be reduced by owner(s) willing to

donate the land), and $123,000 for construction. The Committee recommended allocation funds for design ($32,000).

- **Sidewalk - South Walnut Street from Winston Thomas to National Guard Armory (Rank #22)** In 2003, the Committee began funding missing sidewalks on the west side of South Walnut between Country Club and Rhorer roads. It started on the north end, progressed as far as Pinewood, and the Committee has continued to discuss filling in the gaps to the south. This year, the Committee reviewed the missing sidewalk segments and sought an estimate for the Winston Thomas to National Guard Armory piece. Total cost of the project would be about $123,000 – design ($12,000), right-of-way ($1,000) and construction ($74,000). The Committee recommended funding design and right-of-way this year ($13,000).

- **Sidewalk - Mitchell Street from Maxwell Lane to Circle Drive (Rank #38)** This sidewalk would serve pedestrians who, due to previous Committee recommendations, have sidewalks on the south at Circle Drive and sidewalks on the north along Maxwell Lane. In 2012, with a modest investment of ~$1,100, the Committee was able to fund lane-markings for that block (after the Council restricted parking on the east side of the street). This year the Committee sought estimates for a sidewalk which totaled $112,000 and recommended funding design ($22,000). The remainder of the costs would be for construction ($90,000) (with no funds needed for right-of-way).

- **Rockport Road from Graham Drive to south of West Pinehurst Drive (West Side) (Rank #22)** For well over a decade, the City has invested in pedestrian infrastructure surrounding the triangular-shaped Broadview area. A ~$1.2 million road & sidewalk project along Rockport Road near Countryside Lane was completed in 2015 (with a ~$25,000 investment from the Committee for some preliminary costs). No sidewalks are in place on the west side of the street from Graham Drive to the intersection at Tapp Road. An intersection improvement at Tapp Road, primarily funded through the MPO (with federal money), will bring sidewalks to just south of West Pinehurst in the next few years. The Committee sought an estimate for the missing segment north to Graham Drive and recommended funding for design. Total costs add up to $137,000 and include $22,000 for design, $29,000 for right-of-way, and $86,000 for construction.

- **Traffic Calming** The Committee set aside $5,000 for possible traffic calming projects.

<u>In the Event of an Additional Appropriation</u>

- **Pedestrian Crossing - Moores Pike at Clarizz Boulevard (Ranking ~ #7)** When discussing the south side of Moores Pike at the intersection of College Mall Road, the Committee also looked further east to Clarizz Boulevard and beyond, where there are sidewalks on the north but none on the south. The Committee thought a pedestrian crossing at Clarizz Boulevard would provide some connectivity, but the costs would only be known after an investment in design ($8,000). Given other priorities this year, the Committee recommended using remaining funds (~ $2,000) to help fund this project if funds reverted in 2015 could be re-appropriated for this purpose.

- **Curb and Sidewalk Replacement Project (in Conjunction with a Road Repaving Project) - North College Avenue from 10th to 17th Street** The Committee heard a Report from Adam Wason, Interim Director of Public Works, about the City's Sidewalk Repair Program. The City has had a Sidewalk Repair program for decades, is refining its Sidewalk Condition Inventory to help prioritize those in most disrepair for funding, and may consolidate some sidewalk programs. He also mentioned the need for some funds this year to complete a roadway repaving/curb & sidewalk replacement project on College Avenue from 10th to 17th Street. The Committee's criteria focus funds on *constructing* missing sidewalk linkages (rather than *repairing* them) and given a long and growing list of projects, did not think it wise to dilute its funds by broadening the purposes to include repair. History: In 1993, the Council established the ATF which is funded from surplus revenues from the Neighborhood parking program. The ATF received ~$803,000 in 2016 with $300,000 set aside for the Council Sidewalk Committee, $200,000 for Greenways, and ~$300,000 for other purposes.

<u>Three New Projects Requested But Not Funded in 2016</u>

- Three new projects were requested in 2016, with two rated at the top and one rated at 26. The highest rated of the three was Pete Ellis Drive from 3rd to 10th which, while located in a high pedestrian usage area (hence the high ratings), did not involve sidewalk linkages or a traffic-calming proposal called for by the Committee criteria. The second highest project involved intersection improvements at 3rd and Indiana, which also didn't fit the Committee criteria. Although not funding these projects, the Committee kept them on the Evaluation Sheet in order to monitor steps taken by staff in their regard. The third new request was a sidewalk on South Mitchell Street from Maxwell Lane to Atwater Avenue, which paralleled an existing sidewalk on South Jordan and, therefore, was not given a high priority by the Committee. (Please see the Council Sidewalk Committee Packet for a description of those requests.)

<u>Summary of Actions</u>

In summary, during the course of its 2015 deliberations, the Committee:

- Elected Cm. Granger as Chairperson;
- Acknowledged two disclosures of conflicts of interest from:
  - the Administrator/Attorney, who owns and resides in a house along a proposed project (Nancy Street from Mark to Hillside); and
  - Bob Woolford, the representative from the HAND department, who owns and resides in a house along another proposed project (Wylie Street from Henderson to Lincoln) neither of which were given serious consideration by the Committee this year;
- Recommended the allocation of $298,000 in ATF monies for nine projects (including traffic-calming) – See Funding Recommendations (attached)
- After requesting that the Chair approach the Mayor about possible re-appropriation of approximately $18,885 of unspent funds which reverted to the ATF in 2015, recommended allocating those funds, in the event they become available, along with $2,000 remaining in 2016, towards two projects;
- Requested staff to submit a Progress Report no later than the July Recess indicating, among other things, the estimated and actual costs of projects;
- Authorized submittal of a Committee Report to the Council after signatures have been obtained by a majority of Committee members; and

- Decided to keep all the projects on the Priority Sheet (in some cases, for the purpose of monitoring staff progress on projects that were not a good fit for Council Sidewalk Committee criteria; and
- Authorized the Chair to correct and approve the minutes after Committee and staff had a week to review them.

PROPOSED AMENDMENT TO COUNCIL SIDEWALK COMMITTEE FORMAL RECOMMENDATIONS FOR 2016 - FUNDS AVAILABLE: $300,000

- **Alternative Transportation Fund (ATF)** Use the $300,000 of Alternative Transportation Funds appropriated in 2016 for sidewalk and traffic-calming projects.
- **CBU Assistance with Storm Water Component of Council Sidewalk Projects** While no longer setting aside funds for the storm water component of Council sidewalk projects, CBU continues to look at proposed projects and see whether it can provide some in-kind contributions.
- ***Note: As a result of a request made, the Committee may have additional funds available for allocation this year. These funds would equal unspent funds that reverted to the ATF at the end of 2015 and are estimated at about $18,855. The shaded column indicates how those funds would be allocated.***

CHART OF 2015 COUNCIL SIDEWALK COMMITTEE RECOMMENDATIONS:

	ATF	ATF (Additional Amounts – Should They be Appropriated)	CBU	OTHER FUNDS
East 7th Street – Construction ($55,000)	**$20,000**		**$0**	*** $35,000** *(P &T portion of ATF Monies)*
Ramp from SR 45/46 to 7th Street (West Side)				
East 10th – Design ($50,000), Right-of- Way ($12,000) & Construction ($189,000) Sidewalk from Smith Road to Tamarron Drive (South Side) with Pedestrian Crossing and Other Safety Improvement	**$50,000**		**$0**	**$0**
Morningside Drive – Design ($15,000), Acquisition of Right-of-Way ($4,000) and Construction ($91,000) Sheffield Drive to Park Ridge Road (North Side)	**$110,000**		**$0**	**$0**
Moores Pike – Design ($24,000) and Construction ($112,000) Sidewalk from College Mall to Woodruff Lane (South Side)	**$24,000**		**$0**	**$0**
Moores Pike and Clarizz Blvd – Design ($8,000) and Construction (Unknown) Pedestrian Crossing	*****	***$6,000***		
Union Street – Design ($32,000), Right-of-Way ($34,000) & Construction ($123,000) Sidewalk from 4th to 7th Street (West Side)	**$32,000**		**$0**	*Possible donations of right-of-way*
South Walnut Street – Design ($12,000), Right-of-way ($1,000) & Construction ($74,000) Sidewalk from Winston Thomas to National Guard (West Side)	**$13,000**		**$0**	
Mitchell Street – Design ($22,000) and Construction ($90,000) Sidewalk from Maxwell Lane to Circle Drive (East Side)	**$22,000**		**$0**	
Rockport Road – Design ($22,000), Right-of-Way ($29,000) & Construction ($86,000) West Pinehurst Drive to South of Graham Drive (West Side)	**$22,000**		**$0**	
Traffic Calming – Set Aside Possible, at this point, unidentified projects.	**$5,000**		**$0**	*****

North College –		***$ 12,885***		*From Public Works funds.*
Road Repaving and Curb & Sidewalk Project from 10th to 17th				
TOTAL ALLOCATION	**$298,000**	***$***	**$0**	**$0**
REMAINDER OF 2016 FUNDS (without additional appropriation)	**<u>* $ 2,000</u>**			
TOTAL BUDGETED FUNDS IN 2016	**$300,000**			
UNSPENT FUNDS REVERTED TO ATF IN 2015		***<u>$18,855</u>***		
USE OF REMAINDER OF 2016 FUNDS (towards Clarizz project in the event of an additional appropriation)	**(*$ 2,000)**			

Note: The Committee recognizes that the allocations for each project are estimates and may change. The allocations are intended to establish priorities and keep expenditures within appropriations. According to prior motions by the Committee, project costs that exceed the estimate by 10% should be approved by the Chair; project costs that exceed the estimate by $20,000 should be approved by the Committee. This year the Committee requested a Progress Report by the July Recess.

Council Sidewalk Committee – Project Request

Pedestrian Connection to SR 45/46 Underpass

2011

By: shermand

2 Nov 11

File: LPE7th

200 0 200 400 600

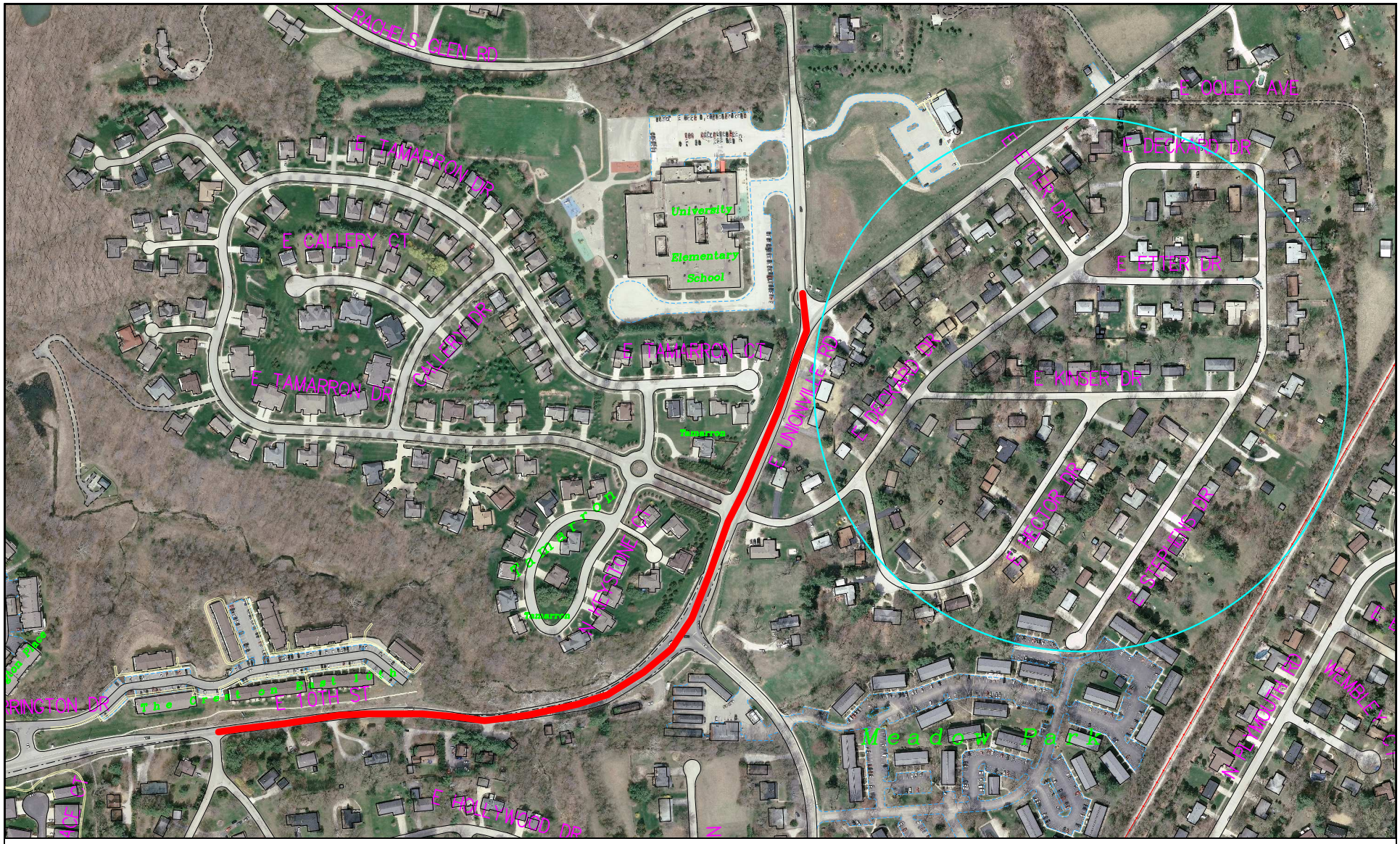
N

City of Bloomington

Clerk & Council

Scale: 1" = 200'

For reference only; map information NOT warranted.



E 10th St (Grandview Dr to Russell Rd) – Eastern Heights Subdivision
Request for Sidewalks, Paths, Crosswalks, and School Signage

By: finnh
7 Nov 14

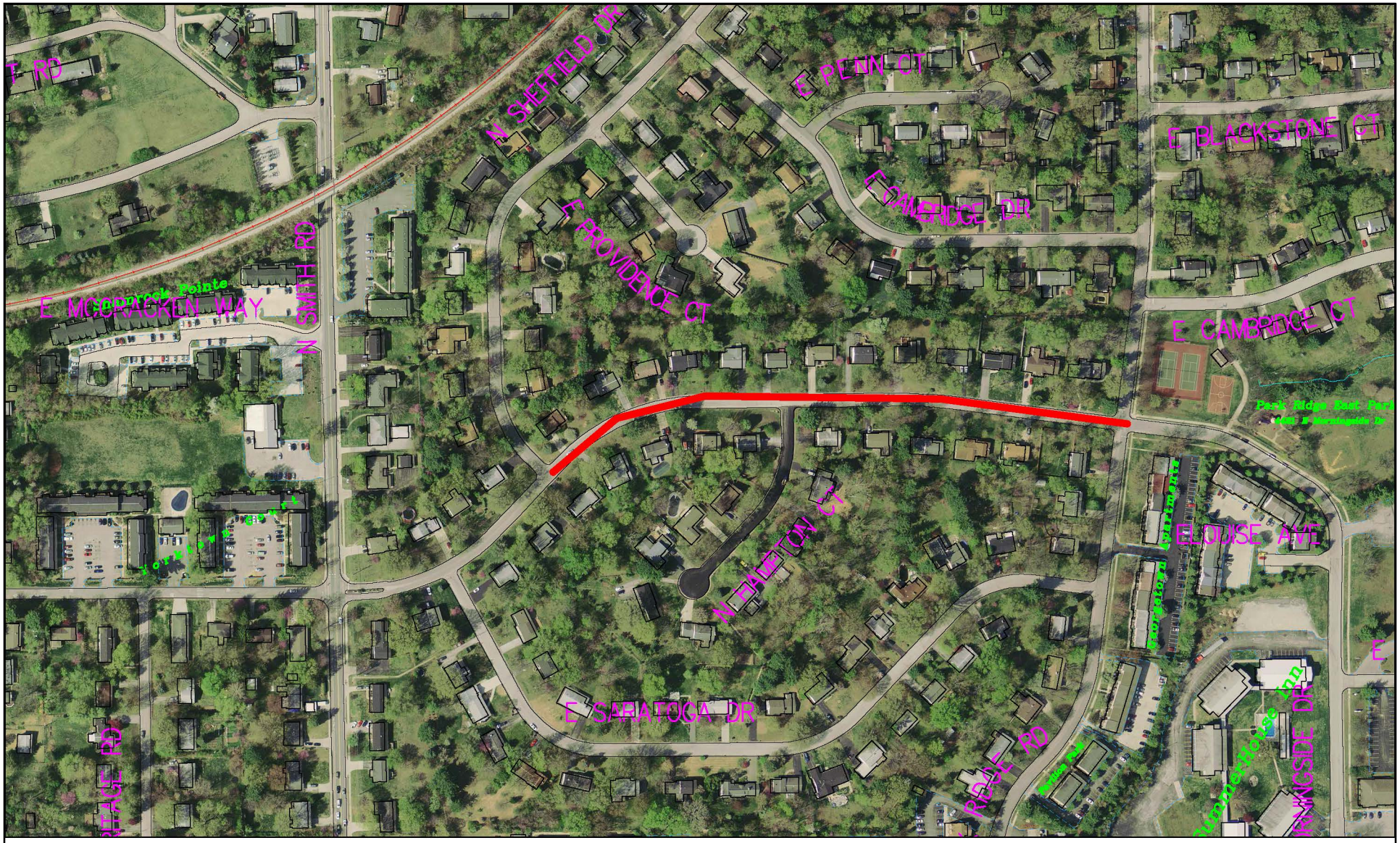
400 0 400 800 1200 1600

N

City of Bloomington
Clerk & Council

Scale: 1" = 400'

For reference only; map information NOT warranted.



Council Sidewalk Committee – Request – 2012
Morningside Drive from Sheffield to Park Ridge Road

By: shermand
12 Nov 13

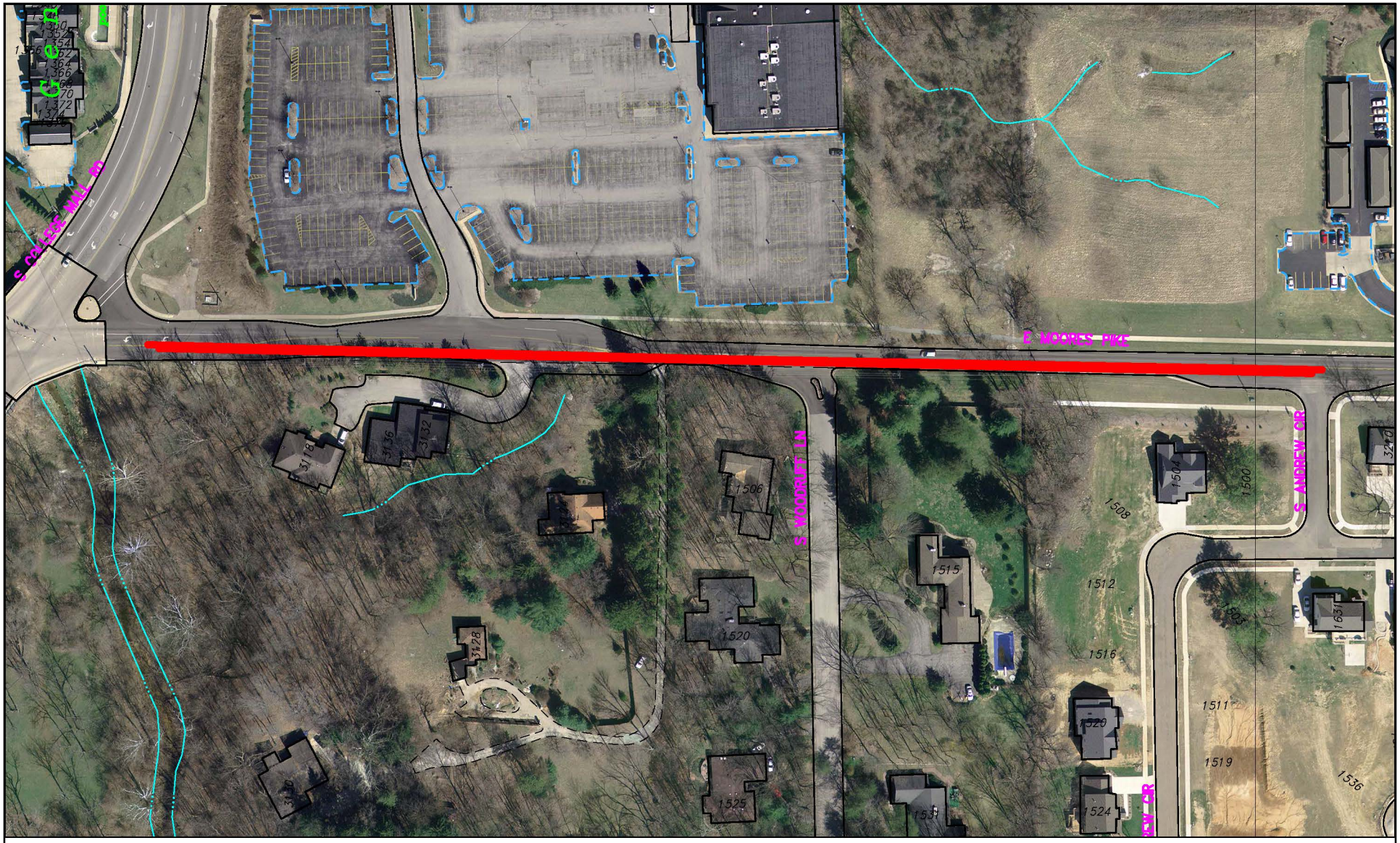
300 0 300 600 900 1200

N

City of Bloomington
Clerk & Council

Scale: 1" = 300'

For reference only; map information NOT warranted.



2009 Council Sidewalk Committee

Dave Rollo's request for a sidewalk on the south side of Moores Pike (from Andrew to Sare)

By: fallsm

6 Oct 08

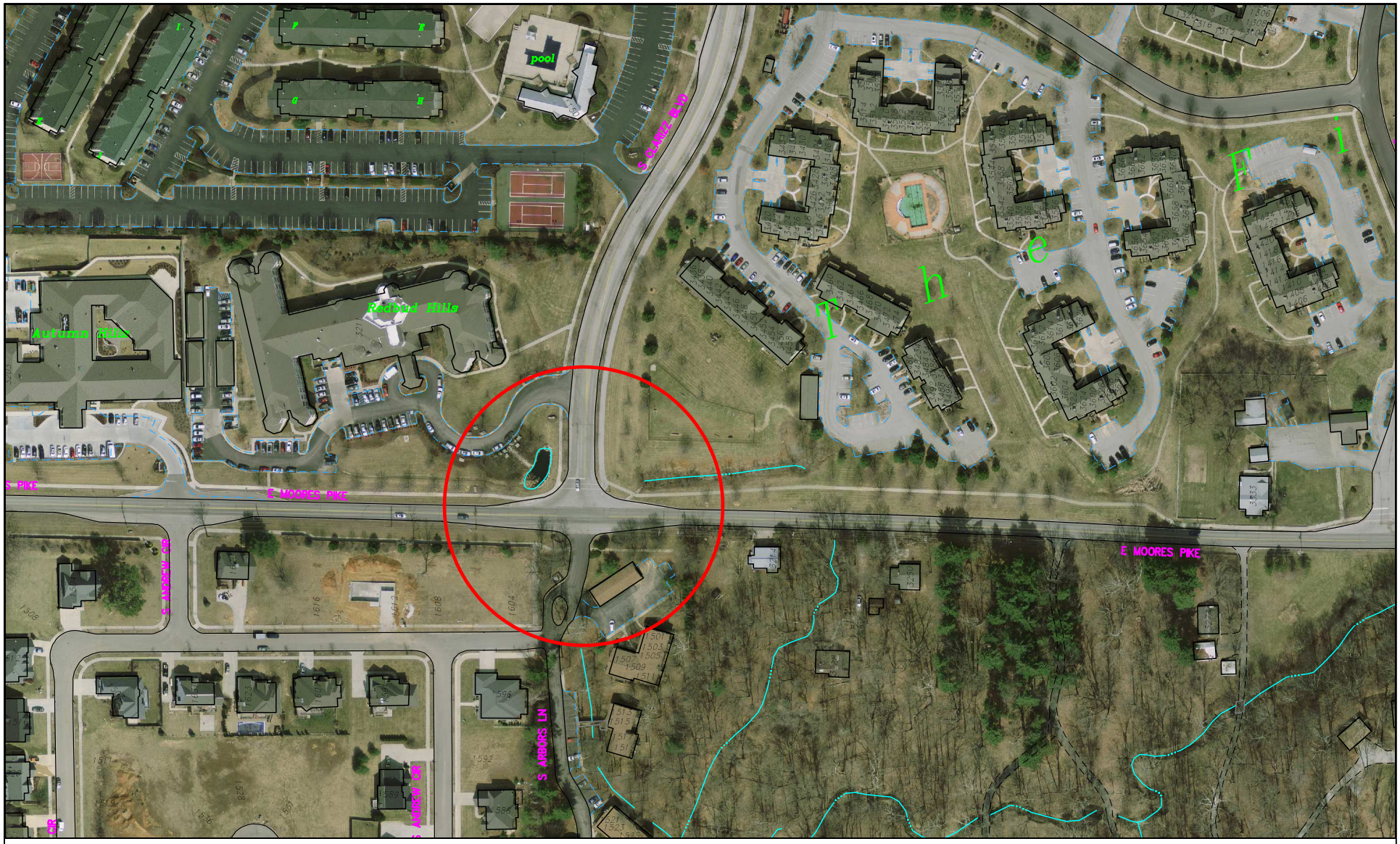
150 0 150 300 450 600

N

City of Bloomington
Clerk & Council

Scale: 1" = 150'

For reference only; map information NOT warranted.



Council Sidewalk Committee – 2016
Pedestrian Crossing at Moores Pike and Clarizz
Allocation Contingent on Additional Appropriation

By: shermand
17 Mar 16

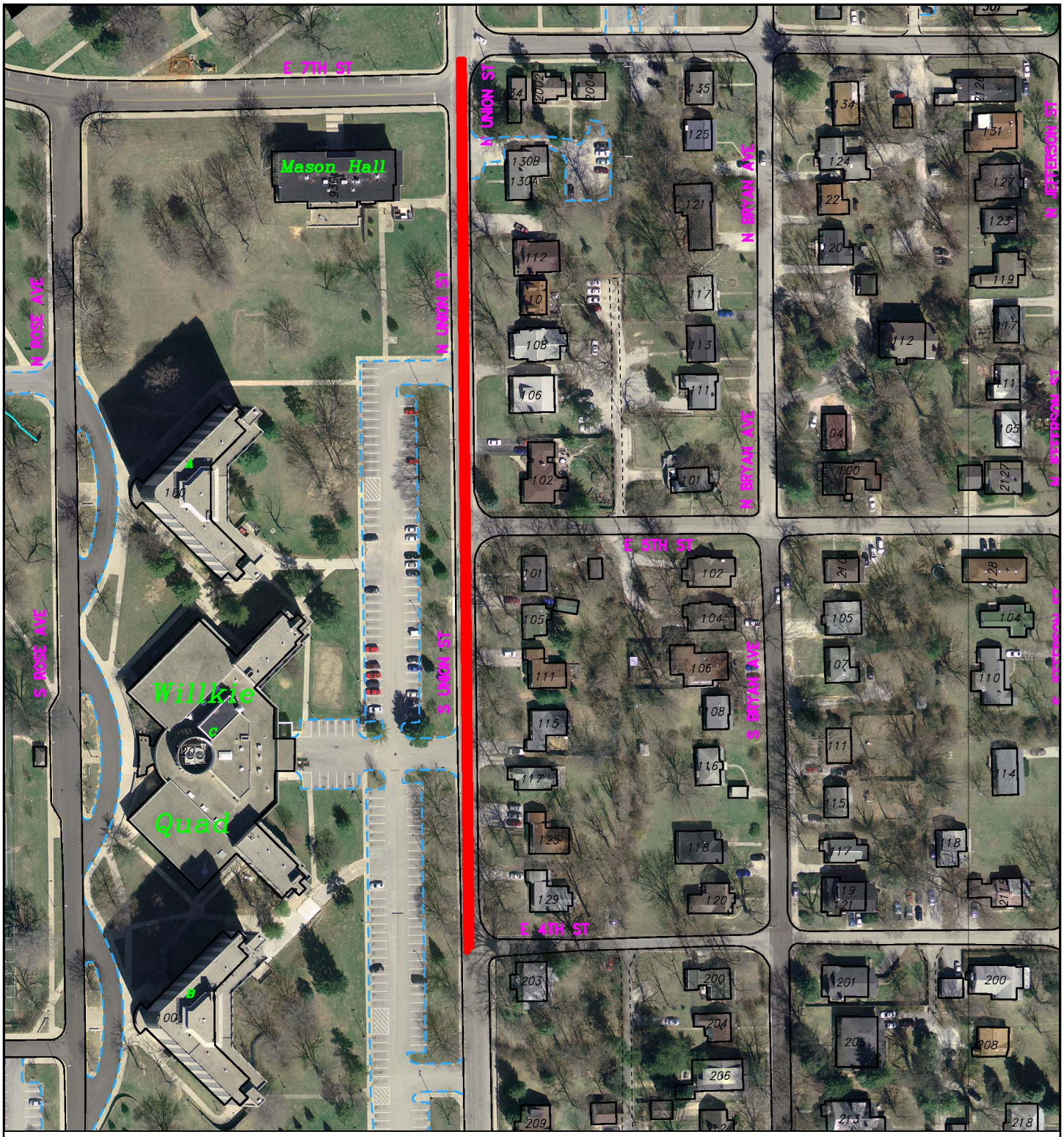
200 0 200 400 600 800

N

City of Bloomington
Clerk & Council

Scale: 1" = 200'

For reference only; map information NOT warranted.



2009 Council Sidewalk Committee

Tim Mayer's request for a sidewalk on the east side of Union St. (from 4th to 7th)

By: fallsm

6 Oct 08

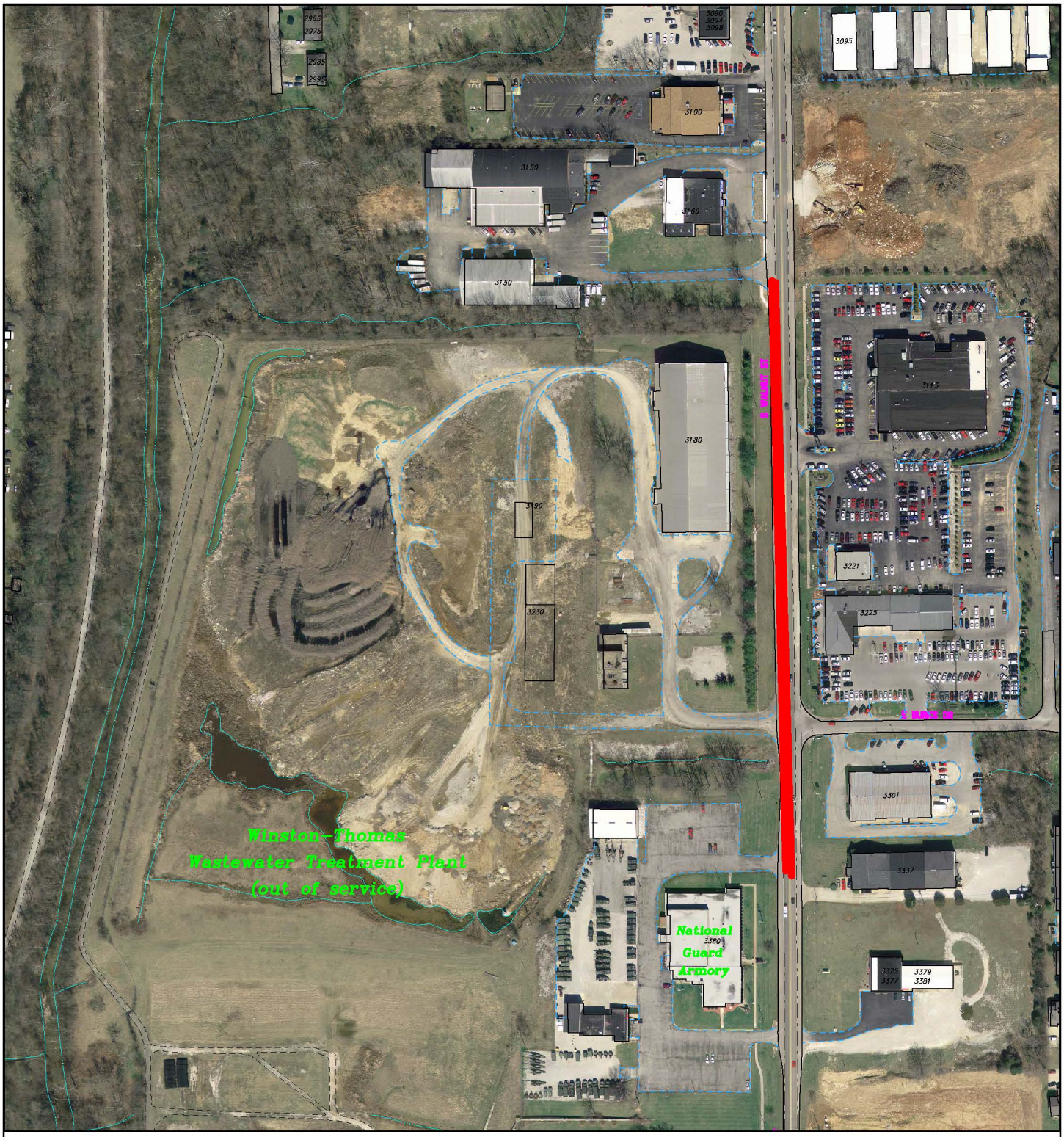
150 0 150 300 450

N

City of Bloomington
Clerk & Council

Scale: 1" = 150'

For reference only; map information NOT warranted.



2009 Council Sidewalk Committee

DPW's request for a sidewalk on the W side of S. Walnut (Winston/Thomas to Armory)

City of Bloomington
Clerk & Council

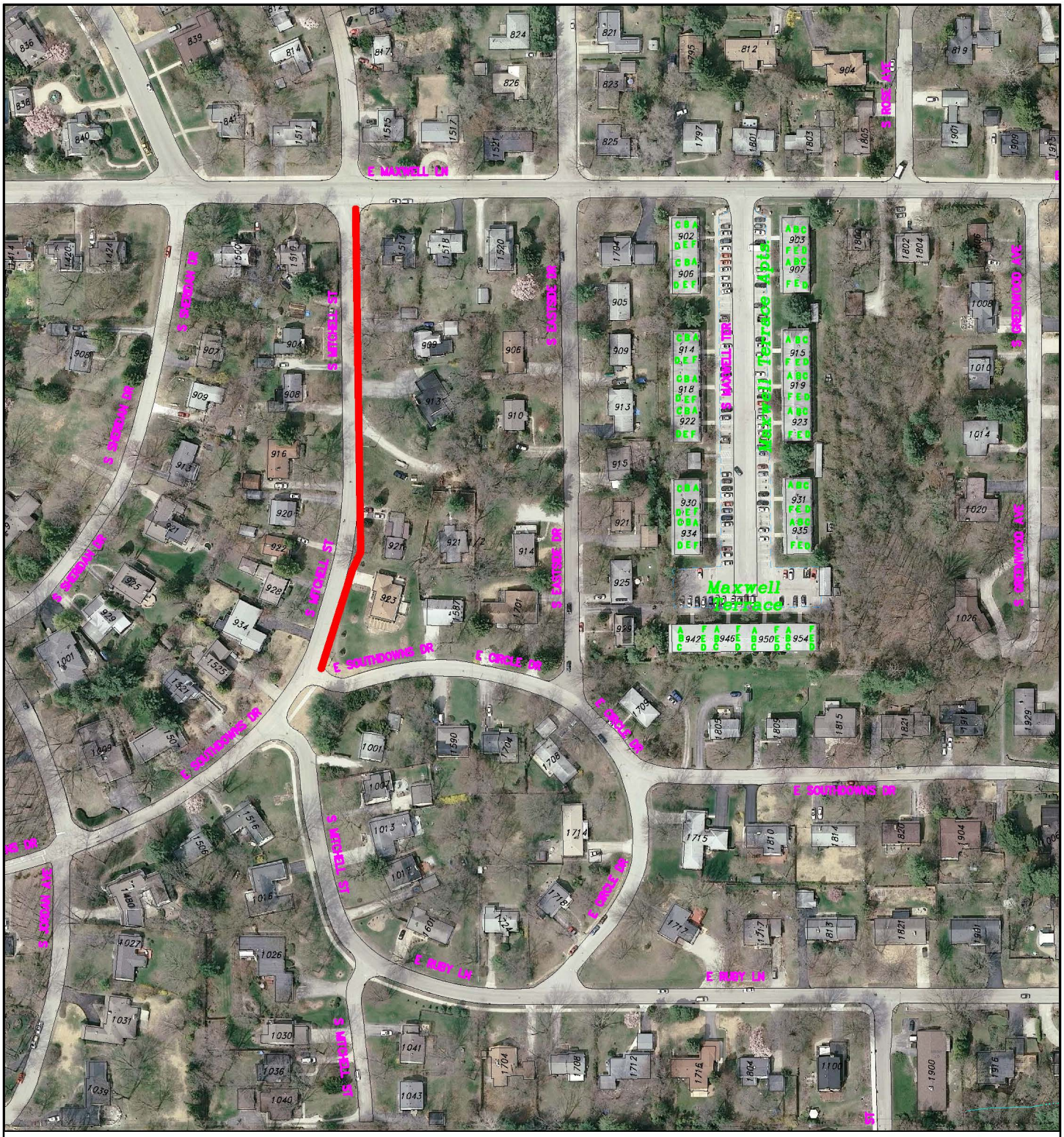
By: fallsm
6 Oct 08

250 0 250 500 750

N

Scale: 1" = 250'

For reference only; map information NOT warranted.



Council Sidewalk Committee – Requested Project

Pedestrian Way on Mitchell from Maxwell Lane to Circle Drive

2011

By: shermand

2 Nov 11

File: LPmtc

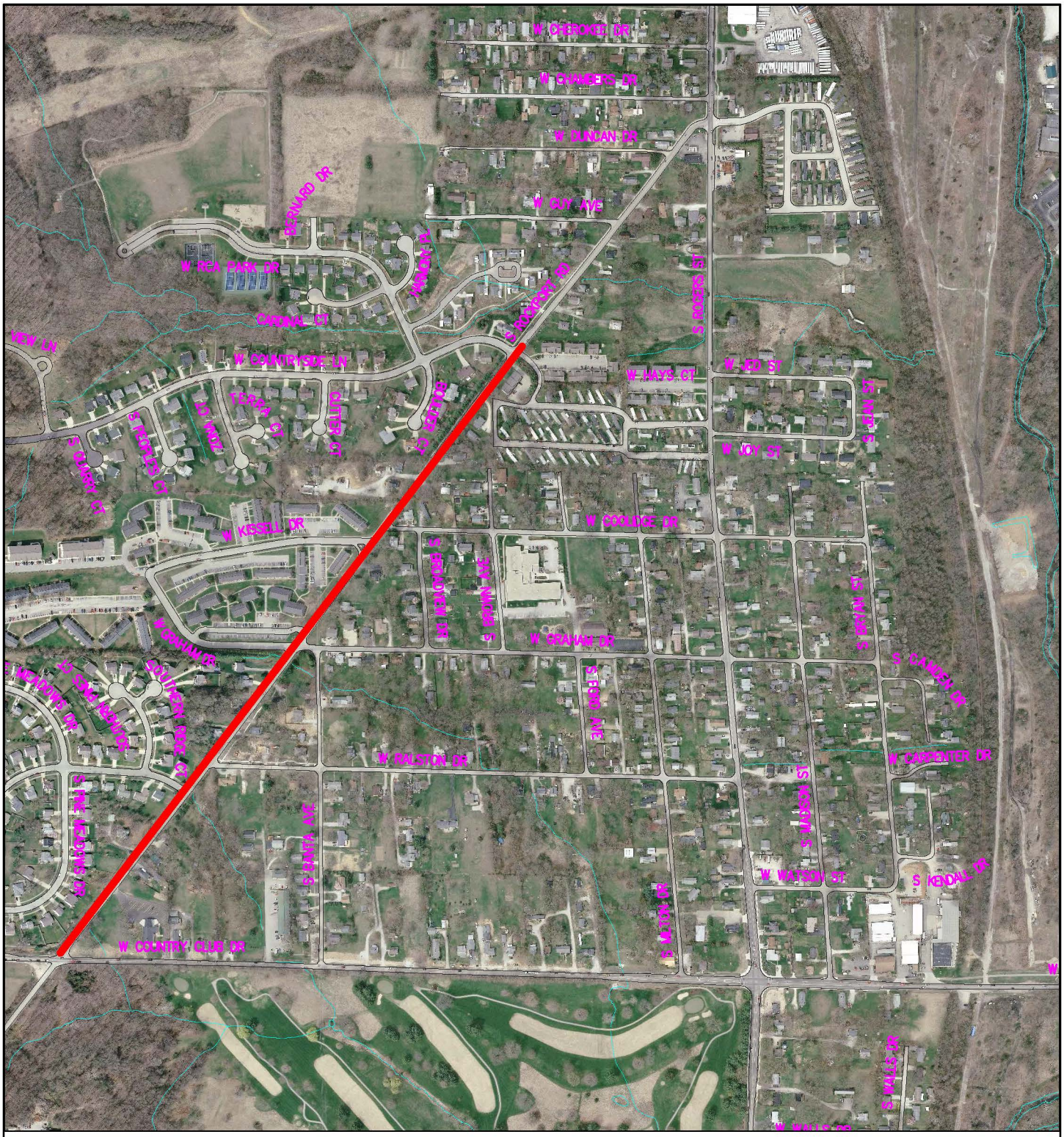
200 0 200 400 600

N

City of Bloomington
Clerk & Council

Scale: 1" = 200'

For reference only; map information NOT warranted.



Council Sidewalk Committee – Project Requests

Rockport Road – Construct missing sidewalks from Tapp Road to Countryside Lane (West) or fund design for sidewalks (including estimates for acquisition of R-O-W) in anticipation of CDBG funding

City of Bloomington

By: shermand

2 Nov 11

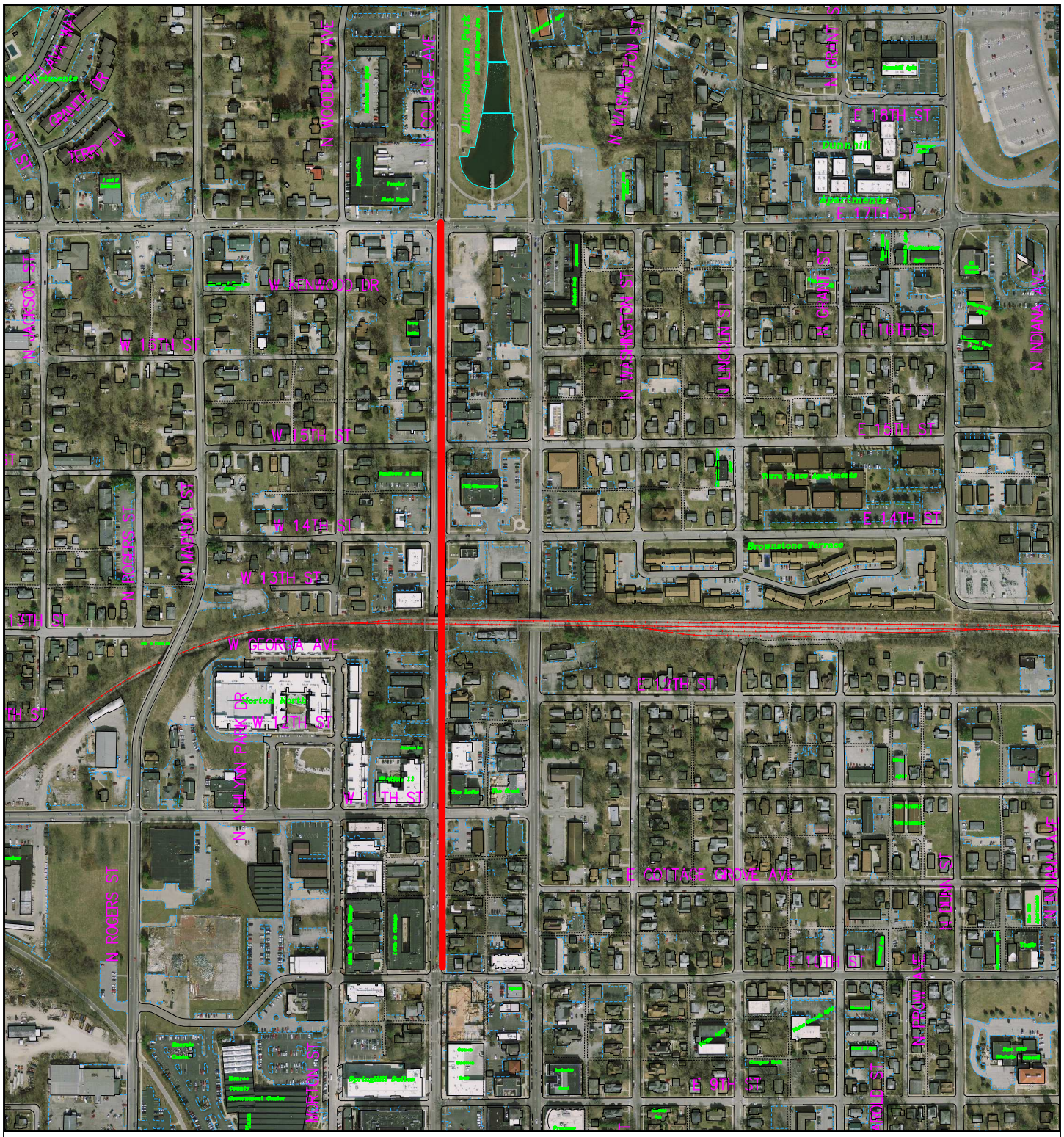
File: LPrr2

600 0 600 1200 1800

N

Scale: 1" = 600'

For reference only; map information NOT warranted.



Council Sidewalk Committee – 2016

Allocation for College Avenue Road Repaving and Curb and Sidewalk Replacement Project

Contingent on Additional Appropriation of Funds Reverted in 2015

City of Bloomington
Clerk & Council

By: shermand
17 Mar 16

500 0 500 1000 1500

N

Scale: 1" = 500'

For reference only; map information NOT warranted.

Council Sidewalk Committee Policies

Criteria for Selecting Sidewalk Projects

- Safety Considerations -- A particular corridor could be made significantly safer by the addition of a sidewalk.
- Roadway Classification -- The amount of vehicular traffic will increase the likelihood of pedestrian/automobile conflicts, which a sidewalk could prevent. Therefore, arterial and collector streets should be a priority for linkages over residential/subdivision streets.
- Pedestrian Usage -- Cost-effectiveness should be based on existing and projected usage.
- Proximity to Destination Points -- Prioritization of linkages should be based on proximity to destinations such as elementary schools, Indiana University, employment centers, shopping opportunities, parks/playgrounds, etc.
- Linkages -- Projects should entail the construction of new sidewalks that connect with existing pedestrian facilities.
- Costs/Feasibility -- Availability of right-of-way and other construction costs must be evaluated to determine whether linkages are financially feasible.

History of Revisions

These criteria first appeared in a memo entitled the *1995 Linkages Plan – Criteria for Project Selection/Prioritization* and have been affirmed and revised over the years.

- On October 16, 2006, the Committee added "Indiana University" as another "destination point" under the fourth criteria (Proximity to Destination Points). At that time, it decided not to explicitly recognize "synergy" as another criteria, because it was already being considered as a factor under the fifth criteria (Costs/Feasibility).
- On January 4, 2008, the Committee added the fifth criteria defining "Linkages."
- On November 12, 2009, the Committee revised "Proximity to Destination Points" to clarify that the list was illustrative and included "employment centers" among other destinations.

Other Policies

Overage Policy

Each year the Committee Report uses estimates submitted by City Engineering to allocate funds between projects. Even with a 10% contingency, these estimates are sometimes well-off the bid for, or actual cost of, the project. The 2009 Committee established an "overage policy" whereby allocations in excess of 10% of the project estimate must be approved by the current chair and any additional allocation in excess of $20,000 over the project estimate must be approved by the Committee.

2016 Council Sidewalk Committee - Initial Project Prioritization

Street	Description	Project Length (approx.)	Walk Score (potential ped usage)	WS Rank	PLOS Score	PLOS Rank	Transit Route Score	Transit Route Rank	Density Score	Density Rank	Rank Sum	Change in Overall Project Rank (2015)*	Overall Project Rank
Pete Ellis Dr. (2016) **	3rd St. to 10th St.	2,750	71	5	3.57	23	270	2	1,587	2	32	No Significant Change from 2015 to 2016	1
Indiana Ave. (2016) **	NW Corner 3rd St. & Indiana Ave.	268	87	1	2.95	38	633	1	1,193	6	46		2
E. 3rd St. (2015)	2 vacant Lots E of Park Ridge	340	20	39	4.16	3	268	3	1,552	3	48		3
Union St.	4th St. to 7th St.	954	68	7	3.84	12	103	21	1,035	8	48		3
14th St.	Madison St. to Woodburn Ave.	450	85	2	3.58	22	220	10	769	15	49		5
19th St. (2011)	Walnut St. to Dunn St.	1,120	51	17	3.48	26	178	12	1,229	5	60		6
Smith Rd. (2011)	Grandview Dr. to 10th St.(west)	1,352	42	23	3.63	19	260	7	771	14	63		7
Moores Pk.	AndrewsSt. to College Mall Rd.	1,289	51	17	3.99	8	52	34	1,453	4	63		7
17th St. (2012)	Crescent Street to College Ave.	5,500	45	20	2.46	41	216	11	996	9	63		7
E. 10th St. (2015)	Grandview Dr. to Russell Rd.	2,390	19	40	4.01	6	268	3	571	18	67		10
Jefferson St.	3rd St. to 7th St.	1,375	66	8	3.66	16	97	22	393	22	68		11
S. Rogers St.	south of Hillside Dr.	480	43	22	3.97	10	90	25	825	13	70		12
17th St.	Indiana Ave. to Forrest Ave.	1,323	45	20	4.23	1	58	32	525	20	73		13
N. Indiana (2015)	15th St. to 17th St.	409	58	12	3.61	20	76	29	881	12	73		13
5th St.	Union St. to Hillsdale Dr.	1,671	66	8	3.52	25	131	15	298	28	76		15
Miller Dr.	Huntington Dr. to Olive St.	423	38	26	3.66	16	82	27	1,191	7	76		15
Walnut St.	Pinewood St. to 2942 S Walnut	~369	52	15	3.74	15	34	37	986	11	78		17
Fairview St. (2011)	Wylie St. to Allen St.	1,005	52	15	3.48	26	120	17	343	24	82		18
Moores Pk.	Valley Forge Rd. to High St.	1,060	34	30	4.17	2	107	20	240	31	83		19
E 7th St. (2011)	SR 45/46 Bypass to Hillsdale Dr.	830	69	6	3.30	35	240	8	202	34	83		19
Clark St.	3rd St. to 7th St.	1,390	60	11	3.25	37	131	14	360	23	85		21
Palmer St. connector path	Wylie St. to 1st St.	529	75	4	1.50	44	146	13	328	25	86		22
Walnut St.	Winston/Thomas to Nat'l Guard Armory (Intermittent Segments)	1,064	42	23	3.99	8	34	38	679	17	86		22
Rockport Rd.(~2/3 built by 2015)	Countryside Ln. to Tapp Rd.	3,198	25	36	4.07	4	61	30	716	16	86		22
High St.	Covenanter Dr. to 2nd St.	2,622	46	19	4.01	6	93	24	156	38	87		25
10th St. (2013)	Smith Rd. to Russell Rd.	1,010	22	38	3.92	11	268	3	172	36	88		26
Wylie St. (2013)	Lincoln St. to Henderson St.	1,150	77	3	2.33	42	121	16	301	27	88		26
Mitchell St. (2016) **	Maxwell Ln. to Atwatter Ave.	1,890	56	13	2.91	39	265	6	282	30	88		26
Bryan St. (2013)	3rd St. to 7th St.	1,400	55	14	3.34	32	90	26	539	19	91		29
Allen St. (2015)	Henderson St. to Lincoln St.	1,184	66	8	1.98	43	113	19	302	26	96		30
Walnut St. (2013)	SR 45/46 to 500 ft N of Fritz Dr	2,300	37	27	3.65	18	18	39	481	21	105		31
Corey Ln. (2015)	2nd St. to 3rd. St.	2,332	15	41	3.61	20	48	35	987	10	106		32
Fee Ln. (2015)	SR 45/46 to Lot 12 Entrance	1,353	11	44	3.44	30	48	35	5,400	1	110		33
Morningside Dr. (2012)	Sheffield Dr. to Park Ridge Rd.	1,276	35	28	2.87	40	228	9	174	35	112		34
Rhorer Rd.	Walnut St. to Sare Rd.	4,775	40	25	4.06	5	0	41	69	42	113		35
Nancy St.	Hillside Dr. to Mark St.	878	31	33	3.48	26	94	23	235	32	114		36
Smith Rd. (2011)	Hagan St. to Brighton Ave. (west)	1,817	28	34	3.56	24	118	18	122	39	115		37
Mitchell St. (2012)	Maxwell Ln. to Circle Dr. (east)	624	34	30	3.34	32	77	28	297	29	119		38
Graham Dr. (2011)	Rockport Rd. to Rogers St.	1,815	35	28	3.34	32	58	31	234	33	124		39
Dunn St.	SR 45/46 to Tamarack Tr.	2,044	32	32	3.83	13	7	40	74	41	126		40
S. Highland (2015)	Winslow Park Parking to Sidewalk	755	23	37	3.45	29	55	33	158	37	136		41
Kinser Pk.	north of Acuff Rd.	1,595	12	42	3.83	13	0	41	40	44	140		42
Ramble Rd.	Ramble Rd. to Dunn St.	875	28	34	3.26	36	0	41	86	40	151		43
N. Dunn St. (2015)	Tamarack Trail to Lakewood Dr.	3,602	12	42	3.41	31	0	41	64	43	157		44

* This column was added by the Council Office. It compares rankings from one year to the next and found no changes greater than 3 slots.

** The shaded rows indicate new proposals for consideration in 2016.

*** See the Index (which follows this sheet in the materials) for a list of recently completed projects as well as recently removed proposals.

A HISTORY OF COUNCIL SIDEWALK COMMITTEE FUNDS, 2002-2016

2016

Site	Estimate	Recommendation	Possible Additional Appropriation	Comments
SR 45/46 Bypass and Tunnel to 7th Street (West Side) - Sidewalk	$65,000.00	$20,000.00		This project would connect the sidepath on the west side of the SR 45/46 Bypass and the bicycle/pedestrian tunnel at this site with 7th Street and, thereby, to the neighborhoods to the south and west. It would include installing a ramp from the Bypass to the tunnel and stairs to 7th Street. The cost has grown as the project moved from an in-house to a contracted one. Design was paid for previously. A contingent allocation last year was left unspent because other funds were not available. This year the P & T department has made $35,000 available and the Sidewalk Committee recommends allocating the remaining $20,000 to complete this project in 2016.
E. 10th from Smith Road to Tamarron Drive (South Side) - Sidewalk, Pedestrian Crossing, and Other Safety Improvements	$249,000.00	$50,000.00		In 2003 and 2004, the Committee funded a sidewalk east of Grandview to connect with existing sidewalks toward town. Over the years, various requests for pedestrian infrastructure from Grandview Drive to Russell Road have been made. The reasons for funding this project include the need to help children walk safety from neighborhoods south of East 10th to University Elementary School and possibly help MCCSC reduce transportation costs associated with bussing the children to and from school. Staff has been in contact with Indiana Department of Transportation (INDOT), which has jurisdiction over this portion of the corridor, about use of the right-of-way and other cooperation with this project. The Committee recommends funding $50,000 for design which would include a crossing of East 10th. An additional $12,000 would be needed for right-of-way and $187,000 for construction to complete this project.
Morningside Drive from Sheffield Drive to Park Ridge Road - Sidewalk	$110,000.00	$110,000.00		This project would extend a Committee sidewalk project on Morningside Drive which ended at Sheffield to sidewalks and park on Park Ridge Road. The curve in Morningside raised safety issues for pedestrians who now walk in the road and may entail some storm water infrastructure. The Committee recommended funding design ($15,000), right-of-way ($4,000), and construction ($110,000) this year (or bid this year for construction next year).
Moores Pike from College Mall Road to Woodruff Lane (South Side) - Sidewalk	$135,000.00	$24,000.00		Moores Pike east of College Mall Road is a busy road with neighborhoods to the south without a sidewalk to the intersection with College Mall Road. In 2009, the Committee funded a sidewalk from Andrews Circle to an existing sidewalk to the east, but was stymied by the estimated cost for widening the roadway for a sidewalk to the intersection with College Mall. This year, the Committee requested new estimates which, with use of the existing roadway, brought down the costs to $135,000 - $24,000 for design and $111,000 for construction. The Committee recommended funding design this year.
Union Street from 4th to 7th Street (East Side) - Sidewalk	$189,000.00	$32,000.00		This project was first requested in 2008. Union can be busy street, at times. There is a sidewalk on the west side from 3rd to 10th and on the east side from 3rd to 4th and from about a half block north of 7th to 10th. Over the years, the Committee has heard that pedestrian walk in the street on the east side. Total cost of this project would be $189,000 with $32,000 for design, $34,000 for acquisition of right-of-way (which may be reduced by owner(s) willing to dontate the land), and $123,000 for construction. The Committee recommended allocation funds for design ($32,000).

South Walnut Street from Winston Thomas to National Guard Armory (West Side) - Sidewalk	$87,000.00	$13,000.00		In 2003, the Committee began funding missing sidewalks on the west side of South Walnut between Country Club and Rhorer roads. It started on the north end and progressed as far as Pinewood, and the Committee has continued to discuss filling in the gaps to the south. This year, the Committee reviewed the missing sidewalk segments and sought an estimate for the Winston Thomas to National Guard Armory piece. Total cost of the project would be about $123,000 – design ($12,000), right-of-way ($1,000) and construction ($74,000). The Committee recommended funding design and right-of-way this year ($13,000).
Mitchell Street from Maxwell Lane to Circle Drive (East Side) - Sidewalk	$112,000.00	$22,000.00		This sidewalk would serve pedestrians who, due to previous Committee recommendations, have sidewalks on the south at Circle Drive and sidewalks on the north along Maxwell Lane. In 2012, with a modest investment of $1,100, the Committee was able to fund lane-markings for that block (after the Council restricted parking on the east side of the street). This year the Committee sought estimates for a sidewalk which totaled $112,000 and recommended funding design ($22,000). The remainder of the costs would be for construction ($90,000) (with no funds needed for right-of-way).
Rockport Road from Graham Drive to south of West Pinehurst Drive (West Side) - Side Walk	$137,000.00	$22,000.00		For well over a decade, the City has invested in pedestrian infrastructure surrounding the triangular-shaped Broadview area. A ~$1.2 million road & sidewalk project along Rockport Road near Countryside Lane was completed in 2015 (with a ~$25,000 investment from the Committee for some preliminary costs). No sidewalks are in place on the west side of the street from Graham Drive to the intersection at Tapp Road. An intersection improvement at Tapp Road, primarily funded through the MPO (with federal money), will bring sidewalks to just south of West Pinehurst. The Committee sought an estimate for the missing segment north to Graham Drive and recommended funding for design. Total costs add up to $137,000 and include $22,000 for design, $29,000 for right-of-way, and $86,000 for construction.
Traffic calming	$5,000.00	$5,000.00		The Committee recommend an allocation of $5,000 for some possible as yet unidentified traffic-calming projects.
Moores Pike at Clarizz Boulevard (Pedestrian Crossing)	?	*($2000)	$6,000.00	When discussing the south side of Moores Pike at the intersection of College Mall Road, the Committee also looked further east to Clarizz Boulevard and beyond, where there are sidewalks on the north but none on the south. The Committee thought a pedestrian crossing at Clarizz Boulevard would provide some connectivity, but the costs would only be known after an investment in design ($8,000). Given other priorities this year, the Committee recommended funding this project if funds reverted in 2015 could be reappropriated. In that event, the allocation would include $2,000 from 2016 and $6,000 for 2015.
College Avenue from 10th to 17th - Road Repaving and Curb and Sidewalk Replacement Project	?		$12,885.00	In the event of an additional appropriation of unspent funds reverted to the ATF at the end of 2015, the Committee responded to a request from Public Works to help with this road repaving and curb and sidewalk replacement project.
TOTAL	$1,089,000.00	$298,000 *	$18,885.00	Note: Another $2,000 would be added to the $298,000 to bring the total to the full budged amount of $300,000 if an additional appropriation of unspent funds in 2015 (see column to the left) was approved an allowed, in part, monies for the Moores Pike /Clarizz pedestrian crossing.

2015				
Site	Estimate	Recommendation	Additional Appropriation	Comments
Kinser Pike - 17th Street north to Apartments (East Side)	$198,821.00	$143,851.00		This highest ranking project has been on the list for over a decade due, in large part, to the cost of the right-of-way (which was estimated, at times, at over half of the total project cost. After obtaining estimates for both sides of the street, the Committee chose the east side, which was less expensive and more likely to be used. This recommendation follows expenditures for design and appraisals in 2014 and commits funds necessary to complete this project in 2015.
West 17th Street -- Four Parcels West of Maple to	$600,000.00	$70,000.00	*	Installation of sidewalks on West 17th Street has been a high priority for the City. Given
Sheffield - Morningside Drive to Providence (West Side)	$83,000.00	$75,000.00		This project would complete missing sidewalk segments along Sheffield that would connect with existing sidewalks along Plymouth on the north and recently-completed Council Sidewalk Committee projects on the south along Morningside Drive. Speed of cars descending the curve to Morningside, in part, made this a priority for the Committee. The design was done last year by contract at a cost of $8,010. The allocation this year will pay for acquisition of temporary right-of-way ($20,000) and construction ($55,000) and, if all goes well, should complete the project this year.
Traffic-Calming (Crosswalk at Maxwell and Mitchell Street)	$5,000.00	$5,000.00		The Committee initially set aside $15,000 for a few possible traffic calming projects this year. These included a component of an old project by Fairview School, a crosswalk at Maxwell Lane and Mitchell Street, and traffic calming along Morningside Drive. Given other higher priorities and the likelihood of expenditures in 2015, the Committee allocated $5,000 toward the crosswalk at Maxwell Lane and Mitchell Street.
SR 45/46 Bypass and Tunnel to 7th Street (West Side)	$65,000.00	$6,149.00	$43,001.00	This project would connect the side path on the west side of the SR 45/46 Bypass and the bicycle/pedestrian tunnel at this site with 7th Street and, thereby, to the neighborhoods to the south and west. It would include installing a ramp from the Bypass to the tunnel and stairs to 7th Street, and may include landscaping provided through CDBG funds. The cost has grown as the project moved from an in-house to a contracted one. Given other higher priorities, the allocations included about $6,150 from the $300,000 ATF Budget and an estimated $43,000 in inspect 2014 funds that might be additionally appropriated for this purpose. In effort to complete this project, the Committee also requested the Administration explore use of other funds to complete this project. That could include paying for traffic calming and allowing that money to go towards this project.
Total	$951,821.00	$300,000.00	$43,001.00	* An additional appropriation may come forward to make unspent 2014 funds available for use in 2015. The amount is an estimate and may change.

2014				
Site	Estimate	Recommendation	Other Funds	Comments
Kinser Pike - 17th Street north to Apartments (East Side)	$228,412.80	$38,068.80		This highest ranking project has been on the list for over a decade due, in large part, to the cost of the right-of-way (which amounts to over half of the total project cost of $228,412). After obtaining estimates for both sides of the street, the Committee chose the east side, which was less expensive and more-likely-to-be-used. This recommendation commits $38,068.80 toward the design of this project in 2014 with construction considered a high priority in 2015.
West 17th Street -- Maple to Madison (South Side)	$276,361.80	$58,810.30	*	Installation of sidewalks on West 17th Street has been a high priority for the City and will see progress to the east and west of this project in the near future. This year, the Committee learned it would cost $276,361.80 for this project, which would include about 650 feet of sidewalk (with some sidewalk already in place), some steps here and there, and some storm water component (estimated at about $59,000) that might be covered by City Utilities. The recommendation this year is to allot $46,060.30 toward the design and $12,750 toward appraisal work for this project and make construction a high priority next year. **CBU will explore in-kind contributions toward the storm water component of this project.*
SR 45/46 Bypass and Tunnel to 7th Street (West Side)	$20,000.00	$20,000.00		This project would connect the side path on the west side of the SR 45/46 Bypass and the bicycle/pedestrian tunnel at this site with 7th Street and, thereby, to the neighborhoods to the south and west. It would include installing a ramp from the Bypass and stairs from the tunnel. The cost is estimated at $20,000 and the stairs would have a “cheek wall” for bicyclists to use for their bikes after dismounting them. The Committee thought this may have the added benefit of encouraging more bicycle and pedestrian traffic between the neighborhoods to the east and the campus to the west.
Leonard Springs -- 300 feet South of Walmart Entrance to Tapp Road	Unknown	$15,000.00	Unknown	Last year the Committee recommended contributing as much as $15,000 to this Monroe County project over two years if it was going forward. The logic for contributing is two-fold: first, the roadway is owned by the City (but the adjacent land is within the County) and second, there are some pockets within the City to the south with residents that would use the sidewalk. The project would be about 1,200 feet long and cross 10 parcels of land. *It is conditioned on adequate assurances that the project will go forward and the contribution will be spend in 2014.*
Sheffield - Morningside Drive to Providence (West Side)	$63,414.45	$55,143.00		This project would complete missing sidewalk segments along Sheffield that would connect with existing sidewalks along Plymouth on the north and recently-completed Council Sidewalk Committee projects on the south along Morningside Drive. Speed of cars descending the curve to Morningside, in part, made this a priority for the Committee. The Engineering Department will design the project which reduced the outlay by $8,271.45.
Maxwell Lane -- Jordan Avenue to Sheridan (North Side)	$96,279.38	$96,279.38		This follows on the project in 2013 that brought a sidewalk to the north side of Maxwell from the bottom of the hill at Highland to mid-way up the hill at Jordan. It will continue the project over the crest of the hill to Sheridan. Once this block is done - with the help of previous Committee-recommended projects - there will be a continuous run of sidewalks all the way from High Street on the east to Henderson on the west. Funds for the design of this project were provided in 2006.
Traffic-Calming (Unspecified)		$15,000.00		The Committee set aside $15,000 for unspecified traffic-calming projects in the event one is ready for installation this year.
Total	$621,053.98	$298,301.48	*	***Note: This history reflects Annual Committee Reports and not Interim Reports. An Interim Report was approved for both 2013 and 2014 that reallocated these funds.***

2013				
Site	Estimate	Recommendation	Other Funds	Comments
West 17th Street -- Madison Street to College Avenue (South Side)	$268,199.00	$147,351.16	$107,199.00	Following an investment in the design of this project in 2011 and an offer from City of Bloomington Utilities to cover the storm water costs associated with it, the Committee recommended funding construction of a sidewalk in 2013. The offer from CBU reduced the allocation for this project from $268,111 to $161,000, but with the understanding that some of the estimated $8,500 in remaining funds for the year might be needed to cover any overage. *Note that, on December 18, 2013, the Council amended the recommendations to reflect the lower than expected bid for this project.*
Maxwell Lane -- Highland Avenue to Jordan Avenue (North Side)	$87,000.00	$95,543.62		This is one block of a two-block project that would be constructed on the north side of the street from the bottom of a hill (at Highland) to the other side of the crest at Sheridan. Once these two blocks are complete - with the help of previous Committee-recommended projects - there will be a continuous run of sidewalks all the way from High Street on the east to Henderson on the west. Funds for the design of this project were provided in 2006. *Note that, on December 18, 2013, the Council amended the recommendations to reflect an increase in cost of the project from $87,000 to $95,543.62, due to the removal of rock.*
Moores Pike and Olcott Boulevard -- Pedestrian Crossing	$18,500.00	$7,959.90		This is a pedestrian crossing with a raised island and lane markings to narrow the roadway. It follows a denial of a stop sign request at the Traffic Commission in January and *does not* include the installation of a stop sign. The crossing will provide residents in Hyde Park and points south access to a continuous sidewalk that runs along the north side of Moores Pike from Smith Road to Sare Road and further west. *Note that, on December 18, 2013, the Council amended its recommendations to reflect an altered project (now with no island, but with a solar-operated speed indicator) and a drop in cost from $18,500 to $7,959.90, largely due to the labor having been provided by the Public Works Department..*
Rockport Road -- Countryside Lane south 2,000 feet to just past Graham Drive (West Side)	$1,200,000 +	$24,145.32	$1,200,000.00	*Note that, on December 18, 2013, the Council amended its recommendations to include this allotment toward a large multi-phased road-improvement/storm water project along Rockport Road. This contribution of $24,145 can be committed in 2013 toward appraisal work necessary for the project and follows through on a recommendation in 2012 to use any remaining funds that year for this purpose.*
Leonard Springs -- 300 feet South of Walmart Entrance to Tapp Road	Unknown	$0.00	Unknown	This is a County project to be constructed on land in the county that lies along a city-owned roadway. The design and total cost of the project are unknown at this time. The County sees the need for the project (which is evident with the path worn by pedestrians) and is interested in a contribution from the City. After learning that City residents to the south would probably use the sidewalk, the Committee agreed to contribute any funds remaining this year once there were adequate assurances that the project will be completed in the short term. The Committee also declared intent to contribute as much as $15,000 toward this project over two years. *Note that, on December 18, 2013, the Council amended the recommendations to defer any contribution to this project until 2014 when the project moved forward to the point the money could be used.*
Total	$373,699.00	$275,000.00	$1,307,199.00	

2012				
Site	Estimate	Recommendation		Comments
		ATF	Other Funds	
Third Street -- Overhill Drive to Travel Lodge Driveway (North S	$154,474.00	$154,474.00		See the 2011 and 2010 descriptions below for the details of the larger project, which will result in he construction of sidewalks on the north side of East Third Street from Union to the SR 45/46 Bypass. Contributions from other sources include: $100, 00 from Greenways; $75,000 from HAND; and the installation of sidewalks by INDOT as part of the SR 45/46 Bypass project.
Mitchell Street -- Maxwell Lane to Circle Drive	$1,100.00	$1,100.00		This project proposes the use of lane markings to designate a portion of the west side of the roadway of this one-block segment as a pedestrian corridor. It would provide a pedestrian facility that connects a City-created pedestrian corridor on the south, which runs from Bryan Park to sidewalks at Marilyn Drive and High Street, to City-installed sidewalks along Maxwell Lane. *Note: This recommendation was conditioned upon approval of the associated removal of parking on that side of the street. Please also note that the lane was eventually approved for the east side.*
Morningside Drive -- Saratoga to Sheffield (West Side)	$19,866.00	$19,866.00		This recommendation continues upon the completed 2011 recommendation to install a sidewalk from Smith Road to Saratoga. Please see the 2011 description below for more information about this project
Rockport Road -- Coolidge to 310 feet North of the Intersection (West Side)	$80,440.00	$34,560.00	*	This recommendation would partially fund the sidewalk project by contributing funds toward the cost of acquiring the right-of-way. It is intended to leverage other resources to fill-in one of three missing sidewalk links along Rockport Road from Tapp Road to Rogers Street in 2012. The other missing links include a long section north of Tapp Road which will be constructed as part of the roundabout at that intersection and a segment north of Ralston, which remains unfunded. *Note: This recommendation would allow any remaining funds to be applied towards the cost of right-of-way and is conditioned upon Committee acceptance of assurances that the sidewalk will be completed in 2012.* ** CBU staff have inspected the site and offered suggestions on handling the storm water.*
Total	$255,880.00	$210,000.00	$0.00	

2011				
Site	Estimate	Recommendation		Comments
		ATF	Other Funds	
Third Street -- Segments 1-4: Bryan to Hillsdale	**$387,405.00**	$129,811.00	$175,000.00	*See* 2010 description below for project details. The 2010 Committee dedicated the bulk of its funds to the E. Third Street project. After applying 2010 funds to this project, $129,811 was need for the completion of Segments 1-4. The other funds include $100, 00 from Greenways & $75,000 from HAND.
Third Street -- Segment 5: Hillsdale to Travel Lodge	**$300,893.00**			Design for this project will be completed with 2010 funds.
Southdowns -- Jordan to Mitchell (with exploring the possibility of CBU making an in-kind contribution toward stormwater improvement)	**$53,153.00**	$50,622.00		With the completion of Marilyn Drive sidewalk in 2011, this segment would culimate a multi-year effort to create a continousus pedestrian corridor running from Bryan Park to the sidewalks at High and Covenancter. he stormwater component of this project is $16,000. The Committee requested that CBU make a good-faith effort to explore whether they would be able to make an in-kind contribution re: the stormwater component of this project.
Morningside Drive – Smith to Saratoga (side of road to be TBD)	$13,929.00	$13,929.00		This project is intended to provide a pedestrian route to compensate for the loss of a Bloomington Transit bus stop on Morningside Drive. The closest stop is now on Smith Road and many people walk down Morningside to get to the stop at Smith. The walk is precarious and uncomfortable. This is a neighborhood with many children and a neighborhood that sees many pedestrians. A sidewalk would really help pedestrians get safely to the Smith stop
West 17th -- Woodburn to Madison (southside)	**$282,878.00**	$15,638.00		This is a highly rated, but expensive, project that has been under consideration by the Committee for many years. Funds remaining after the other projects are covered will be used the design of this project ($25,000). The design should lower the cost of the project.
Total:	**$1,038,258.00**	**$210,000.00**	**$175,000.00**	

2010				
Site	Estimate	Recommendation		Comments
		ATF	CBU Stormwater	
Marilyn -- Nancy to High (south side)	$189,937.45	$98,373.43	$91,564.00	*See* 2009 description below for project details. As federal funds requested from the Mayor were not available for 2010, the Committee agreed to dedicate ATF funds to complete this project.
Third Street -- Bryan to Jefferson (north side)	$95,408.78		$22,638.00	Connection is needed from Roosevelt to the SR 46 Overpass to link up with the existing sidewalk. The 2009 Committee forwarded a recommmendation to the 2010 Committee encouraging the latter to fund as much of this project as possible. The 2010 Committee agreed that, after funding the above previously-committed Marilyn project, it should devote all remaing funds to the Third Street project. The Committee voted to fully fund the first two stretches of this project (Bryan to Jefferson and Jefferson to Roosevelt) and to fund as much of the third segment of the East Third Street (Roosevelt to Clark) project as possible.
Third Street -- Jefferson to Roosevelt (north side)	$63,507.68	$31,912.23	$4,366.00	
Third Street -- Roosevelt to Clark (north side)	$118,387.50	$114,252.60	$4,135.00	
Southdowns -- Jordan to Mitchell (w/Stormwater on Jordan and Sheridan) (south side)	$124,405.05		$54,562.20	This is part of larger area in need of stormwater improvement and has been on the Sidewalk Committee's list of requested projects since 2002. The Committee agreed to address the stormwater issue on Southdowns first and then the sidewalk later. The amount of stormwater dedicated to this project is not to exceed the orignal estimated cost -- $54,562.20
Total:		**244,538.26**	**$177,265.20**	

2009				
Site	Estimate	Recommendation		Comments
		ATF	CBU Sidewalk	
Marilyn -- Nancy to High (south side)	$189,937.45	$0.00	**$91,564.00**	This is one of the last segments of a route on the Bicycle and Pedestrian Transportation and Greenways System (Greenways) that would connect Bryan Park with sidewalks at High and Covenanter. Prior ATF funds were used to install sidewalks on Mitchell, Circle, Ruby and Nancy Street. Last year the Committee requested and expected that the Greenways monies would be used to cover the sidewalk and the CBU Set Aside would cover the storm water component of this project. However, an amendment to the Greenways Plan and other projects left this one unfunded in 2008. As noted above, the Committee recommended that the Council respectfully request that the Mayor consider appropriating $98,937.45 of federal reimbursement of matching funds to complete this project.
Henderson -- Moody to Thornton (east side)	$99,319.17	$71,877.77	$27,441.40	This project was scheduled for funding in 2008. It was requested by the Planning Department, MCCSC, and a property owner and would complete the last segment of unfinished sidewalk on the east side of Henderson between Hillside and Miller Drive as well as much further north and south. The HAND department may help fund some of this project.
Kinser Pike -- Marathon Stn. to 45/46 (west side)	$54,751.14	$40,280.74	$14,470.40	This is a heavily-travelled stretch. Many residents living in multi-family housing walk here to the grocery store and other amenities.
Moores Pike -- Segment A – Woodruff to existing walk (south side)	$22,758.00	$22,758.00	$0.00	This stretch provides connectivity with an existing walk and was requested by area residents. This project will provide residents with a safer crossing of Moores Pike. Some residents indicated that they would be willing to make a contribution.
S. Madison -- 3rd to Prospect (east side)	$49,773.00	$26,989.00	$16,784.00	This project is in a highly-urban area and would link to the B-Line trail at the W. 3rd Street overpass. Public Works will commit $6,000 for concrete.
3rd Street -- Roosevelt to Clark & Clark to Hillsdale (north side)	$231,564.07	$50,000 *	$0.00	Connection to link up to the existing sidewalk network. A worn pedestrian path demonstrates the heavy use of this area. The 2009 Committee agreed that if the funds remaining for the above projects are not needed to complete said projects, up to $50,000 of the remaining 2009 ATF balance shall be dedicated to right-of-way acquisition for this project.
Total:		**211,905.51**	**$150,259.80**	

2008				
Site	Estimate	Recommendation		Comments
		ATF	Stormwater	
5th Street -- Hillsdale to Deadend (south side)	$535,088.97	$70,485.63	$0.00	This two-block long, multi-departmental project provides an east-west connection through the Greenacres Neighborhood and needed stormwater infrasture for the area. Total funding includes: $112,934.36 (2007 ATF), $10,453.98 (2007 CBU Sidewalk/Stormwater Setaside); $216,215 (CBU Capital Project), and $125,000 (HAND Neighborhood Improvement Grant). Note: This project was completed in 2008.
Henderson -- Allen to Hillside (west side)	$669.090.00	* $3,667.21	$0.00	This improvement is aimed at alleviating pedestrian/vehicular conflict in this elementary school area. The Committee funded design in 2007 at the request of Public Works. Public Works received a $250,000 Safe Routes to School grant for this project and wanted an additional sign of support from the Council in order to garner funds from other sources (including CDBG). * Note: The Committee recommended that any funds remaining in 2008 may be applied to this project.
Marilyn -- Nancy to High (south side)	*$167,578.63	$0.00	* $62,480	This is one of the last segments of a route on the Alternative Transportation and Greenways Plan that would connect Bryan Park with sidewalks at High and Covenanter. Prior ATF funds were used to install sidewalks on Mitchell, Circle, Ruby and Nancy Street. The Committee requests that Alternative Transportation and Greenways monies fund the $105,098.63 needed for the sidewalk portion of this project. *Note: The Committee also realized that the stormwater component will be more expensive than indicated and authorized that any remaining funds be used for this purpose.
E. 2nd Street -- Woodcrest to 300' east (north side)	$34,300.00	$32,319.00	$1,981.00	This small project would fill-in the last missing stretch of sidewalk on both sides of East 2nd from College Mall Road to High Street, which sees high levels of vehicular and pedestrian traffic. Note: ATF funded design of this project in 2006. Note: This project was completed in 2008.
Henderson -- Thorton to Moody (east side)	$71,735.90	$49,405.90	$22,330.00	This will complete a missing link on the east side of Henderson and provide uninterrupted sidewalks and crossings on that side of the street for at least a mile.
High Street - Across from Childs School (west side)	$22,362.55	$21,078.05	$577.50	This project would create a continuous sidewalk on the west side of High Street across from Childs Schoo, which has the highest walk-in rates in the community. The sidewalk may also allow the City to eliminate one crossing guard. Note: This project was completed in 2008.
West 17th Street -- Lindberg to Arlington Park Drive (south side)	$52.077.21	$27,337.21	$0.00	A new development at the corner of W. 17th and Crescent Road led to this request. The total project should cost about $52,077.21, but the possible donation of right-of-way by abutting property owners and contribution of materials by the develo would lower the cost to the amount as listed here. Note: This project was completed in 2008.
Total:		**204,293.00**	**$87,368.50**	* Note: Any remaining ATF monies may be applied to the Henderson - Allen to Hillside project and any remaining CBU sidewalk/stormwater funds may be applied to Marilyn - Nancy to High Street. Also, using the estimates for CBU Sidewalk/Stormwater projects as presented in this chart and the carryover of $22,834.79 from 2007, there would be approximately $60,466.29 available for future CBU Sidewalk/Stormwater projects.

2007				
Site	Estimate	Recommendation		Comments
		ATF	USB Stormwater	
5th Street -- Overhill to Deadend (south side)	$262,685.80	$92,646.50	$29,344.60	This provides an east-west connection through the Greenacres Neighborhood. * Note: The Committee committed to dedicate 2008 ATF monies to complete this project if the sum allotted is insufficient. This is part of a larger initiative to improve the strech on 5th Street from Hillsdale to the deadend. CBU has dedicated $225,000 independent of the Sidewalk Committee for stormwater improvements in this area. Note: The 2-block egment from Hillsdale to the deadend was completed in 2008.
Henderson -- Allen to Hillside (west side)	unknown	$45,000.00		Director of Public Works, Susie Johnson, requested that the Committee partner with Public Works by providing $45,000 for the design cost of this project. This improvement is aimed at alleviating congestion and improving safety in this elementary school area.
Arden -- Windsor to High (south side)	$100,452.00	$47,353.50	$53,098.00	The neighbors met with Councilmember Rollo and wanted a sidewalk to help their kids get to High Street and Southeast Park. Note: This project was completed in 2007.
Total:		**185,000.00**	**$82,442.60**	

2006			
Site	Estimate	Recommendation	Comments
Queens Way, Sussex to High (south side)	$25,969.68	$25,969.68	This is the missing link, connecting High to Renwick.
Roosevelt, Fourth to Fifth (east side)	$127, 269.79 with curbs	$127,269.79	This ties in with the recent improvements made by Doug McCoy which made Roosevelt a through-street.
Arden – From High to Windsor (south side)	$59,486.72	$5,000 (design only)	This project provides a safe walk way for the neighborhood's many children to travel to a near-by school & park.
E. 2nd -- Woodcrest to 300' east (north side)	$31,574.66	$5,000 (design only)	This project is the missing link on the north side of the street from College Mall to the west. Justin suggested that in future years, the Committee might provide material and ask CBU to install.
11th Street– Washington to Lincoln (north side)	$60,151.41	$10,000 (design only)	
Maxwell -- Highland to Jordan (north side)	$65,658.98 with tree plot & piping	$5,000 (design only)	This 2-block project completes the missing link on Maxwell between Henderson & High.
Maxwell -- Jordan to Sheridan (north side)	$72,479.88 with tree plot & piping	$5,000 (design only)	This 2-block project completes the missing link on Maxwell between Henderson & High.
Total:		**$183,239.47**	

2005			
Site	**Estimate**	**Recommendation**	**Comments**
Maxwell Lane from Clifton Sidepath to High Street (north side)	$65,175.00	$65,175.00	Since 1999, the Committee has funded sidewalks on Maxwell Lane between Henderson and High Street. The first project was north of Bryan Park and ran from Henderson Street to Manor Road and connected to an existing sidewalk that runs to Jordan Avenue. The second project connected a sidewalk on Sheridan with the Clifton sidepath. This project would connect the latter sidewalk to High Street. The Committee recommended that a cross walk be placed on High (to connect with an existing sidewalk) and that sidewalk be placed to preserve trees, if that isn't possible, include a tree plot. **Note:** The project was rebid and completed in 2007 and was funded, in part, with the reappropriation of $34,000 in reverted funds .
Queens Way from Chelsea to Sussex (south side)	$35,729.00	$35,729.00	The Renwick developer will install a sidewalk on the south side of Queens Way from the new development to Monclair Avenue. The Committee received estimates for installing sidewalks the rest of the way to High Street ($83,700), funded the first leg between Montclair and Sussex in 2004.
Marilyn from Nancy to High Street (south side)	$155,216 (one block only)	$11,497.54 (design only)	This project begins completion of the western end of what's known as the Southeast Neighborhood Initiative. This initiative will eventually connect the walking/biking lane on Southdowns / Jordan with sidewalks at Covenanter / High Street. The City has already completed a sidewalk from Mitchell / Southdowns to Ruby / Nancy Street, and Nancy Street from Ruby to Marilyn Dr This allocation funds design costs and gives staff an opportunity to determine whether there are storm water costs that might be borne by CBU. One more leg on Southdowns from Jordan to Mitchell would complete this initiative. Note: This project was completed in 2007.
Roosevelt from 4th to 5th (east side)	$86,340.00	$6,395.62 (design only)	This is a new project that would complement new private development on Roosevelt that will make it a through-street and include a sidepath on 4th Street. The estimate for the project is $86,340 and this recommendation funds the design costs.
Total:	**$187,244.00**		

2004			
Site	**Estimate**	**Recommendation**	**Comments**
Sidewalk Project - 10th Street for 350 feet West of Grandview (south side)		$45,000.00	The Council funded this proejct in 2003 and approximately $6,344 was spent that year on designing the sidewalk and acquiring right-of-way, but the remaining funds were not encumbered for its construction. The Committee recommends using unspent a unencumbered funds from previous years to fund this project.
Sidewalk Project - Nancy Street from Ruby Lane to Marilyn Drive (west side)	$45,628.00	$45,628.00	The Committee recommended funding this segment of the larger South East Neighborhood Initiative. That initiative first received funding in 2002 (see below).
Sidewalk Project - Jefferson Street between 7th and 8th (east side)	$114,000.00	$114,000.00	The Committee recommended funding this first segment of the larger Jefferson Street project, which has been designed as a result of previous funding in 2002 (see below). This segment, unlike the others, does not require a large complement of storm water funds.
Sidewalk Project - Winfield Road from Fairoaks to existing sidewalk just south of Rechter (east side)	$45,096.00	$27, 000 (+$18,096 from Wininger/Stolberg)	The Committee recommended funding this project in concert with the developer of the Renwick PUD (Wininger / Stolberg) who has offered to pay for the cost of materials (approximately $18,096).
Sidewalk Project - Queens Way from Montclair Avenue to Chelsea Court (south side)	$22,139.00	$22,139.00	The Committee recommended funding this and the previous project in order to have sidewalks in place before the Renwick PUD gets well under way.
Total:		**$253,767.00**	This amount includes $151,000 of funds appropriated for sidewalks this year and unspent monies from previous years. If there are not enough monies in the Alternative Transportation Fund in 2004, then the Committee will need to decide whether to recommend use of 2005 funds for these purposes.

2003			
Site	Estimate	Recommendation	Comments
Sidewalk Project - East 5th Street from 1 block east of Overhill (deadend) to Overhill.	$255,596.00	$52,597.00	On 6/18/03, the Council approved the Committee recommendation to allocate $52,597 contingent upon the availability of storm water funds.
Sidewalk Project - 10th Street for 350 feet west of Grandview Drive (south side)	$43,975.00	$43,975.00	
Sidewalk Project - Walnut Street from Bank One (Country Club/Winslow) to Hoosier Street (west side)	$104,354.00	$63,427.00	On 6/2/03 the Committee recommended allocating the remaining funds ($63,427) to this project and discussed ways to reduce its cost.
Total:		**$159,999.00**	

2002			
Site	Estimate	Recommendation	Comments
Sidewalk Project - Southdowns from Jordan and along the north side of Circle and Ruby lane to Nancy Street.	$148,000.00	$108,731 (+ $39,000 from Greenways)	The original estimate was for a sidewalk on the north side of the street, but the Engineering staff and neighborhood preferred south side at estimated cost of $129,000 (and an additional $19,000 for the leg from Jordan to Mitchel). On 6/19/02 the Council allocated $59,547 for this project and, as noted below, on 12/18/02, the Council voted to shift $49,184 from the East 2nd Street project to this one as well. On May 8, 2003 the Greenways group agreed to fund the remaining $39,000.
Design for sidewalk and storm water project - Jefferson Street from East 3rd to East 10th Street.	$27,840.00	$27,840.00	
Design for sidewalk and stormwater project - East 5th Street from 1 block east of Overhill to Union.	$28,832.00	$28,832.00	
Streetscape Plan - East 2nd from High Street to College Mall Road.	$49,184.00	$0.00	On 12/18/02 the Common Council voted to shift these funds ($49,184) to the Ruby Lane project (above)
Sidewalk design - East Allen from Lincoln to Henderson Street	$4,000 - $8,000	$7,400.00	
Total:	**about $160,000**	**$172,803.00**	

*** Amendment Form ***

Ordinance #: Ord 16-03

Amendment #: Am 02

Submitted By: Council Office

Date: March 18, 2016

Proposed Amendment:

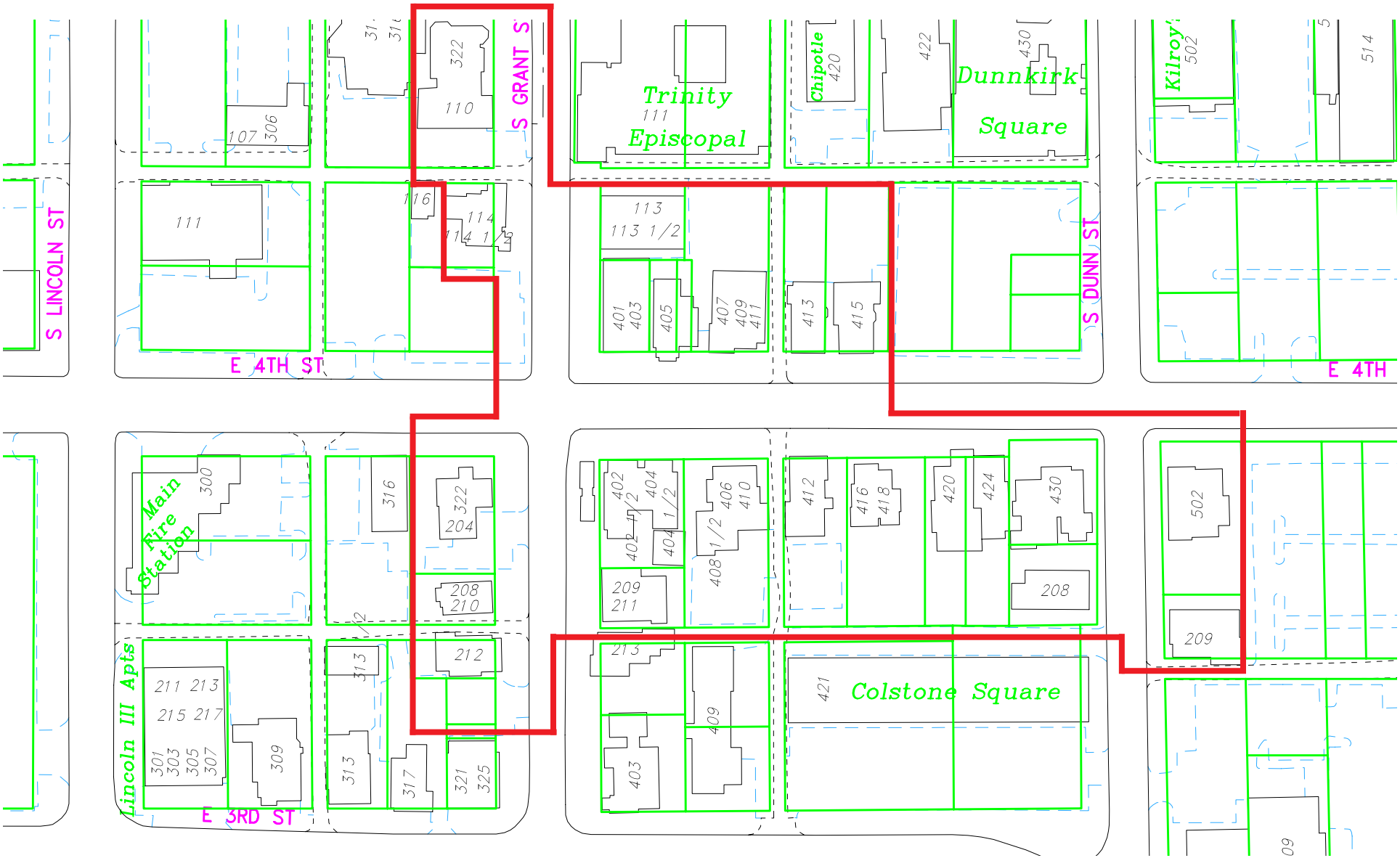
1. Ord 16-03 shall be amended to substitute a revised map for the Greater Restaurant Row Historic District which is attached to this amendment.

Synopsis

This amendment would insert a revised map for this historic district to remove the Trinity Episcopal Church at the northeast corner of Kirkwood and Grant. It is coming forward from the Historic Preservation Commission which met on March 15th to consider and recommend this change.

3/9/16 Committee Action: None
3/23/16 Regular Session Action: Pending

(March 18, 2016)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Trinity Episcopal
Chipotle
Dunnkirk Square
Kilroy
Main Fire Station
Lincoln III Apts
Colstone Square
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RESOLUTION 16-03

OPPOSING GOVERNOR PENCE'S ACTIONS TO WITHHOLD SUPPORT FROM SYRIAN REFUGEES
AND
WELCOMING SYRIAN REFUGEES TO OUR STATE AND OUR COMMUNITY

WHEREAS, Bloomington is a community that strives to cultivate, nurture, and protect diversity. Difference strengthens our community and enriches our collective quality of life; and

WHEREAS, Bloomington is a community that does not tolerate hate. Instead, it is the codified policy of the City that prejudice, intolerance and discriminatory practices, including discrimination based on race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran is "contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the [C]ity;"[1]and

WHEREAS, Bloomington has a long history of responding to hate and intolerance with a strong and unwavering respect for, and commitment to, diversity; and

WHEREAS, Bloomington is a welcoming community. Through City initiatives such as our Human Rights Commission and Safe and Civil City Program, and through the many efforts of our citizens, together, we work to ensure that Bloomington is a safe place that embraces all visitors and residents; and

WHEREAS, the conflict in Syria has caused enormous human suffering; and

WHEREAS, as of mid-February 2016, more than 470,000 Syrian civilians have been killed since the start of conflict in that country in March 2011. More than 13.5 million Syrians need humanitarian assistance; and more than 4.6 million have been forced to leave their country and seek refuge in other countries, making the Syrian catastrophe one of the worst humanitarian crises since World War II. Following peaceful protests calling for democracy and for the respect of human dignity, the Assad regime and ISIS/Daesh exacted wide-spread violence. As a result, Syrians fled this death and destruction[2]; and

WHEREAS, in response, President Obama announced that the United States will increase the number of Syrian refugees admitted to the United States by at least 10,000 in the 2016 fiscal year, noting that the men, women, and children who are approved for resettlement in the United States are fleeing persecution and "want nothing more than a chance for a safer, better future for themselves and their families," no different than other immigrants;[3]and

WHEREAS, As made clear in statements by both the former U.S Secretary of Homeland Security, Janet Napolitano and former Commissioner for the U.S. Immigration and Naturalization Service, Doris Meissner, "only refugees who have been identified as the most vulnerable -- particularly, survivors of violence and torture, those with severe medical conditions, and women and children -- are permitted even to begin the U.S screening process."[4] All refugees who are candidates for resettlement in the U.S. must undergo a rigorous and thorough vetting process involving multiple agencies of the federal government. What's more, Syrian refugees are subject to additional security screening -

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[1] *Bloomington Municipal Code* §2.21.020
2 Anne Barnard. "Death Toll From War in Syria Now 470,000, Group Finds." *New York Times*, February 11, 2016.
3 "Obama calls on Americans to welcome Syrian refugees as latter-day Pilgrims." *The Guardian*, November 26, 2016.
[4] *Exodus Refugee Immigration, Inc. v Pence and Wernert*, Case No: 1:15-cv-01858-TWP-DKL, Declarations of Doris Meissner at 2 and Janet Napolitano at 1.

- a process that takes between 18 and 24 months before refugees can settle in the U.S.[5] Jana Mason, senior adviser to the United Nations High Commissioner for Refugees, stated, "Of all the categories of persons entering the U.S., these [Syrian] refugees are the single most heavily screened and vetted."[6] Indeed, half the Syrian refugees accepted by the U.S. thus far have been children;[7] and

WHEREAS, in the wake of terrorist attacks in November 2015 in Paris and other parts of the world, governors across the United States issued calls to halt resettlement of Syrian refugees in their States; and

WHEREAS, on November 16, 2015, Indiana Governor Mike Pence announced that he was directing Indiana State agencies to "suspend the resettlement of additional Syrian refugees," later clarifying that Indiana will cease making payments under the Refugee Social Services Program for services provided to Syrian refugees; and

WHEREAS, the Governor's stated intent of this directive was to "ensure the safety and security of all Hoosiers;" and

WHEREAS, the State is not proposing to withhold payments to refugees from other countries; and

WHEREAS, in response to Governor Pence's directive, on November 23, 2015 the American Civil Liberties Union of Indiana filed for declaratory and injunctive relief on behalf of Exodus Refugee Immigration, Inc. The suit alleged that the actions of the State violate the Equal Protection Clause of the 14th Amendment of the U.S Constitution and Title VI of the Civil Rights Act of 1964, and that immigration is the exclusive province of the federal government. On February 11, 2016, the United States filed a *Statement of Interest* in the case, asserting that the State's actions are unconstitutional and violate Title VI and the Refugee Act of 1980; and

WHEREAS, the Refugee Social Services Program is a federally-funded grant program established under the Refugee Act of 1980, 8 U.S.C. §1522 which provides services such as job training, child care, and English-language training; and

WHEREAS, the Refugee Act of 1980 requires States to provide "assistance and services . . . to refugees without regard to race, religion, nationality, sex, or political opinion" 8 U.S.C. §1522(a)(5); and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination based on "race, color, or national origin" in any "program or activity receiving federal financial assistance" 42 U.S.C. §2000d; and

WHEREAS, under the Equal Protection Clause, a regulatory classification that classifies by national origin is unlawful unless the State can demonstrate that the government action taken is a measure that is narrowly tailored and serves a compelling government interest; and

WHEREAS, cutting off or reducing Refugee Social Services Program grant funds discriminates against Syrian Refugees based on national origin; and

WHEREAS, denying services such as job training, child care, or English-language training to Syrian refugees is unlikely to advance any compelling interest in public safety; and

WHEREAS, denying these services could risk future harm if refugees are not afforded the necessary tools to adjust to life in the U.S.; and

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5 The White House, "The Screening Process for Refugee Entry into the United States," November 20, 2015.
6 Alex Altman, "This is How the Syrian Refugee Screening Process Works," *TIME*, November 17, 2015.
7 Carol Morello, "Three Important Facts About How the US Resettles Syrian Refugees," *Washington Post*, November 17, 2015.

WHEREAS, on February 29, 2016, the U.S. District Court for the Southern District of Indiana found that the Governor's directive constituted discrimination based on national origin in violation of the Equal Protection Clause; as a consequence, the court issued a preliminary injunction prohibiting the State of Indiana from taking any action to interfere with or attempt to deter the settlement of Syrian refugees in Indiana; and

WHEREAS, the District Court held that, "[t]he State's conduct clearly discriminates against Syrian refugees based on their national origin. Although the State says it has a compelling reason for doing so – the safety of Indiana residents—the withholding of federal grant funds from Exodus that it would use to provide social services to Syrian refugees in no way furthers the State's asserted interest in the safety of Indiana residents;"[8] and

WHEREAS, the day after the District Court handed down its order, Governor Pence indicated that he has ordered the State's Attorney General to appeal the decision with vigor, stating that, "during these uncertain times, we must always err on the side of caution." The State filed its *Notice of Appeal* on March 8, 2016; and

WHEREAS, Governor Mike Pence's refusal to extend certain federal benefits to Syrian refugees and the silence of Indiana leaders in the face of the Governor's decision have fostered a climate of unfounded fear, xenophobia, and violence against Syrians, Muslims, and those perceived to be such; and

WHEREAS, the perception of Syrians and Muslims as "dangerous," "violent," and otherwise depraved is a misguided Western construct. Such representations are reckless, obscure our common humanity, and trigger violence against the innocent. Such representations are made even more egregious when communicated by those with great influence over public perception, such as the media, elected officials, and political candidates; and

WHEREAS, Historically, such confused rhetoric and violence are amplified after an act of terrorism. Indeed, since the Paris attacks, Muslims and Islamic centers across the country have been subjected to threats, attacks, and vandalism. In the space of one month, such violence increased three-fold across the nation, with 38 reported incidents between mid-November and mid-December of 2015. These crimes include physical attacks against Muslim children as young as six years old, targeting of Islamic Centers, and threats against Muslim Americans through the use of guns and knives.[11] In Indiana, the Islamic Society of North America in Plainfield was vandalized in February 2016. In Bloomington, one of our own community members was subjected to Islamophobic violence in front of the Sofra Café; and

WHEREAS, Bloomington is a welcoming place and historically, Indiana was once too. As the home of Hoosier Hospitality, Indiana is missing an opportunity to be hospitable, to be compassionate, and to be informed. This is an opportunity to work collectively to overcome misunderstandings about Syrians and Muslims. In Michigan City, the home of the state's oldest mosque, the City Council recently passed a resolution condemning increased attacks on Muslims and upholding respect for the Muslim religion. Likewise, all Indiana leaders should uphold respect for civil liberties and civil rights instead of fanning the flames of fear. We must not trade our humanity for a false notion of security; and

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[8] *Exodus Refugee Immigration, Inc. v Pence and Wernert*, Case No: 1:15-cv-01858-TWP-DKL, Order Granting Plaintiff's Mot. for Prelim. Injunct., Mar. 29, 2016 at 34-35.

[11] Eric Lichtblau, "Crimes Against Muslim Americans and Mosques Rise Sharply," *The New York Times*, December 17, 2015.

WHEREAS, Accepting refugees may ultimately benefit, and not tax, Indiana's economy. A study of refugee resettlement in Cleveland, Ohio found that most refugees found jobs within five months of resettlement. The study also demonstrated that refugees were more likely than their native-born counterparts to be successful entrepreneurs, stimulating the local economy by opening new businesses.[12] Finally, it concluded that in 2012 refugees cost Cleveland $4.8 million but generated $48 million in economic growth, a multiplier effect of 10.

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

SECTION 1. The City of Bloomington opposes Indiana Governor Pence's stated intent (via appeal) to continue his directive to withhold payments from refugee resettlement agencies for services provided to Syrian refugees under the Refugee Social Services Program.

SECTION 2. The City of Bloomington is committed to nurturing and increasing diversity and to the care of vulnerable populations. It is in this spirit we welcome refugees to our community.

SECTION 3. The City of Bloomington is committed to the alleviation of human suffering and to meaningful dialogue among and between all residents.

SECTION 4. The City of Bloomington calls upon members of our community to express their opposition to Governor Pence's actions, and to work to support the safe resettlement of refugees throughout the State.

SECTION 5. The Bloomington City Council directs the Clerk to send a copy of this resolution to the Governor of Indiana, Speaker of the House, President Pro-Tempore of the Senate, and Assembly members representing districts touching the City, the President of Indiana University, and leaders of other municipalities around the State as deemed appropriate.

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

_____
ANDY RUFF, President
Bloomington Common Council

ATTEST:

_____
NICOLE BOLDEN, Clerk
City of Bloomington

[12] Chmura Economics and Analysis. "Economic Impact of Refugees in the Cleveland Area." 2013.

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 resolution is sponsored unanimously by the Council. The measure opposes Governor Pence's actions to withhold support from Syrian refugees and welcomes Syrian refugees to our State and our community. The resolution documents the widespread suffering of Syrians, the unconstitutional nature of the Governor's actions, the rigorous process through which prospective Syrian refugees are vetted, and the systemic rhetoric that confuses Syrians and Muslims with terrorists. Asserting that such rhetoric is irresponsible, the resolution points out that Bloomington is a welcoming community with a long history of responding to hate with an unwavering commitment to diversity and human rights. The resolution maintains that the City of Bloomington is committed to the alleviation of human suffering and to meaningful dialogue among and between residents. The measure calls upon members of the community to express their opposition to Governor Pence's actions and for the City Clerk to send a copy of the Governor of Indiana, Speaker of the House, President Pro-Tempore of the Senate, and Assembly members representing districts touching the City, the President of Indiana University, and leaders of other municipalities around the State as deemed appropriate.

City of Bloomington
Common Council

Memorandum

To: City Council Members

From: Isabel Piedmont-Smith, Council Member, District 5

Subj: Resolution 16-03: *Opposing Governor Pence's Actions to Withhold Support from Syrian Refugees and Welcoming Syrian Refugees to Our State and Our Community*

Date: March 17, 2016

On November 13, 2015, terrorist attacks killed 130 people and injured 368 more in Paris. Three days later, Indiana Governor Mike Pence declared that he would seek to halt efforts to settle any refugees from Syria in our state. By November 19, according to CNN, 31 governors had made similar declarations, citing concern for the security of their residents. On November 20, the US Conference of Mayors issued a statement to the US House and Senate. "Speaking on behalf of many if not most of the nation's mayors, the letter reiterated the Conference's support for the federal refugee resettlement program—and the benefits that refugees and immigrants bring to cities."[1]

Resolution 16-03 builds a logical argument through its successive clauses as to why the City of Bloomington should go on record as welcoming Syrian refugees and opposing Governor Pence's November declaration and his continued withholding of federal pass-through funds for Syrian refugees who could be settled in Indiana by non-profit agencies. To summarize in simplified terms:

1. Bloomington welcomes diversity and does not tolerate hate, both as a community and a city government.
2. The Syrian refugee crisis is a humanitarian disaster of epic proportions, with over 4.6 million unwillingly leaving their home country for fear of death, rape, and/or torture.
3. Syrian refugees undergo more thorough vetting by federal agencies than any other refugees.

[1] http://www.citylab.com/politics/2015/11/governors-who-dont-want-syrian-refugees-versus-mayors-who-are-asking-to-take-more/416718/

4. Governor Pence has decided that Indiana will not make payments to Syrian refugees under the federal Refugee Social Services Program, which provides money for English classes, job training and child care.
5. The ACLU of Indiana, on behalf of Exodus Refugee Immigration, filed for an injunction to stop the Governor from withholding funds on Nov. 23, 2015, and on Feb. 29, 2016 the US District Court found the Governor's actions violated the Equal Protection Clause of the Constitution since it singled out a group due to national origin.
6. The Governor ordered the state's attorney general to appeal the decision, which he did on March 8, 2016.
7. Meanwhile, during the same period, November 2015 through February 2016, attacks on Muslims in the US have increased, including in Indiana. While our political leaders could work to quell bigotry against Muslims they instead fan the flames by equating Muslims, and in particular Syrians, with terrorism.
8. Therefore, we should speak out against the Governor's position, reject negative stereotypes of Syrians and other Muslims, and embrace the settlement of diverse peoples in Bloomington and Indiana, who in the long run enrich our communities both culturally and, as studies have shown, economically.

In sum, Governor Pence reacted in fear to the Paris terrorist attacks, whose only connection to refugees trying to enter the US from Syria was their basic religious affiliation (all perpetrators held European Union passports[2]). Fear, rather than reason, guided his actions and enforced the misguided notion among many Hoosiers that all Muslims are terrorists. We must speak out against this bigotry and against the harmful, illogical actions of our state's top leader. Resolution 16-03 accomplishes this goal.

Through this resolution, Bloomington would join several other cities across the country that have passed resolutions in support of Syrian refugees. Among these are Durham, NC; Olympia, WA; Cleveland; Chicago; Northampton, MA; and East Lansing, MI. In addition, other cities have passed resolutions condemning bigotry and hateful acts against Muslims, such as Seattle; Michigan City, IN; Syracuse, NY; and Beaverton, OR.

We are very fortunate to have had the invaluable help of three IU graduate students in drafting this resolution and learning about the legal and cultural contexts of the arguments therein. I would like to thank Denisa Jashari, Amanda Lanzillo, and Julia Strzeszkowski for bringing the idea to Council Members, conducting background research, and working on the final language. I would also like to thank my Council colleagues Dorothy Granger and Susan Sandberg for collaborating on this resolution. And of course Stacy Jane Rhoads in the Council Office was, as always, essential in pulling the text together.

I hope to gain your support for Resolution 16-03. If you have any questions, please feel free to contact me.

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[2] http://www.theguardian.com/world/2015/nov/20/eu-ministers-order-tighter-border-checks-in-response-to-paris-attacks

Suggested reading

as excerpted by Indiana Graduate Students
Denisa Jashari, Amanda Lanzillo, and Julia Strzeszkowski,
founding members of *Bloomington Against Islamophobia!*

American Civil Liberties Union of Indiana
Feb 29, 2015
Federal Court Denies Indiana's Effort to Prevent Resettlement of Syrian Refugee Families
Indianapolis –

Today a federal judge awarded a preliminary injunction to Exodus Refugee Immigration in a case brought by the resettlement agency, represented by the American Civil Liberties Union of Indiana and ACLU national. The order prohibits the State of Indiana from taking any actions to interfere with or attempt to deter the resettlement of Syrian refugees by Exodus in Indiana, including by withholding funds and services due Exodus and the refugees it serves.
…

The lawsuit, filed in November on behalf of Exodus Refugee Immigration, Inc., sought the injunction to stop the governor from taking any actions to suspend, block or withhold aid from refugees or from Exodus. Exodus is a nonprofit corporation that receives federal money through the state's Office of Refugee Programs, located within the Family and Social Services Administration, to assist in resettlement of federally approved and screened refugees. The funds are used to assist with employment training, English language education and other services.

"This ruling puts the brakes on Governor Pence's end run around the Constitution. No state can unilaterally ban a group of refugees that has been vetted and admitted by the federal government. By trying to block Syrian families based solely on their nationality, Indiana is flouting federal law, the U.S. Constitution, and our fundamental American values of providing refuge for families fleeing war and violence," said Judy Rabinovitz, deputy director of the ACLU's Immigrants' Rights Project.

Exodus has settled 892 refugees, including some from Syria, in the past fiscal year, and is projected to settle approximately that number in 2016, including 19 Syrians approved for refugee status by the federal government that have been placed with Exodus.

The decision, Exodus Refugee Immigration, Inc. v. Mike Pence, et al., Case 1:15-cv-01858-TWP-DKL was entered in the U.S. District Court for the Southern District of Indiana, Indianapolis Division, on February 29, 2016.

(View the Feb. 29 injunction at: https://www.aclu.org/legal-document/exodus-refugee-immigration-inc-v-mike-pence-et-al-order-granting-plaintiffs-motion)

Extract from: **Economic Report on Refugees in the Cleveland Area, 2012**

(Prepared for Refugee Services Collaborative of Greater Cleveland by Chmura Economics and Analysis)

While there is foremost a humanitarian aspect to welcoming refugees—people fleeing their home countries in fear of persecution—there is also an economic side as well. This report shows that the economic impacts of resettled refugees can be substantial, especially in a region such as Greater Cleveland, which has been struggling with issues related to population loss.

Approximately 598 refugees were resettled in the Cleveland area in 2012 and a total of 4,518 refugees from 2000 to 2012.

The number of refugees arriving per year declined after 2001 reflecting the intensified scrutiny for immigrants and refugees to the United States following the September 11 terrorist attack. The refugee resettlement activities, however, have rebounded since hitting a low in 2006. In each of the last three years, the Cleveland area took in more than 400 refugees. Since 2000, countries providing the most refugees to the Cleveland area have been Bhutan, Ukraine, Burma, and Somalia. While the city of Cleveland welcomed more refugees in 2012 than the cities of Toledo or Detroit, it trailed other neighboring large cities including Columbus, Akron, Pittsburgh, and Buffalo.

In advanced economies, once refugees have adjusted to their new life after resettlement, they can provide substantial contributions to the workforce and economic development in the long run at the regional level.

Research provides evidence that refugees are highly motivated and wish to give back to their host country. Refugees are more likely to be entrepreneurial and enjoy higher rates of successful business ventures compared to natives. The literature also supports the argument that immigrants in general do not take jobs away from natives and that the diversity of skilled immigration can positively impact the income and productivity of welcoming nations. At the local level, refugees provide increased demand for goods and services through their new purchasing power and can be particularly revitalizing in communities that otherwise have a declining population.

Refugees placed in the Cleveland area typically find employment within five months of their arrival in the country despite the fact that many lack English proficiency.

Within the first few years of resettlement, refugee labor market participation rates and incomes

increase substantially while reliance on government assistance drops. Moreover, studies indicate that second generation refugees are high-achievers in both education and employment. The case studies in this report bear witness to these effects.

The member organizations of the Refugee Services Collaborative of Cleveland spent an estimated total of $4.8 million on refugee services in 2012.

Of these expenditures, $2.5 million was paid as wages and salaries to staff members of the refugee organizations and $1.1 million was spent to purchase supplies and services for refugees such as food, clothing, and transportation. It is estimated that 95 of the staff members worked in refugee services organizations in 2012 in positions directly related to or dependent upon refugee services. … The preponderance of funding for these organizations is derived from federal sources.

The total economic impact of refugees in the Cleveland area is estimated at $48 million and 650 jobs in 2012.

The impact of refugees is measured from three sources: household spending of the refugee families, refugee-owned businesses, and refugee service organizations…

Survey results indicated that over the last ten years at least 38 businesses were started by refugees in the Cleveland area with a total of 141 employees (including owners). In addition, it is estimated that almost all of those employed by refugee-owned businesses are refugees themselves. These businesses contributed a total impact of 175 jobs and $12 million in spending in the Cleveland area in 2012.

(Continued at: http://rsccleveland.org/wp-content/uploads/2013/10/ClevelandRefugeeEconomicImpactReport.pdf)

Extract from: **The Objectification of Muslims in America**
(The Atlantic, November 22, 2015. By Managing Editor Emma Green)

The first Muslims who came to the United States were likely African slaves. Later, in the middle of the 19th century, Muslims emigrated from the territories that would become Syria and Lebanon and settled in places like Ohio and Michigan. They arrived around the same time as many Jews from Eastern Europe, and just a few decades after many Catholics came from Ireland.

And yet, discussions about Muslims in the United States are not the same as most discussions of Catholics or Jews or other religious minorities. It has been a little more than a week since the attacks in Paris, claimed by the Islamic State; it has been two days since attacks in Mali, in which hostages were reportedly asked to recite the Shahada, Islam's testament of faith, in order to be let go. This kind of extreme violence seems to serve as the unspoken backstory for public comments by politicians and articles in the media. Muslims—whether they've been in the U.S. for generations or for just a few years; whether they're white or South Asian or of Arab descent; whether they're practicing or lapsed or somewhere in between—are often considered as a mass, and mostly in relation to terrorism.

This elision has tangible consequences. Donald Trump suggests that all Muslims in the U.S. should be registered, apparently in all seriousness. Congress moves to halt assistance and resettlement for refugees fleeing Syria and Iraq. Communities from Houston to Tampa to Omaha report threats and defacement of mosques. Students experience Islamophobia on their campuses. Passengers refuse to get on flights with people who look Muslim. Ben Carson likens violent extremists to "rabid dogs."

It's easy, and probably politically savvy, to wave away anti-Muslim sentiment with rhetoric about security and radicalization, as almost all the GOP presidential candidates have done. But the backlash against Muslims isn't a temporally limited flare-up, tied only to recent violence and set to die down once the memories of Paris fade. No matter how tightly they wrap themselves in the American flag, Muslims are largely seen as other in the United States—not just now, but all the time....

Muslims are fundamentally not American, or need to prove themselves American: This is the latent idea lurking in most calls for Muslims to speak out or do some self-searching or acknowledge that ISIS also draws from Islamic texts. It is the basis for rejecting Muslim refugees, no matter how deftly politicians try to hide behind the excuse of "security." And it is the dog whistle behind rhetoric from Trump, Carson, and others—Americans should fear Muslims, no matter how diverse and radically different from ISIS most members of that group may be.

It is, in a word, bigotry, and while it's clearly visible right now, it is an everyday fact of Muslim identity in American life.

(More at: http://www.theatlantic.com/politics/archive/2015/11/paris-attacks-muslims-america-trump/417069/)

Coverage of the most recent Islamophobic attacks in Indiana

Via RTV 6: Indianapolis

March 3, 2016, by Mike Pelton, Matt McKinney, Derrik Thomas

The headquarters of the Islamic Society of North America in Plainfield was vandalized Sunday morning.

According to a spokesperson for the Plainfield Police Department, three suspects were seen on camera just before 7 a.m. Sunday morning. No one is in custody…

The writings had profanity, racial epithets and references to suicide bombings and ISIS. The FBI has opened a hate crimes investigation.

Somebody saw a truck drive away from the building around that time, but didn't think anything of it, Hazem Bata, the Secretary General of the ISNA said.

Bata also thanked the people who committed the crime.

"I want to thank the vandals for highlighting the fact that the bonds between Muslims and their fellow Americans and the bonds between Muslims and their brothers and sisters in other faiths is stronger than the bond between spray paint and brick. The spray paint is already gone. It's washed away. But our partners are still here. And they're not going anywhere. ... We want to thank the vandals for enabling us to see friends and interfaith partners who otherwise we probably wouldn't have seen for many, many months."

…

"If you're going to bother to drive all the way to a mosque, walk up to the front door. Instead of spray painting the wall around the front door, just try knocking instead. We will gladly open our doors to you. We will invite you in. We will answer any questions you have. More than likely, we're going to feed you some really good kebabs and biryani. We're going to break bread together. And you'll walk away with a full stomach, as well as having learned something about your fellow Americans, and probably having made some new friends, rather than having committed a crime."

(For more, see: http://www.theindychannel.com/news/local-news/islamic-society-of-north-america-plainfield-headquarters-vandalized)

BLOOMINGTON HUMAN RIGHTS COMMISSION
RESOLUTION 2016-1

WHEREAS, the conflict in Syria has generated enormous human suffering and is one of the greatest refugee crisis in recent history; and

WHEREAS, in response, President Obama announced that the United States will increase the number of Syrian refugees admitted to the United States by at least 10,000 in the 2016 fiscal year; and

WHEREAS, on November 15, 2015, Indiana Governor Mike Pence announced that he was directing Indiana State agencies to "suspend the resettlement of additional Syrian refugees," later clarifying that Indiana will cease making payments under the Refugee Social Services Program for services provided to Syrian Refugees; and

WHEREAS, the intent of this directive was to "ensure the safety and security of all Hoosiers;" and

WHEREAS, the State is not proposing to withhold payments to refugees from other countries; and

WHEREAS, the Refugee Social Services Program is a federally-funded grant program established under the Refugee Act of 1980, 8 U.S.C. §1522 which provides services such as job training, child care, and English-language training; and

WHEREAS, The Refugee Act of 1980 requires States to provide "assistance and services . . . to refugees without regard to race, religion, nationality, sex, or political opinion" 8 U.S.C. §1522(a)(5); and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination based on "race, color, or national origin" in any "program or activity receiving federal financial assistance" 42 U.S.C. §2000d; and

WHEREAS, under the U.S Equal Protection Clause U.S. Const. amend. XIV, § 1, a regulatory classification that classifies by national origin is presumed invalid; and

WHEREAS, cutting off or reducing Refugee Social Services Program grant funds discriminates against Syrian Refugees based on national origin; and

WHEREAS, denying services such as job training, child care, or English-language training to Syrian refugees is unlikely to advance any compelling interest in public safety; and

WHEREAS, the Bloomington Human Rights Commission declares that prejudice, intolerance and discriminatory practices, including discrimination based on national origin, directly and profoundly threaten our collective rights and freedom.

NOW THEREFORE, the Bloomington Human Rights Commission resolves that it supports the Bloomington Common Council's effort to oppose Governor Pence's actions and to declare that our community is one that supports welcoming Syrian refugees into our State.

Adopted this 22nd day of February, 2016.

BLOOMINGTON HUMAN RIGHTS COMMISSION

In favor	Opposed
Byron Bangert	Byron Bangert
Carolyn Calloway–Thomas	Carolyn Calloway–Thomas
Valeri Haughton-Motley	Valeri Haughton-Motley
Pete Giordano	Pete Giordano
Beth Applegate	Beth Applegate
Drew Larabee	Drew Larabee
William Morris	William Morris

PRESCRIBED BY DEPT OF LOCAL GOVERNMENT FINANCE
Budget Form No.4 (Rev 2011)
FORM APPROVED BY STATE BOARD OF ACCOUNTS

APPROPRIATION ORDINANCE 16-02 - ADDITIONAL APPROPRIATION FOR BLOOMINGTON TRANSPORTATION CORPORATION FOR 2016
(For New Transit Buses, Hardware/Software, and a Truck)

WHEREAS, It has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget; now, therefore:

Be it ordained by the BLOOMINGTON COMMON COUNCIL that for the expenses of BLOOMINGTON TRANSPORTATION the following additional sums of money are hereby appropriated out of the fund named and for the purposes specified, subject to laws governing the same:

Fund Name: Transit Fund

Budget Class IV - Capital Outlays	$ 1,926,500
TOTAL for Transit Fund:	$ 1,926,500

Adopted the 6th day of April, 2016.

Name	(circle one)			Signature
Andy Ruff, President	Aye	Nay	Abstain	
Susan Sandberg, Vice President	Aye	Nay	Abstain	
Steve Volan, Parliamentarian	Aye	Nay	Abstain	
Allison Chopra	Aye	Nay	Abstain	
Dorothy Granger	Aye	Nay	Abstain	
Tim Mayer	Aye	Nay	Abstain	
Isabel Piedmont-Smith	Aye	Nay	Abstain	
Dave Rollo	Aye	Nay	Abstain	
Chris Sturbaum	Aye	Nay	Abstain	

ATTEST:

Name	Title	Signature
Nicole Bolden	City Clerk	

MAYOR ACTION *(For City Use Only)*

Name	Circle One		Signature	Date
	Approve	Veto		
John Hamilton				

CERTIFIED COPY OF ADDITIONAL APPROPRIATION

State Form 55819 (R2 / 12-15)
PRESCRIBED BY THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE

NOTE: If reporting an additional appropriation of bond proceeds, complete only Sections I and III; and A, B, and C of Section II.

Section I

UNIT NAME: Bloomington Public Transportation Corporation — Unit Number:

COUNTY NAME: Monroe — County Number: 53

Date of Publication *(month, day, year)*: 3/26/2016 — Newspaper Name: Herald-Times

Date of Publication *(month, day, year)*: N/A — Newspaper Name: N/A — Date Received *(month, day, year)*:

Date of Public Hearing *(month, day, year)*: 4/6/2016

Date of Resolution/Ordinance *(month, day, year)*: 4/6/2016 — Order Number:

Section II

Complete for each fund from which the additional appropriations are made. Use a separate column for each fund.
Lines referred to below are on the Fund Report issued by the Department.

A. **DLGF** Fund Number	8001			
B. Fund Name	Special Tran General			
C. Appropriation Amount Requested	$1,926,500.00			
D. Amount by Reduction *(Enter as a positive number.)*	$0.00			
E. Net Amount of Increase *(C minus D)*	$1,926,500.00	$0.00	$0.00	$0.00
1. Property Tax Levy (Line 16)	$1,173,755.00			
2. Levy Excess (Line 15)	$143.00			
3. PTRC from CAGIT (Line 13A)	$0.00			
4. LOIT Levy Freeze Amount (Line 13B)	$0.00			
5. Misc. Revenue (Line 8B) *(If higher than 8B amount, a revised Budget Form 2 must be attached.)*	$9,935,687.00			
6. January 1 Cash Balance *(Include investments.)*	$4,684,561.00			
7. Subtotal of Funds *(Add 1 thru 6.)*	$15,794,146.00	$0.00	$0.00	$0.00
8. Less Circuit Breaker				
9. Total Funds *(7 minus 8.)*	$15,794,146.00	$0.00	$0.00	$0.00
10. DLGF Approved Budget (Line 1)	$9,222,674.00			
11. Encumbered Appropriations Carried Forward From Previous Year	$1,026,974.00			
12. Temporary Loans Outstanding as of January 1	$0.00			
13. Beginning Obligations *(Add 10 thru 12.)*	$10,249,648.00	$0.00	$0.00	$0.00
14. Surplus Funds *(9 minus 13.)*	$5,544,498.00	$0.00	$0.00	$0.00
15. Previous additional appropriation(s) approved since January 1, less any reductions in appropriations.	$0.00			
16. Amount transferred to the Rainy Day Fund (Note #1)	$0.00			
17. Surplus Funds Remaining *(14 minus 15 minus 16.)*	$5,544,498.00	$0.00	$0.00	$0.00

Note #1: Do not use this line for additional appropriations for the rainy day fund. Transfers to the rainy day fund are miscellaneous revenues in the rainy day fund.

Section III

I, CHRISTA BROWNING fiscal officer of BLOOMINGTON TRANSIT, do hereby certify that the above information is true and correct.

Dated this 6th day of APRIL, 20 16.

Christa Browning — Controller
Signature — Title

130 West Grimes Lane — 812-332-5688
Unit Mailing Address *(number and street)* — Telephone Number

Bloomington, IN 47403 — browninc@bloomingtontransit.com
City, State and ZIP — Email Address

Prescribed by the Department of Local Government Finance
Approved by State Board of Accounts

City & Town Budget Form No. 2 (Rev. 2002)

506 3
ID YEAR CO TYPE KEY

BLOOMINGTON TRANSIT MONROE COUNTY, INDIANA

ESTIMATE OF MISCELLANEOUS REVENUE - TRANSIT OPERATING FUND
FROM SOURCES OTHER THAN GENERAL PROPERTY TAXES
FOR USE IN PREPARATION OF ESTIMATE OF FUNDS TO BE RAISED, YEAR 2016

	ESTIMATED AMOUNTS TO BE RECEIVED			
	A Jul. 1, 2015 to Dec. 31, 2015	X Department of Local Government Finance	B Jan. 1, 2016 to Dec. 31, 2016	X Department of Local Government Finance
OTHER TAXES:				
201 Financial Institutions Tax	5,388		10,300	
202 License Excise Tax	27,992		50,000	
203 CAGIT Certified Shares				
204 CAGIT Property Tax Replacement Credit				
212 County Option Income Tax (COIT)	205,038		424,372	
217 CVET Commercial Vehicle Excise Tax	2,759		4,000	
207 Wheeltax				
206 Surtax				
LICENSES AND PERMITS:				
3101 Dog Licenses				
3102 Cable TV				
3201 Building Permits				
3202 Street and Curb Cut Permits				
INTERGOVERNMENTAL REVENUE:				
1121 Federal Matching Funds	3,682,728		4,616,992	
1300 Federal Payments in Lieu of Taxes				
1416 Motor Vehicle Highway Distributions				
1417 Local Road and Street				
1501 Liquor Excise Tax Distributions				
1502 Alcoholic Beverage Gallonage Tax Dist				
1503 Cigarette Tax Distributions - General				
1504 Cigarette Tax to CCIF				
1505 Cigarette Tax - Fire Pension Fund				
1506 Cigarette Tax - Police Pension Fund				
1600 State Payments in Lieu of Taxes	1,284,067		2,462,469	
CHARGES FOR SERVICES:				
2206 Fire Protection Contracts				
2501 Dog Pound Receipts				
3903 Fare Revenue	817,136		1,611,765	
FINES AND FORFEITURES:				
4101 Court Docket Fees				
4104 Ordinance Violations				
MISCELLANEOUS REVENUE:				
6100 Interest on Investments				
6200 Rental of Property				
6500 Miscellaneous Revenue	116,380		264,952	
OTHER FINANCING SOURCES:				
5201 Transfer From Parking Meter Fund				
5202 Transfer From Transit Operating			490,837	
5205 Transfer From Utility				
9999 Total Columns A and B	6,141,488		9,935,687	

NOTE: Col. A is for the period from July 1 to December 31 of the present year
Col. B is for the period from January 1 to December 31 of the incoming year
Cols. X are reserved for the Department of Local Government Finance.
(CAGIT) means County Adjusted Gross Income Tax.

Bloomington Public Transportation Corporation
130 West Grimes Lane, Bloomington, Indiana 47403
812.332.5688 Fax 812.332.3660

BT access

JOIN THE RIDE APTA NORTH AMERICA'S BEST PUBLIC TRANSPORTATION SYSTEM AWARD 2010 NAMED BY THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION

To: Bloomington Common Council

From: Lew May, General Manager

Date: March 9, 2016

Re: Additional Appropriation Ordinance

The Bloomington Public Transportation Corporation (BPTC) respectfully requests Council approval of an additional appropriation ordinance in the total amount of $1,926,500 for the 2016 budget to provide the necessary budget authority for the following additional budget expenses:

Budget Class IV - Capital

Line Item	Total Amount
Four (4) 40-foot buses	$1,729,000
Paratransit scheduling software & vehicle tracking hardware/software	$150,000
Flat bed truck	$47,500
Total	$1,926,500

The requested $1,729,000 for the purchase of four (4) 40-foot buses comes as a result of winning approval from INDOT for a Section 5339 Federal discretionary grant in the amount of $695,000 which will fund 80 percent of the cost of two (2) 40-foot buses. BPTC will fund the remaining 20 percent from its reserves. BPTC also anticipates the transfer of $688,000 in Federal STP funding from the Bloomington MPO to BPTC that would be used for the purchase of two (2) additional 40-foot buses. This STP transfer would fund 80 percent of this cost with BPTC funding the 20 percent balance from its reserves.

We also have two (2) reversions from the 2015 budget that we wish to move to the 2016 budget. These include the purchase of paratransit scheduling software and vehicle tracking hardware/software in the amount of $150,000 and the purchase of one (1) flat bed truck in the amount of $47,500. Eighty (80) percent of the cost of these two (2) reversions would be funded with Federal 5307 funding with BPTC reserves covering the remaining 20 percent.

For both these reversions, BPTC began the procurement process in 2015. We anticipate completing the procurement process for both projects upon approval of these reversions into the 2016 budget.

A copy of our additional appropriation ordinance is included for your consideration. The BPTC Board of Directors has preliminarily reviewed the additional appropriations and will consider final approval at its March 22 meeting. Under Indiana law, the Bloomington Common Council must approve additional appropriation ordinances for BPTC.

ORDINANCE 16-04

**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE -
Re: Amending 20.09.230 ("Demolition and Demolition Delay") and
20.11.020 ("Defined Words") to Expedite the Review of Partial Demolition Requests
for "Contributing" Structures in Residential Zoning Districts**

WHEREAS, Ordinance 06-24 created and established Bloomington Municipal Code Section ("BMC") 20.09.230, "Demolition and Demolition Delay", in an effort to provide the City of Bloomington Historic Preservation Commission ("HPC") time to review those structures identified by the Indiana State Historic Architecture & Archeological Research Database ("SHAARD") as "Contributing", "Notable", or "Outstanding" for possible local historic designation prior to said structures being substantially modified via a partial demolition or before they are completely demolished; and

WHEREAS, prior to the summer of 2015, the SHAARD contained approximately 2,200 properties in the City of Bloomington; and

WHEREAS, in the summer of 2015, the SHAARD was updated and the update resulted in approximately 6,000 Bloomington properties being included in the SHAARD, most of which have been identified as being "Contributing"; and

WHEREAS, in the opinion of the HPC and City staff a significant number of the properties added to the SHAARD in 2015 are located in residential zoning districts and are properties whose owners will regularly seek additions or remodels that will qualify as a partial demolition under BMC 20.09.230; and

WHEREAS, it is the HPC's and Administration's opinion that the staff person assigned to assist the HPC is qualified to determine if a "Contributing" structure in a residential zoning district meets the necessary criteria for the HPC to recommend local historic designation or not to the Common Council; and

WHEREAS, in an effort to lessen the economic and time burden on residents of the City, decrease the administrative procedures required by City staff, and acknowledge the time constraints placed on the HPC, the City believes it is in the best interests of the City to allow for the staff person assigned to the Commission to render determinations on whether or not a "Contributing" structure in a residential zoning district which is being proposed for partial demolition is a structure which the HPC should recommend for local historic designation to the Common Council; and

WHEREAS, on January 28, 2016, the HPC considered this case, ZO-9-16, and made a positive recommendation in favor of the package of amendments to the BMC, as described herein; and

WHEREAS, on February 8, 2016, the Plan Commission considered this case, ZO-9-16, and made a positive recommendation in favor of the package of amendments to the BMC, as described herein; and

WHEREAS, pursuant to Indiana Code § 36-7-4-607(c), the Plan Commission's positive recommendation was certified on February 9, 2016, and delivered to the Common Council on February 11, 2016;

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

SECTION 1. Section 20.09.230, entitled “Demolition and Demolition Delay”, shall be deleted in its entirety and replaced with the following:

20.09.230 Demolition and Demolition Delay

(a) Demolition Landscaping.
  (1) Applicability. A demolition permit application for a lot subject to the standards of Section 20.05.057: Landscaping Standards; Vacant Lot Landscaping shall meet the requirements of this section.
  (2) Vacant Lot Landscaping Plan. Any demolition permit application subject to this section shall be accompanied by a vacant lot landscaping plan meeting the standards of Section 20.05.057: Landscaping Standards; Vacant Lot Landscaping.
  (3) Exemption. A demolition permit application shall be exempt from the requirements of this section if a site plan approval for the reuse of the subject lot has been obtained and has not expired.

(b) Demolition Delay Required. No certificate of zoning compliance (hereinafter "CZC") authorizing release of a permit allowing the demolition or partial demolition of a structure that is listed as “Outstanding”, “Notable” or “Contributing” on the historic survey, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued earlier than ninety or one hundred twenty-calendar days after notice has been given as provided herein.
  (1) The ninety-day period shall apply in all cases unless the director of HAND, or his/her designee, finds that an additional thirty-day delay period is needed in order for the HPC to responsibly consider and determine whether to recommend designation of the property. The HAND director shall make such finding only where:
    (A) There are multiple demolition permits and/or historic designation proposals pending or expected to come before the HPC during the ninety-day period; or,
    (B) The demolition request presents unusually complex public policy issues due to the location or survey classification of the structure.
    (C) The structure is located within an area that contains multiple surveyed properties, it is located within an area designated on the National Register of Historic Places, or the survey classification of the structure proposed for demolition or partial demolition is “Notable” or “Outstanding”. These criteria shall be sufficient, but not necessary, to justify a determination that the one hundred twenty-day period will apply.
    (D) The HAND director, or his/her designee, will give notice of his/her determination to apply the one hundred twenty-day period to a demolition or partial demolition request in accordance the procedures outlined herein.
  (2) Staff shall give notice to the HAND director, or his/her designee, and to the property owner, or his/her representative, for any petition involving a demolition or partial demolition covered by this section.
    (A) The property owner, or his/her representative, upon being notified that his/her property is subject to the provisions of this section, shall be advised that his/her application for a permit may need to be amended to include materials required by both Section–20.09.120(d), which outlines what is required for Site Plan applications, and the Rules and Regulations of the HPC, in order for the application to be considered complete and to be reviewed by all relevant City staff.
    (B) Not later than thirty days after such notice is given by staff, the HAND director shall give notice to the chairman of the HPC and to the owner, if the one-hundred-twenty-day waiting period is to be imposed.
  (3) The owner, within three business days of being given the notice described herein by the planning and transportation department, shall place upon the property where the structure is located, in plain public view, a notice to the public of the proposed demolition or partial demolition of the structure.
    (A) Such notice shall be in such form as approved by the staff.
    (B) Such notice shall remain in place until termination of the waiting period.
    (C) Noncompliance with this provision shall result in the delay period being extended by an amount of time equal to the amount of time, as reasonably determined or estimated by the staff, during which the notice was not properly in place.
    (D) This section shall not apply to an application for partial demolition of a property classified as “Contributing” in a single family district if staff for the HPC reviews and releases the application. Staff’s decision shall be based on the same criteria

utilized by the HPC when it renders a determination about whether or not a property should be recommended for local historic designation. If staff for the HPC determines that full HPC review of an application for a partial demolition of a property classified as “Contributing” in a single family district is necessary then the owner shall post the notice described herein on the property.

(4) The HPC may conduct a hearing, in its sole discretion, during the waiting period, to determine if the HPC wishes to recommend any structure described below herein be locally designated by the common council:
   (A) “Contributing” structure located in any of multifamily or non-residential zoning district.
   (B) “Contributing” structure located in any single family district if the staff for the HPC determines that a review of the application necessitates full HPC review.
   (C) “Notable” structure located in any zoning district of the City.
   (D) “Outstanding” structure located in any zoning district of the City.

(5) Staff for the HPC may review and release an application for partial demolition of a “Contributing” structure located in a single family district. Staff’s decision shall be based on the same criteria utilized by the HPC when it renders a determination about whether or not a property should be recommended for local historic designation.

(c) Exceptions. Exceptions to this section shall be as follows:

(1) Early Termination of Waiting Period. If within the ninety- or one hundred twenty-day period the HPC votes affirmatively not to recommend local historic designation to the common council; the HPC votes on a motion to recommend local designation and the motion fails; or staff for the HPC decides not to recommend local historic designation to the HPC and common council (staff’s decision shall be based on the same criteria utilized by the HPC when it renders a determination about whether or not a property should be recommended for local historic designation); or the common council disapproves a recommended local historic designation of the subject property, then the remainder of the waiting period shall be considered waived and the certificate of zoning compliance shall be issued forthwith if all other requirements are met.

(2) Locally Designated Structures are Subject to Title 8 Provisions Regarding Demolition. This section shall not apply to any structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8, Historic Preservation and Protection of the BMC.

(3) Emergency Waiver of Waiting Period. The waiting period may be waived upon a written determination by the city HAND department that there is an emergency condition dangerous to life, health or property that requires demolition prior to the expiration of the waiting period.

(4) Structure Not Subject to Demolition Waiting Period More than Once in any One-Year Period. No structure that has been subjected to the waiting period under this section shall be subject to a second waiting period until the passage of one year from the date of expiration of the first waiting period.
   (A) During this one-year period, no action of the HPC or the common council may prevent issuance or effect revocation of a certificate of zoning compliance or demolition permit that is otherwise properly issued or application for which meets all requirements of the Bloomington Municipal Code.
   (B) This provision shall not apply except to the extent that the work covered by the CZC or demolition or partial demolition permit, or application therefore, is substantially identical to the work shown in the submission that occasioned the first waiting period.
   (C) For purposes of this section, "work" includes the proposed demolition, partial demolition and any proposed construction, reconstruction, or alteration associated therewith.
   (D) For purposes of this section, "substantially identical" means without significant deviation in any detail of any elevation or in the type, design, or location of materials that will be subject to public view.
   (E) For purposes of this section, "submission" shall mean the submission that is authorized to receive approval pursuant to Section 20.09.030, Applications—General of this chapter.

(5) Withdrawal of Application. If an application for demolition or partial demolition that is subject to the demolition delay procedures of this unified development ordinance is withdrawn by the applicant, the demolition delay period shall be terminated and no certificate of zoning compliance for the withdrawn application shall be issued.

(d) Issuance of Certificate of Zoning Compliance Authorizing Demolition.

(1) If within the ninety- or one hundred twenty-day waiting period the property is placed under interim protection or is locally designated as a historic or conservation district pursuant to Chapter 8.08, Historic Districts and Standards of the BMC, then no certificate of zoning compliance authorizing demolition or partial demolition may be issued except:

(A) Upon termination of interim protection without historic or conservation district designation being placed upon the property; or,

(B) Where historic or conservation district designation is placed upon the property, in accordance with and after all approvals required by Chapter 8.08

(2) After expiration of the waiting period provided for herein, which shall include early termination of the waiting period, a certificate of zoning compliance authorizing demolition shall be issued if owner has submitted a complete application and all other requirements of the Bloomington Municipal Code are met. Moreover, the recipient of a permit or other approval subject to this subsection shall be bound to the details of the elevations, and the design, type, and location of materials depicted in the submission, as provided for and defined in Section 20.09.030, Applications—General, and may not deviate from such depiction without applying for a new certificate of zoning compliance, application for which shall commence a new waiting period.

(3) No action of the HPC may prevent issuance or effect revocation of such certificate of zoning compliance, or a demolition permit issued in reliance upon such certificate of zoning compliance, for a period of one year from the end of the waiting period.

(4) For any structure that is exempt from the waiting period of this section, a certificate of zoning compliance authorizing release of a demolition or partial demolition permit shall be issued within a reasonable time following receipt by the planning and transportation department of a complete application, provided all other requirements of the BMC are met.

SECTION 2. Section 20.11.020, entitled “Defined Words”, shall be amended by deleting the term “Partial Demolition” and replacing it with the following:

"Partial demolition" means the complete or substantial removal or destruction of any exterior portion of a structure, which shall include but not be limited to:

(1) Complete or substantial removal or destruction of a porch, wing, cupola, addition, or similar feature; or

(2) Partial demolition of a roof shall include work that results in any change to the pitch of any portion of the roof, or; covering or otherwise obscuring an existing roof with a new roof of different pitch, or; adding any gable, dormer or other similar feature to an existing roof; or

(3) Any work resulting in the obscuring from view of forty percent or more of the exterior of any façade on the structure; or, removal or destruction of the exterior surface of forty percent or more of the area of any exterior façade on the structure; or

(4) Construction or attachment of any addition to a structure; or

(5) Replacement of any window or door where the window or door opening is enlarged or obscured from view; or

(6) Creation of any new window or door opening.

SECTION 3. Section 20.11.020, entitled “Defined Words”, shall be amended by adding a new defined term, “Substantial Removal” which shall read as follows:

"Substantial removal" as used in the definition of "partial demolition" means an alteration, pulling down, destruction or removal of a portion of a structure which jeopardizes a structure's individual eligibility for listing in the National Register of Historic Places, or its status as a contributing structure in a national, state or local register of historical places, which shall include, but not be limited to, the removal of a defining architectural feature or element which defines or contributes to the historic character of the structure.

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

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, with approval of the Mayor, and after any required waiting and/or notice periods under Indiana law.

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

_____
ANDY RUFF, President
Bloomington Common Council

ATTEST:

_____
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 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 Title 20 of the Bloomington Municipal Code (the Unified Development Ordinance) in three key ways. First, it reformats Section 20.09.230 so that the Section is easier to read and so that the Section's formatting is more consistent with the formatting in other sections of the Unified Development Ordinance. Second, it permits the staff person assigned to the HPC to render a determination as to whether or not a "Contributing" structure in a residential zoning district that is proposed for partial demolition either meets the requirements or does not meet the requirements for the HPC to recommend to the Common Council that said property be designated as a local historic district. Third, it modifies the definition of the term "partial demolition", the modification of which includes the addition of a new defined term, "substantial removal".

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 16-01 is a true and complete copy of Plan Commission Case Number ZO-9-16 which was given a recommendation of approval by a vote of 7 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on February 8, 2016.

Date: February 9, 2016

Thomas B. Micuda, Interim Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2016.

_____
Nicole Bolden, City Clerk

Appropriation Ordinance # _____

Fiscal Impact Statement Ordinance # _____

Resolution # _____

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure ___ _____ ___ Emergency _____
Unforseen Need _____ Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No _____

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

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

FUKEBANEI ORD=CERT.MRG

MEMO:

To: City of Bloomington Common Council
From: Patty Mulvihill, City Attorney
James Roach, Development Review Manager
Date: February 12, 2016
Re: Proposal to Amend and Update Demolition Delay Provisions in Title 20

The Demolition Delay provisions only apply to structures that are *not* locally designated as historic, but are listed on the Indiana State Historic Architectural and Archeological Research Database ("SHAARD") as "Contributing", "Notable", or "Outstanding". These are structures that are at least forty years old and have been deemed by the State to have some type of historical basis for being worthy of protection.

If a property owner submits an application for partial or complete demolition of a structure that is listed on the SHAARD the City is prohibited from issuing a Certificate of Zoning Compliance ("CZC") for at least 90-120 days in order to allow the City's Historic Preservation Commission ("Commission") time to review the proposed partial or complete demolition and to decide if the Commission wants to recommend the structure for local historic designation. A CZC is required to be issued before the Monroe County Building Department can release a permit for partial or complete demolition.

When an application for a partial or complete demolition is submitted, the Commission reviews the application in its entirety during one of its regularly scheduled meetings. Virtually all of the properties are deemed unworthy of local designation. When the Commission decides *not* to recommend local designation of a structure, the 90-120 day waiting period is terminated, and, provided all other applicable code provisions are met, the Planning & Transportation Department can issue the CZC.

In the summer/fall of 2015, the State updated the SHAARD. Over six thousand new Bloomington properties were added to the SHAARD as a result of this update. Most of the newly added Bloomington properties are residential structures identified as being "Contributing".

This new influx of properties has proven problematic for staff and the Commission. Most of the properties do not warrant full review by the Commission and putting these properties before the Commission has required an immense amount of work by City personnel and resulted in the Commission spending an extreme amount of time in reviewing projects. Property owners are equally unhappy as most of the work they wish to perform on their properties is minor, and having to attend a Commission meeting delays their permit being issued, thereby delaying their ability to complete their proposed project.

The proposed amendments allow for the City staff person assigned to the Commission to release a partial demolition of a "Contributing" structure on the SHAARD if the structure is located in a

residential zoning district. If the staff person believes full Commission review and release is warranted she can forward the request for partial demolition to the full Commission.

Additionally, changes to the definition section of Title 20 are recommended to account for the proposed updates to the Demolition Delay section. The defined term "Partial demolition" is proposed for amendment in three ways: (1) clarify that work that obscures 40 % of a façade qualifies as a partial demolition and remove the additional requirement that said work needs a building permit; (2) add in the replacement of a door as qualifying event for demolition delay; and (3) eliminate the examples of what is not subject to demolition delay because they are redundant.

The proposed amendment suggests creating a new defined term, "Substantial removal". This term is already utilized in the defined term "Partial demolition" but its meaning is unclear and had been problematic for interpretation purposes at times. To that end, staff proposed defining "Substantial removal" in a substantially similar way to the manner in which it is defined by Title 8 (Historic Preservation Title) of the Bloomington Municipal Code.

When the Plan Commission considered these amendments, ZO-9-16, members of the public, and at least one Commission member, expressed concern that "Contributing" structures are even regulated via Demolition Delay. Comments during the Plan Commission hearing indicate that at least some members of the Bloomington community believe that the Demolition Delay provisions should only apply to structures listed as "Notable" or "Contributing".

The Plan Commission, in a 7-1 vote, positively recommended the proposed amendments to the Common Council for adoption.

Amendment #: UDO-001

Synopsis:
In order to remedy the problems caused by the addition of 6,000 new properties in the State Historic Architectural and Archeological Research Database ("SHAARD"), this amendment is being proposed. The proposal allows for the City staff person assigned to the Commission to release a partial demolition of a "Contributing" structure on the SHAARD if the structure is located in a residential zoning district. If the staff person believes full Commission review and release is warranted she can forward the request for partial demolition to the full Commission.

As this Section is being amended, staff has also proposed some other minor changes. These other minor changes include: (1) reformatting the Section on Demolition Delay so that it is easier to read and more in line with the formatting of all sections and chapters within Title 20; (2) fixing typos or grammatical errors; (3) simplifying the notification process, especially internal City notifications, of receipt of a relevant application; and (4) specifying what is needed to be considered a complete application for partial or full demolition in these cases.

Proposed Amendment:
Page 9-31
20.09.230

20.09.230 Demolition and demolition delay.

(a) Demolition Landscaping.

(1) Applicability. A demolition permit application for a lot subject to the standards of Section 20.05.057: Landscaping Standards; Vacant Lot Landscaping shall meet the requirements of this section.

(2) Vacant Lot Landscaping Plan. Any demolition permit application subject to this section shall be accompanied by a vacant lot landscaping plan meeting the standards of Section 20.05.057: Landscaping Standards; Vacant Lot Landscaping.

(3) Exemption. A demolition permit application shall be exempt from the requirements of this section if a site plan approval for the reuse of the subject lot has been obtained and has not expired.

(b) Demolition Delay Required. No certificate of zoning compliance (hereinafter "CZC") authorizing release of a permit allowing the demolition or partial demolition of a ~~building or~~ structure that is listed as "~~e~~Outstanding", "~~n~~Notable" or "~~c~~Contributing" on the historic survey, or any accessory ~~building or~~ structure of the same era of construction as the principal ~~building or~~ structure that is so listed, shall be issued earlier than ninety or one hundred twenty-calendar days after notice has been given as provided herein ~~in subsection (b)(1) below~~.

(1) The ninety-day period shall apply in all cases unless the director of HAND, or his/her designee, finds that an additional thirty-day delay period is needed in order for the HPC to responsibly consider and determine whether to recommend designation of the property. The HAND director shall make such finding only where:

(A) ~~t~~There are multiple demolition permits and/or historic designation proposals pending or expected to come before the HPC during the ninety-day period; or,

(B) ~~where~~ ~~t~~The demolition request presents unusually complex public policy issues due to the location or survey classification of the structure.

(C) ~~Location~~ The structure is located within an area that contains multiple surveyed properties, ~~and/or~~ ~~location~~ it is located within an area designated on the National Register of Historic Places, ~~and/~~or the survey classification of the structure ~~or building~~ proposed for demolition or partial demolition ~~a~~is "~~n~~Notable" or "~~o~~Outstanding". These criteria shall be sufficient, but not necessary, to justify a determination that the one hundred twenty-day period will apply.

(D) The HAND director, or his/her designee, will give notice of his/her determination to apply the one hundred twenty-day period to a demolition or partial demolition request in accordance ~~with subsection (b)(1) below~~ the procedures outlined herein.

(~~1~~2) Staff shall give notice~~, by hand delivery, interdepartmental mail, electronic mail, or U.S. Mail,~~ to the HAND director, or his/her designee~~, and to the chairman of the HPC, or his designee, within three business days after receipt of a complete application for a demolition permit~~ and to the property owner, or his/her representative, for any petition involving a demolition or partial demolition covered by this section.

(A) The property owner, or his/her representative, upon being notified that his/her property is subject to the provisions of this section, shall be advised that his/her application for a permit may need to be amended to include materials required by both ~~A complete application shall include all materials as required by~~ Section 20.09.120(d), which outlines what is required for Site Plan applications, and the Rules and Regulations of the HPC, in order for the application to be considered complete and to be reviewed by all relevant City staff. ~~Such notice shall include the name, address and telephone number of the owner of the structure~~.

(B) Not later than thirty days after such notice is given by staff, the HAND director shall give notice ~~by hand delivery, interdepartmental mail, or U.S. Mail,~~ to ~~the staff,~~ the chairman of the HPC ~~or his designee,~~ and to the owner, if the one-hundred-twenty-day waiting period is to be imposed~~; provided further, notice to staff and HPC chairman or designee, but not notice to owner, may be given by electronic mail~~.

~~All such notices shall be deemed effective on the date of mailing, deposit in interdepartmental mail, sending, in the case of electronic mail, or hand delivery, of the notice; and~~

(~~2~~3) The owner, within three business days ~~after submitting a complete application to~~ of being given the notice described herein by the planning and transportation department, shall place upon the property where the ~~building or~~ structure is located, in plain public view, a notice to the public of the proposed demolition or partial demolition of the ~~building or~~ structure.

(A) Such notice shall be in such form as approved by the staff ~~and shall include the titles and telephone numbers of the persons to whom notice was given under Section 20.09.230(a)(1) above~~.

(B) Such notice shall remain in place until termination of the waiting period~~ and the owner shall have the affirmative duty to replace such notice as needed in order to comply with this requirement~~.

(C) Noncompliance with this provision shall result in the delay period being extended by an amount of time equal to the amount of time, as reasonably determined or estimated by the staff, during which the notice was not properly in place.

(D) This section shall not apply to an application for partial demolition of a property classified as "Contributing" in a single family district if staff for the HPC reviews and releases the application. Staff's decision shall be based on the same criteria utilized by the HPC when it renders a determination about whether or not a property should be recommended for local historic designation. If staff for the HPC determines that full HPC review of an application for a partial demolition of a property classified as "Contributing" in a single family district is necessary then the owner shall post the notice described herein on the property.

(4) The HPC may conduct a hearing, in its sole discretion, during the waiting period, to determine if the HPC wishes to recommend any structure described below herein be locally designated by the common council:

(A) "Contributing" structure located in any of multifamily or non-residential zoning district.

(B) "Contributing" structure located in any single family district if the staff for the HPC determines that a review of the application necessitates full HPC review.

(C) "Notable" structure located in any zoning district of the City.

(D) "Outstanding" structure located in any zoning district of the City.

(5) Staff for the HPC may review and release an application for partial demolition of a "Contributing" structure located in a single family district. Staff's decision shall be based on the same criteria utilized by the HPC when it renders a determination about whether or not a property should be recommended for local historic designation.

(c) Exceptions. Exceptions to this section shall be as follows:

(1) Early Termination of Waiting Period. If within the ninety- or one hundred twenty-day period the HPC votes affirmatively not to recommend local historic designation to the common council,~~; or~~ the HPC votes on a motion to recommend local designation and the motion fails~~, and in either case, the vote is not reversed by proper action taken at the same meeting on the same calendar day~~; or ~~if within such ninety- or one hundred twenty-day period~~, staff for the HPC decides not to recommend local historic designation to the HPC and common council (staff's decision shall be based on the same criteria utilized by the HPC when it renders a determination about whether or not a property should be recommended for local historic designation); or the common council disapproves a recommended local historic designation of the subject property~~;~~, then the remainder of the waiting period shall be considered waived and the certificate of zoning compliance shall be issued forthwith if all other requirements are met.

(2) Locally Designated ~~Buildings or~~ Structures are Subject to Title 8 Provisions Regarding Demolition. This section shall not apply to any ~~building or~~ structure that is within a

property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8, Historic Preservation and Protection of the BMC. ~~Such buildings and structures shall be governed by the provisions of Title 8~~

(3) Emergency Waiver of Waiting Period. The waiting period may be waived upon a written determination by the city HAND department that there is an emergency condition dangerous to life, health or property that requires demolition prior to the expiration of the waiting period.

(4) ~~Building or~~ Structure Not Subject to Demolition Waiting Period More than Once in any One-Year Period. No ~~building or~~ structure that has been subjected to the waiting period under this section shall be subject to a second waiting period until the passage of one year from the date of expiration of the first waiting period ~~or, where interim protection is placed upon the property pursuant to Section 8.08.015, Interim protection of the BMC during the demolition waiting period but common council final action to reject local designation occurs after the waiting period, for a one-year period after such final common council action~~.

(A) During this one-year period, no action of the HPC or the common council may prevent issuance or effect revocation of a certificate of zoning compliance or demolition permit that is otherwise properly issued or application for which meets all requirements of the Bloomington Municipal Code.

(B) ~~Provided, however, where the first waiting period was occasioned by application for partial rather than complete demolition,~~ ~~t~~This provision shall not apply except to the extent that the work covered by the CZC or demolition or partial demolition permit, or application therefore, is substantially identical to the work shown in the submission that occasioned the first waiting period.

(C) For purposes of this section, "work" includes the proposed demolition, partial demolition and any proposed construction, reconstruction, or alteration associated therewith.

(D) For purposes of this section, "substantially identical" means without significant deviation in any detail of any elevation or in the type, design, or location of materials that will be subject to public view~~;~~. ~~and,~~

(E) For purposes of this section, "submission" shall mean the submission that is authorized to receive approval pursuant to Section 20.09.030, Applications—General of this chapter.

(5) Withdrawal of Application. If an application for demolition or partial demolition that is subject to the demolition delay procedures of this unified development ordinance is withdrawn by the applicant, the demolition delay period shall be terminated and no certificate of zoning compliance for the withdrawn application shall be issued.

(d) Issuance of Certificate of Zoning Compliance Authorizing Demolition.

(1) If within the ninety- or one hundred twenty-day waiting period the property is placed under interim protection or is locally designated as a historic or conservation district pursuant to Chapter 8.08, Historic Districts and Standards of the BMC, then no certificate of zoning compliance authorizing demolition or partial demolition may be issued except:

(A) ~~u~~Upon termination of interim protection without historic or conservation district designation being placed upon the property; or,

(B) ~~w~~Where historic or conservation district designation is placed upon the property, in accordance with and after all approvals required by Chapter 8.08

(2) ~~Subsection (d)(2) of this section shall apply where neither interim protection nor historic or conservation district designation is placed upon the property within the waiting period, or where interim protection expires prior to the end of the waiting period without historic or conservation district designation being placed upon the property.~~ After expiration of the waiting period provided for herein, which shall include early termination of the waiting period ~~pursuant to subsection (e)(1) of this section~~, a certificate of zoning compliance authorizing demolition shall be issued if owner has submitted a complete application and all other requirements of the Bloomington Municipal Code are met. ~~Provided, however, in any case involving partial demolition, no certificate of zoning compliance shall be issued for any partial demolition or any construction, reconstruction, or alteration associated therewith, except in compliance with the provisions of Section 20.09.030(c), Completeness of application of this chapter (governing the submission that may be authorized by a certificate of zoning compliance in such cases.)~~ Moreover, the recipient of a permit or other approval subject to this subsection shall be bound to the details of the elevations, and the design, type, and location of materials depicted in the submission, as provided for and defined in Section 20.09.030, Applications—General, and may not deviate ~~significantly~~ from such depiction without applying for a new certificate of zoning compliance, application for which shall commence a new waiting period.

(3) No action of the HPC may prevent issuance or effect revocation of such certificate of zoning compliance, or a demolition permit issued in reliance upon such certificate of zoning compliance, for a period of one year from the end of the waiting period~~, except in partial demolition situations described herein and in subsection (e)(4), of this section~~.

(4) For any ~~building or~~ structure that is exempt from the waiting period of this section ~~pursuant to subsections (e)(1), (e)(3), or (e)(4) of this section~~, a certificate of zoning compliance authorizing release of a demolition or partial demolition permit shall be issued within a reasonable time following receipt by the planning and transportation department of a complete application, provided all other requirements of the BMC are met. ~~For buildings or structures covered by subsection (e)(1) or (e)(4) of this section, during the one year period provided by those subsections, and subject to the limitations contained in such clauses, a certificate of zoning compliance shall be issued where all other requirements are met, and if properly issued may not be revoked by any action of the HPC or common council involving interim protection or local designation.~~

Amendment #: UDO-002

Synopsis:
With the update to the Demolition Delay provisions in UDO-001, it becomes necessary to also amend the definitions associated with said provisions. This Amendment seeks to amend the defined term "Partial demolition" and to add a new definition for the defined term "Substantial removal".

Highlights of the proposed changes to the current defined term "Partial demolition" include: (1) clarifying that work that obscures 40 % of a façade qualifies as a partial demolition and removes the additional requirement that said work needs a building permit; (2) adds in the replacement of a door as qualifying for demolition delay; and (3) eliminates the examples of what is not subject to demolition delay because it is redundant.

The new term "Substantial removal" is needed as said term is used in the definition of "Partial demolition". The proposed language is almost identical to the language for the same term currently being utilized in Title 8 of the Bloomington Municipal Code, which is the Title that regulates Historic Preservation.

Proposed Amendment:
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20.11.020

20.11.020 Defined words.

"Partial demolition" means the complete or substantial removal or destruction of any ~~discrete~~ exterior portion of a ~~building or~~ structure, which shall include but not be limited to:

(1) Complete or substantial removal or destruction of a porch, wing, cupola, addition, or similar feature; or

(2) Partial demolition of a roof shall include work that results in any change to the pitch of any portion of the roof, or; covering or otherwise obscuring an existing roof with a new roof of different pitch, or; adding any gable, dormer or other similar feature to an existing roof; or

(3) Any work resulting in the obscuring from view of forty percent or more of the exterior of any façade on the structure~~, but only where a building permit is required under applicable laws~~; or, removal or destruction of the exterior surface of forty percent or more of the area of any exterior façade on the structure. ~~For purposes of this provision, at least forty percent of the area of one geographical elevation of the exterior of a facade must be involved before the action shall be construed to constitute partial demolition~~; or

(4) Construction or attachment of any addition to a ~~building or~~ structure; ~~or~~

(5) Replacement of any window or door where the window or door opening is enlarged or obscured from view ~~enlarged in such a manner as to require a building permit (i.e., widening of a lintel).~~; or

~~By way of example and clarification, partial demolition shall specifically but not exclusively be interpreted to exclude the following:~~

~~(1) Complete or partial removal or destruction of, or cutting into, any roof, if there is no change in pitch or addition of a gable, dormer or other similar feature; or~~

~~(2) Any action with respect to an accessory building or structure except as otherwise provided in this title; or~~

~~(3) Replacement of any window, except for enlargement of the window opening as described in division (5), above.~~

(6) Creation of any new window or door opening.

"Substantial removal" as used in the definition of "partial demolition" means an alteration, pulling down, destruction or removal of a portion of a structure which jeopardizes a structure's individual eligibility for listing in the National Register of Historic Places, or its status as a contributing structure in a national, state or local register of historical places, which shall include, but not be limited to, the removal of a defining architectural feature or element which defines or contributes to the historic character of the structure.